

Present: Denis Hebert, Larry Upson, Peggy Lamson, Jim Leger, John Welch, Barbara Hill, Cosmas Iocovozzi, Tom Morgan.

Absent: Marlon Frink.

Vice Chairman Denis Hebert opened the meeting at 7:02 p.m.

Correspondence:

Memo from COAST to Wal-Mart dated 1/19/01, re: bus stops and shelters.

Draft of proposed recommendations for regional economic development - Regional Master Plan.

Copy of letter from Attorney Ratigan to Attorney Michael Ruedig re Allards/Industrial Corridor.

Copy of Supreme Court findings in the matter of Simplex vs Town of Newington

Letter from PSNH to Board re: proposal to rezone PSNH land on Patterson Lane.

Letter from Patterson lane resident Norman Leclerc re: above subject.

Letter from Dept of Environmental Services giving authorization to Newington Energy LLC to proceed with option two for transmission line routing.

Copy of letter from Town Historic District Commission to Tycom General Manager thanking him for donating old stonewalls to the town.

Copies of all correspondence was distributed to each member.

Tom Morgan reported on the Supreme Court's decision to remand the Simplex case back to the Superior Court and pointed out that this will change the present criteria for granting variances by redefining the term Hardship.. Each member was asked to read the courts findings.

Public Hearings

A. Proposal to re-zone the Matrix Marketing from Industrial to Office.

Attorney John Ratigan, who represents the Selectmen with respect to rezoning of properties adjacent to the Industrial Road, stated that the Selectmen had met with Matrix to discuss uses of this property and an agreement has been reached with Matrix to dedicate a 60' width of land to the Industrial Road corridor which makes a significant acquisition for completion of the corridor through to Gosling Road. In conclusion the Selectmen are recommending the re-zoning to Office.

Denis Hebert described the proposal to re-zone, from Industrial to Office, the strip between the Industrial Road and Woodbury Avenue, and noted that the Office designation will give Matrix greater flexibility of use.

There being no questions from those present, the Public Hearing was closed and the Board returned to the regular meeting.

On a motion by Larry Upson, seconded by Peggy Lamson, it was voted to send this proposal to the March Town meeting. Motion was amended to add that the zoning change would not go into effect until transfer of the 60' width of land was completed. Motion, as amended ,carried unanimously.

B. Patterson Lane Re-zoning

Larry Upson stepped down citing conflict of interest.

Denis Hebert explained to those present that the reasons for this proposal is to be pro active and protect the presents residences , and he hoped discussions would lead to a win-win situation for everyone. Also stated that the gas line is within the land proposed for re-zoning and he has concerns for the safety of anyone developing in this area.

Tom Morgan distributed copies of a plan showing the present PSNH property including the 400' residential buffer on the east side of Patterson Lane. The Planning Board has proposed, for discussion, a 100' conservation easement and return 300' back to industrial.

Peggy Lamson stated that the group that installed the gas pipeline never spoke about restricting building near the pipeline.

Cosmas Iocovozzi stated that resident Norman Leclerc had written that his preference would be to have the 400' as a Natural Resource Protection buffer but if not possible he suggests the buffer should extend at least 20' from the stone wall. Cosmas noted that the stone wall did not show on the plan before them.

Property owner Paul Harvey was present and asked about the background of the 400' zone. Tom Morgan explained that it was created in 1984, mainly as a buffer from Industrial development for the residential lots on Patterson Lane.

Residents Mr & Mrs Irving Beebe both voiced their concerns about the proposal stating that 100' was not enough of a buffer, that they would prefer to leave the 400' residential zone and let owners build residences if they want to.

Barbara Hill asked Mr Beebe if 200' to the stone wall be an acceptable buffer. Mr Beebe stated that, that would be better than nothing.

Property owner Hugh Latremore asked what the Master Plan showed for this area. Tom Morgan stated that the Master Plan calls for a buffer. Mr Latremore stated that he could see no reason to change anything that the town should leave the 400' buffer and he questioned where the town's interest is in changing the zoning. Denis Hebert stated that he would be concerned about Industrial development right up against a residential development - that PSNH has a large parcel that would accommodate heavy industry even another power plant.

