

**Present:** Vice-Chair, Denis Hebert, Jack Pare, Bob Simms, Chris Cross, John Frink, Peggy Lamson, Cosmos Iocovozzi, Selectman, and Town Planner, Tom Morgan.

**Call to Order:** The meeting was called to order by Vice-Chair Hebert at 6:36 P.M.

**Minutes:** Peggy Lamson moved and Bob Simms seconded to approve the minutes of January 5 and January 12. Hebert asked if page 6, C, hotels of three stories meant three or more, or three or less. It was three or more. Jack Pare had some typos for correction which he gave to the secretary. Motion carried.

**Correspondence:** Mr. Morgan advised Board he had received a letter from Coast, minutes from January 12 that were sent timely, but because of an E-mail problem, he was presenting tonight and a copy of the Master Plan Chapter for review. Hebert commented on Coast. He felt there was not a lot of service to Newington. He would like to see Coast in the residential area, but knows economically this is not feasible. Ms. Lamson said that they did go to the Town Offices in the past, however, only a couple of people took advantage of the service, so they discontinued that route. Hebert feels we have an obligation to provide some financial support. Feel they do provide a benefit to the town by providing transportation in and out of the malls. Feels this eases traffic problem and we should reconsider providing support. Morgan pointed out that the 1990 Planning provides assistance to Coast. Coast is losing patience with us and the issue needs to be brought to the Selectmen.

**Public Hearings:**

**(A) Proposal by Portsmouth Chevrolet to replace their building at 2025 Woodbury Avenue.** Applicants not present, so Board agreed to continue later when applicants arrive.

**(B) Proposal by ConEd and Westinghouse for a lot line adjustment near the corner of Avery Road and Shattuck Way.** Richey Staines of ConEd looking for permission to return annexing forklift road to Westinghouse House. Once ConEd completed agreement was that annex would be returned and ConEd would have a ROW. Hearing opened to the public, there being no comments, hearing was closed. Hebert questioned whether transmission power line pole was on ConEd property. It is. Cross moved and Lamson seconded to approve proposal as presented. Motion carried.

**( C) Update to the Soils chapter of the Master Plan.** Hebert suggested the Board extend this item to the end of the meeting to take care of other issues before the Board. Board agreed.

**Old Business:** Review and comment pursuant to RSA 674:41 1© on a proposal by Gurubhai Khalsa to erect buildings along the road over Sam Rowe's Hill, a Class VI Highway. Morgan explained to the Board that Sam Rowe's Hill is one of only two Class VI Highways owned by the

Town, but not maintained by the Town. RSA 674:41 states if someone wants to build along a

Class VI highway, they have to get permission from the Selectmen. Before that you have to go to the Planning Board for review and comment. Pare stated he was familiar with Farmington's procedure. Selectmen said as long as applicant can maintain the road so someone can go up and down it, they have to continue to sustain all maintenance. Hebert questioned who determined Sam Rowe Hill was a Class VI road. Morgan stated it would have been at a Town Meeting between now and 250 years ago. Class VI road was originally Class V road and at a Town Meeting it was decided to retained ownership by determined it to be a Class VI road. Iocovozzi asked if there were documents regarding this; old deeds before Pease? Morgan had a map dated 1962 that showed a Town road over Sam Rowe Hill. There was a lot of discussion regarding where the old road goes, Town property and Khalsa's driveway, traffic, the steep grade and safety issues related to inverted curve. Lamson pointed out there were two condos over there at present. She recommended the Selectmen consult with Attorney Loughlin regarding Class VI roads, be very specific about concerns. Khalsa stated she would give a waiver absolving the Town of any maintenance of the road. Morgan has discussed this issue with Attorney Loughlin and he has a lot of experience with Class VI roads. Hebert commented that if allowed, the Planning Board should review for safety issues. He asked that Morgan send a letter to the Selectmen stating this would be a single residence only, road be no cost to the Town, Selectmen confer with Attorney Loughlin regarding liability, include Pare's information on Farmington and that the Board is not voting tonight on "not a curb cut". Morgan asked Pare to E-mail information regarding Farmington. Discussion closed.

