

Planning Board

Minutes

February 9, 2009

Planning Board Members Present: Denis Hebert, Peggy Lamson, Michael Marconi, Cliff Abbott, Cosmas Iocovocci (6:40 pm)

Also Present: Town Planner Tom Morgan

Commencement: Chairman Hebert opened the meeting at 6:31 pm

Public Hearing: Proposal by Todd Adelman for a 2-lot subdivision and office warehouse construction at the site of the former Flagstones Restaurant off Shattuck Way, Tax Map 7, Lot 2.

Attorney Pelech presented a new drawing of the proposed subdivision. He explained that after conversations with Attorney Loughlin, it was decided that it would be better to take the 50' easement out of the conservation easement. This would allow better access and turn around area for the Stern and Baer properties. The 50' easement would also provide sufficient space for a replacement septic system if needed.

Attorney Pelech did not have the opportunity to approach the conservation commission on the issue prior to tonight's meeting.

Lamson suggested Attorney Pelech write a letter to the conservation commission on the issue.

Attorney Pelech discussed the Lot Line Relocation Plan which would give a piece of land to the Town of Newington and the Town of Newington would deed a piece of land to the Sterns to square off the lot on the Shattuck Way side.

Chairman Hebert indicated that portion of land is currently in conservation. Morgan also stated that the Rockingham Land Trust oversees the easement and they would have to be involved. Attorney Pelech stated this particular lot line adjustment was not critical to the project.

Mr. Stern questioned the location of a potential replacement septic system.

Discussion of soil types on the lot and septic setback requirements. Lamson indicated the shoreline protection act would govern the required distance for the septic.

Iocovozzi spoke about the new technology and that a leach field would not be needed. There could be a dispersal field.

Attorney Pelech stated the conservation easement and the use limitations, could be subject to change after the Planning Board and Conservation Commission have had the opportunity to review them.

Attorney Pelech did a brief overview of the easement and use limitations with the board.

Discussion of the timing of the recording of the easement and the lot line adjustment.

Attorney Loughlin will advise as to the order of the recordings.

Chairman Hebert suggested a time limitation be added to the right of the applicant to install a drainage system if needed in connection with the development on the other side of Shattuck Way.

Chairman Hebert asked if there was any way to undo the easement. Attorney Pelech stated that this could be done only the the court.

Chairman Hebert expressed his concerns about whether the matter had to go back before the Zoning Board because the proposal and terms had changed. He stated that he spoke with Attorney Loughlin for clarification and was advised that they did not have to go back before the Zoning Board.

Attorney Pelech also discussed the issue with Attorney Loughlin. The representations made to the Zoning Board were that there was a conservation easement, who owns the easement isn't relevant.

Mr. Stern stated his concerns about public access and how close it will be to his property.

Chairman Hebert suggested there should be a buffer included in the document regarding public access.

Chairman Hebert asked Morgan to contact Rockingham Land Trust regarding the proposed land swap to make the lot lines more contiguous and cleaner.

Chairman Hebert stated the matter would be continued to the next month's meeting.

Traffic in the Residential District

Chairman Hebert asked Morgan to pursue contact for a traffic study.

Minutes of January 12, 2009

Lamson moved to approve the minutes of January 12, 2009, Marconi seconded, Iocovozzi abstained, all others in favor – motion carried.

Minutes of January 26, 2009

Chairman Hebert noted a correction to the January 26th minutes in the discussion of the decibel level of small wind energy systems. The sentence should read – “Chairman Hebert stated he believes that the state made an error in allowing noise levels up to 55 decibels when new **modern technology has achieved** much lower levels.”

Lamson moved to approve the minutes of January 26, 2009 as corrected, Marconi seconded, Iocovozzi abstained, all others in favor – motion carried.

Lamson made a motion to adopt the January 12, 2009 sealed minutes and that they be kept sealed for one year for review, Marconi seconded, Iocovozzi abstained, all others in favor – motion carried.

Master Plan

Morgan gave an update on the master plan and showed the board some of the soil mappings that are being worked on.

Other Business:

Marconi discussed the sign replacement for the eatery at the Marina. The sign is a replacement sign and the same size as the original sign. There was some question as to the size and the current sign ordinance. Chairman Hebert indicated there was a sign ordinance in place when the original sign was approved and that the Zoning Board granted the original variance,

Marconi made a motion to adjourn, Abbott seconded, Iocovocci abstained, all others in favor, motion carried.

Meeting adjourned at 8:08 pm.

Respectfully submitted,

Melia Perreault
Recording Secretary