Gail Pare, resident of Little Bay Road, asked if it would be unreasonable to ask PSNH to donate the land for a Conservation area. Mrs Pare is a member of the Land Trust and stated that there could be many benefits to transferring land into Conservation area.

Christopher Allwarden, representing PSNH, explained that all of the PSNH land, including the residential, has to be sold - that PSNH is limited in its ability to do anything else - that PSNH has no particular plan for the property.

Tom Morgan, referencing a letter from PSNH, stated that it appears that PSNH would like an access from their property onto Patterson Lane and this cannot be assumed, that any access to the lot must have Planning Board approval - that any traffic onto a residential road would be discouraged.

Christopher Allwarden stated that there is no intent to ask for anything particular, that sometime in future may request curb cut for emergency vehicles.

Discussed a transmission easement across the PSNH land and determined that the easement is only on paper and will disappear with development.

Irving Beebe questioned if industrial development could be right up to the 100' buffer. Resident Michelle Reynolds also questioned the set back distance for development. Tom Morgan stated that the setbacks are required and the setbacks start at the property lines.

Resident Mr Sweeney, asked about the number of residential lots that could be created in the 400' and was told approximately 5.

Resident Marcia Leclerc asked when this decision would be made. Denis Hebert stated that it seems unlikely that it would be ready for the March Town Meeting, that possibly a Special Town Meeting would be needed. Denis noted that the PUC has pushed this issue forward and prompted the Planning Boards action.

Attorney Ratigan noted that a proposal could be posted next fall and would be in effect until voted by the Town to accept or reject.

Cosmas Iocovozzi suggested that the Selectmen and PSNH get together and attempt to reach an agreement to keep the land in a conservation easement.

The Public Hearing was closed and Board returned to regular meeting.

On a motion by John Welch, seconded by Barbara Hill, it was voted unanimously, to have Selectmen and PSNH discuss this issue before any further action by the Planning Board.

C. Building Permit Fees

Larry Upson returned to the table.

Denis Hebert explained reasons for removing fee schedule from zoning ordinance and giving to the Selectmen to set fees as they determined were necessary.

Peggy Lamson moved to approve the proposal, pursuant to RSA 674:51 II (d), to replace Section 6 of the Zoning Ordinance with the following: "The Board of Selectmen shall establish and maintain a schedule of fees for building permits and related permits." Motion was seconded by Jim Leger and carried unanimously.

New Business

A) Proposal by Robert Allard for two Lot Subdivision

Plan was presented showing the AA&M property on Old Dover Road divided into 3 tracts. Two parcels of 1.5 acres and .6 acres to become part of the transmission services and industrial road development. The third parcel of 5.2 acres to be developed. Noted that the development of the Industrial Roadway is creating the need for this subdivision and application has been made to the BOA for a variance to create the undersized lot.

Larry Upson moved that the Planning Board vote to recommend to the Zoning Board of Adjustment that it grant a variance to the property of AA&M, Inc., to allow creation of a lot east of the Industrial Corridor Road which does not meet the minimum lot size requirement. This lot is being created as a result of the layout of the Industrial Corridor Road, which has been approved by the Planning Board. Motion was seconded by Peggy Lamson and carried.

B) Bus Shelters

Reviewed the proposed bus shelters near the Wal-Mart store and on a motion by Barbara Hill, seconded by John Welch, voted to approve.

Other Business

Review Petition for Highway Layout

Review Petition for proposed roadway across PSNH land off River Road.

Larry Upson stepped down citing conflict of interest and left the meeting.

Attorney John Ratigan explained the need to have land available for the proposed road. And pointed out on the plan the route from Patterson lane along River Road.

The Selectmen will be holding a Public Hearing on this matter on February 19th and it is required that the Planning Board vote to approve or disapprove the layout.

It was moved by John Welch, seconded by Peggy Lamson, and voted unanimously to approve and so notify the Selectmen. (Cosmas Iocovozzi was not present for this vote).

Custom Pools

The Building Inspector was present to ask if the Planning Board wished to take jurisdiction over a request by Custom Pools, River Road, to add a sunspace/sunroom on an existing concrete pad. Board discussed and agreed that this is adding to use of property and will require Planning Board approval.

There being no further business the meeting was adjourned at 8:45 pm on a motion by Jim Leger, seconded by Cosmas Iocovozzi.

Pat Main
Secretary