### **Preliminary Discussions:**

**(A) Proposal by LaBrie Associates to establish a landscape maintenance business at 34 Patterson Lane.** Present were Fred Attalla, from ReMax representing Keith Frizzell, owner of the property, and Nick Sheffield, owner of Labrie Associates. Hebert asked Frizzell if he had withdrawn his original proposal for a trucking facility at this location. He responded that he yes, he had withdrawn the proposal. Hebert noted that the clock of the new proposal was started today. Sheffield gave a history of Labrie Associates. Roger Labrie lived on Patterson Lane in 1981. Sheffield worked with Labrie and purchased the business a couple of years ago. They are renting in North Hampton and are currently tenants-at-will. He thought felt this an appropriate location for a landscape maintenance, commercial business. They own one-ton dump trucks and pick up trucks. They service as far North as Wells, Me. and South to Hampton. They do commercial sweeping at Fox Run Mall and other local locations. Asked if they would be stockpiling railroad ties and he responded they do not use ties, most of their work is residential and they might have a small stockpile of patio block and wallboard and would try to store behind the building. Lamson asked about noise, the number of vehicles and how many employees. Sheffield advised that they have three pick-up trucks, 3 one-ton trucks, 3 sweepers, a couple of trailers, mowers, and 15 employees at the height of the season, April - November. They start work at 7:00 am and try to be back by 3:30 pm. Maintenance may be done in the building later. Board questioned where materials would be stored. Sheffield stated fertilizing is sub-contracted, loam and bark mulch would be stored inside. Frink asked about yard waste. Sheffield advised that waste was dumped into dumpsters in other locations. Sweeping is done between midnight

2.

and 6:00 am and dumped into dumpsters in that location. Not planning to recycle leaves at this time. There was discussion regarding parking and spaces. Hebert advised applicant that there

was no on-street parking. The number of employees there all day, 3-4 office workers. Sheffield stated that the company does work for Simplex, sweep Fox Run Mall and other locations in the area, so this makes a good location for their business. Their intent is to make the property better; they are in the landscape business. At their present location, they have not had a complaint from the neighbors. If he needs to, he will talk with the neighbors. Mr. Frizzell asked if this would be a permitted use of the property? Iocovozzi this would be a good use of property. Hebert agreed that this was a good use and would support local industry. There are only 3-4 employees working on-site during the day, other employees come and go out to work, and some bark and mulch loam is stored. Feels this is an ideal situation. Iocovozzi suggested they show where they are going to have the parking and that they add 15-19 spaces. Vice-Chair entertained a motion. Cross moved that request be sent to Public Hearing, Pare seconded. Motion carried. Hearing to be held March 9, 2004.

### **Public Hearings:**

#### **(A) Proposal by Portsmouth Chevrolet to replace their building at 2025 Woodbury Avenue.**

Present, Fred Sprague, Sprague Engineering of Portsmouth, Attorney Bernard Pilech and Mike Parsont, NH Soil Consultants, representing Portsmouth Chevrolet. Mr. Sprague presented Wetlands Value Assessment, done by NH Soil Consultants, as requested by the Conservation Committee. He presented a picture of the functional analysis of the site review application which is before the Board. He reviewed the site & building issues which include, parking, and the fact that the site is 5-ft below Woodbury Avenue. The existing building is 22,000 sq. ft., a ½ acre

in size. It is close to Woodbury Avenue, very congested, parking is a problem, vehicles are parked right up to the street. The site is comprised of 2 lots, 6 ½ acres, with 3 ½ acres on pavement. They would like to alleviate congestion, by demolishing the existing building and building a new one. Other issues include Public Service easement, Federal easement for drainage, there's wetlands, a sewer easement to allow access to the sewer plant and a sewer access easement adjacent to Bank of NH. Currently there is not drainage run off, everything goes directly into the wetlands. Company needs to continue to function while construction occurs due to potential loss of sales and work in the service department. Ms. Lamson stated there was a problem. She had been to the site and discovered a mess with dirt being filled into the wetlands. Sprague stated he was not aware of filling into wetlands. Ms. Lamson felt they need a Best Management Practice Plan. Board did not expect anything to be done there before they got approval and they will have to remove the dirt. Disturbing the wetlands is a violation. Again, presenter said he was not aware anything was happening. Mr. Smart, Building Inspector, informed the Board that this has happened within the last two weeks. There's no fencing or anything to prevent the dirt from going into the wetlands. Hebert asked where are all the ROW's; would like to see them highlighted. They agreed to do that. Sprague went on to say that the proposed building would be 3,800 sq. ft., they have left 55-60 ft. behind original building to leave enough room to work on the new building. The Zoning Board has given them setback relief from the wetlands under both the old and new proposed wetlands requirements. Hebert expressed concern that now they would be closer to the wetlands and there would be a greater

3.

possibility of contamination. Sprague responded that there is no treatment on-site currently. They are proposing a ground water recharge system. Would take water from parking lot, clean

it, then put it into the ground, a kin to a leach field. Would place catch basins in front of proposed site. He stated that usually a detention area system is usually used, but is not as effective. He went on to talk about the new building and site. The current site is 5 ft. below ground elevation. Would like to be able to fill and put in new building 2 ft. above Woodbury Avenue. The display area would be enlarged, the service area on a lower level in the back, which would allow the drainage system to work. Iocovozzi questioned where the drainage from the back of building would go. Response was that a portion of the building can't go into the recharge system, so they would have a portion done by a treatment swale. There was a lot of discussion regarding the impact of drainage into the wetlands. Frink expressed concern regarding proposal to allow company to stay in business. Doesn't feel they can do it while site work is being done. Sprague replied that yes, there would be an impact and they don't expect to be 100% functionally, however, they feel they can still operate to provide service and sell vehicles. Cars will have to be displayed off-site. Sprague went on to advise the Board that they had been before the Sewer Commission and have tried to incorporate their concerns also. There is a sewer line that goes right through the building, currently. They plan to reroute it around the front of the new building.

There was a lot of concern by board members as to what they will do regarding the impact of drainage into the wetlands. Response was they will improve the situation by taking 75- 80% of what goes into the wetlands now and they are going to treat it. They will follow all state criteria. Mr. Smart was concerned about oil grit separation; how was it going to be performed. He suggested that applicant submit plan of maintenance and that a report be made at least yearly. Frink asked if applicant had talked to the Bank regarding the possibility of obtaining a piece of Bank property. Attalla said he didn't think anything has been done. Hebert stated he would like to see more on what the applicant is doing with the wetlands, what they plan to do with leach field, what is it capable of handling. He feels they need an expert in there to determine what is going to happen. Stated he thinks applicant still has a lot of work left to do to show the Board what they are planning to do to protect wetlands and just how they plan to do it. Hearing was open to the Public for comments. George Fletcher was concerned regarding the ability to get trucks in to sewer treatment plant. Thought plans showed a plan to install a new fence. Commission plans to have engineer look at curves on sewer flow. Fletcher said it seems like a decent plan as far as the Sewer Commission is concerned. There was a lot of discussion regarding access to sewer plant and Hebert feels there a big issue now with a direct access into the plant and problem with cars being in the access. Cross feels they are two issues to address with the Sewer Treatment Plant. There is a sewer easement from Gosling Road and at one time the primary entrance was from Woodbury Avenue. It was changed and now they are proposing another change. The Town is not going to relinquish the sewer easement or the access easement unless sewerage flow easement is totally acceptable by the Sewer Commission and access flow is totally accepted as an advantage to the Town. There are turn issues and we need to look at turning radius. Hebert advised applicant to come up with plans, probably a widening of plans and have the Town Engineers look at proposal. There was more discussion regarding access to Sewer Plant by trucks. Suggested the applicant bear the cost. After more discussion, Board agreed to continue hearing the 2nd Monday in April.

4.

**(B) Proposal by Jones Lang Lasalle to expand the Crossings at Fox Run.** Denny Cost,

outlined spaces 1, 2, and 5 at the Crossings. Space 2 has never been used. John Shupe stated they were looking at expanding spaces 1 & 2 to 48,000 ft., with expansion out the back. Dick's Sporting Goods is interested so they want to expand to give them the room they need. Carter Burgess and Cole Smith stated they had plans to submit. They have looked at parking, grading changes, utilities site improvements, truck-turning movements (not touching the front), and water line that needs to be moved. Iocovozzi commented re: fire hydrant; applicant should talk to the Fire Chief. Applicant thought that has been done. Pare asked if an analysis of spaces had been done. Cross asked if there was tractor trailer access in the back, was there room for a compactor? He was concerned that one of the bus stops would be eliminated, however, applicant stated that was not going to happen. There was other discussion regarding access, crossing, stop signs, willingness to do a second connector. Hebert felt there was still a lot of detail to be provided. Lamson moved and Iocovozzi seconded to move proposal to Public Hearing. Motion carried. Public Hearing to be held March 9.

**(C)Proposal by Carhartes Investment of Boston to renovate the Chucky Cheese Building.**

This proposal was not on the agenda tonight, however, applicant wanted to inform Board of plans. Rick Philbin, representing the new owners stated the company was trying to clean up the site and improve the property. The proposal would include primarily retail business. Building approximately 30,000 sq. Ft. Looking to renovate the outside of the building and possibly expand the building. First phase would be to expand the building on the right side to 2,000 sq. Ft., paint the building and refurbish. The second phase would be to expand the entire building to 50,000 sq. Ft. With the condition there would be proper parking at the site. There was a lot of discussion regarding the landscaping, particularly facing the turnpike. Applicant stated this was a preliminary sketch and a lot of expansion would depend on interest of potential tenants. Just here to present prospective plans. Talking with Chucky Cheese and hoping to keep them as tenants, not sure the bowling alley will stay. Have looked at parking, talked with Fire Chief and his concerns, and working with Building Inspector. Hope to make a good neighbor to Fox Run Mall and intent is to improve the property. Would welcome comments and suggestions from the Board. They know they have a lot to do, but look forward to working with the Board. Applicant stated he would be back to the Board in April or May.

**New Business: Conversion of PSNH Schiller Station.** Morgan informed the Board that he and Denis Hebert went to the Portsmouth City Hall recently to listen to the Schiller Presentation. He told PSNH representatives that the Town of Newington would be very interested in meeting with them on this matter. He suggested Board set a date for this meeting. Iocovozzi commented he liked John Frink's letter. There was discussion and Morgan asked Board if they were interested in meeting with PSNH on this matter. Iocovozzi said there are a lot of issues and we need to look at these issues. He felt it may behoove Town to finish completion of Shattuck Way. Board agreed to meet Monday 2/16 and if that wasn't okey, they would meet 3/1. There was a lot of discussion regarding the purpose of the meeting and whether we wanted PSNH to bear cost of finishing Shattuck Way or what was the intent. Frink felt there were many issues and that the Town was not going to get the payback to maintain that road. There was a lot of discussion regarding traffic on Gosling Road versus driving on Shattuck Way. Frink did not feel we should be responding to

(5)

business and other people, but should be looking out for the welfare of the residents of

Newington. Board had heated discussion regarding the maintenance of roads and who should be bearing the cost, where the truck traffic should be routed, and whether money should be spent to fix Gosling Road or extend Shattuck Way. After more discussion, Cross made a motion to adjourn, Iocovozzi 2nd. Motion carried, meeting adjourned at 9:55 PM.

Respectfully Submitted,

Sandra Sweeney, Secretary