

NEWINGTON PLANNING BOARD MEETING

Minutes

Monday, February 12, 2007

Call to Order: Denis Hebert, Vice Chair Person called to order the meeting at 6:35 P. M.

Present: Denis Hebert, Vice Chair Person, Jack Pare, John Frink, Chris Cross, Vincent Frank, Peggy Lamson, Cos Iocovozzi, and Tom Morgan, Town Planner.

Not Present: Sandy Hislop, Chair Person and Gail Klanchesser

Guests: Frank Swanson, General Manager of Real Estate, VIP Parts, Tires & Service; Dennis Moulton, VIP Parts & Tire, Michael Faulkingham, Leon Shaw, and Michael Marconi; Erin Baird for Baird Trust

1. Preliminary Discussions:

A) ***Proposal by VIP Parts, Tires & Service to convert the roller skating rink at 29 Fox Run Road to a retail facility.***

Engineer not present-move it along until later in the meeting. Denis: Does anyone Object? No objections. *Everyone arrived and continued the PB continued with the discussion.*

Tom: Got a call from Julia Beals and she's perfectly okay with this proposal.

Dennis Moulton: Since the last discussion with the Board, we changed/developed the site plan. We worked on the elements that concerned the PB previously. First thing they did was coordinated with the architect on the building design, additional entrances for the retail spaces for the VIP Auto, and sidewalk to front, reconfigured parking on the side and is still being worked on as they go along. One of the items the Board mentioned was about the desire for a storm water treatment for the entire lot. Investigated this area (pointed out on the plan) and found that it doesn't perk very well and has a relatively high seasonal water table. Despite that they were able to construct a large shallow infiltration area, which will hopefully be able to handle the runoff from this surface and infiltrate and provide treatment to that storm water. Spoke about the additional proposed connection to the Wal-Mart property and has to be coordinated/negotiated with them and be acceptable to both parties. Talked to people to the south, Texas Roadhouse about their plans which calls for a 6' high retaining wall and felt that it was less doable and preferred not to make the connection to them. Discussed lighting plan, etc. Frank talked to Beals personally and she had no issues/problems with any of this. Discussion continued on a tire storage area, two dumpsters, fencing and where it will be placed, concerned about fires (combustible material), minimal water in tires, curb cuts, etc. Denis wants them to come back with specific information on this. Tom brought up about a contribution to the sidewalk fund and explained what it is and to have their engineer calculate the cost of the sidewalk, give them the number and then the PB will run it by their engineer. Denis: Everyone is contributing and it will be built by state standards and they are looking for the town to contribute. Light discussion ensued Dennis Moulton: As far as the lighting comment that was made at the last meeting, as far as calculating the amount of light that comes outside of the door that's displayed as part of their total light calculation, according to George from Sharon Group, whom he

spoke with, because they have a vestibule and the type of glass they have, it's null. Denis: What kind of doors are you putting in? Dennis M.: They are all glass (ConAir) doors. They will also have a lighting plan. Denis: Any more questions from the Board members? None. Denis: I still think we are in Preliminary and you need to come thru with these things we asked for, come back to us, show us what your doing and also would like to hear from your abutter about making that driveway cut all the way thru, making that continuous and making that happen, that's a big plus for everybody, the staircase as Jack mentioned and walkway to the south of you going to the restaurant (TR). Vincent: As far as the Landscaping Plan and Maintenance Plan, once you get it done to come before the Conservation Committee. Discussion continued. Denis: Any more questions from the Board? Would like to ask the Board to continue this Preliminary Hearing until the next meeting, March 12, 2007. Vincent: As far as the Landscaping is concerned, you will also have to supply the CC with a Maintenance Plan. What Vincent would like is to have the Maintenance Plan on their drawings, once they are on the drawings, so if it changes hands it will go with the plan. It's total Landscaping. The reason Vincent asked to put it on the plan is that once approved, and if you decide to sell the building to whomever comes in has to abide by the Landscaping Plans. Vincent requires a set of drawings two weeks prior to the meeting; contact Tom for the addresses of all the commissioners which are to be sent their homes so they can review it and it can be expedited as soon as possible. Discussion on what is required species type for this area. Denis: Meeting continued to March 12, 2007.

B) Proposal by Michael Haberski to construct a Wingate Inn behind the Exxon station.

No one appeared. Denis hasn't seen a complete plan. Denis: Any objections to move to C? None.

Denis: Doesn't see anybody here. Jack made a motion to go forward and Vincent seconded it. Denis: Any discussion? Denis would like to discuss a little about the letter in the packet that the PB made it very clear on what they are looking for and basically that all issues are to be resolved and come to the Board with new plans providing it includes all of the submittal items specified in Sections 7 & 8 of the Newington Site plan Review Regulations, along with a copy of a driveway permit from the NH DOT. Denis: We don't have plans, don't have a curb cut, etc. It's Denis' recommendation in taking a position of when the PB would like to see that curb cut. His opinion, it should be lined up with the centerline of Shattuck Drive and the center way of their curb cut. Not sure how the Board feels on that, but would like to get the Board members to discuss that and if not in agreement, should say so. Discussion ensued. Denis: Would like to align driveway up to Shattuck Way as much as possible. Send a letter as a recommendation along those lines and support the proposal from the State. Is everyone is on the Board okay with that. *Peggy would like to vote on the motion.* Denis: *All in favor of the motion? AYE. Motion carried.* This is a Preliminary Hearing. Do you want to continue this hearing? Discussion continued. Denis: We voted on this last August what we wanted and he hasn't stepped forward with the plans. Tom: Wants to make it clear that if he comes in without a driveway permit from the State, Tom's understanding is that the PB doesn't want him on the Agenda. Tom just wants some clear direction. Chris: If he comes in with a sketch but not a conforming plan, he needs a permit. Denis: Made it very clear that the PB wants to see a site plan that deals with everything the ordinance requires. Tom: Suggests that when he comes in with the plan, it's up to the PB to say what's wrong with it. He's hired an engineer and has seen Tom twice.

PB wants to review the plans a week in advance. Denis: Move on to Other Business.

C) Proposal by Rockingham Electric to expand their parking lot at 437 Shattuck Way.

No one appeared. Moved on. No objections.

Dennis Moulton represented Rockingham Electric and the PB continued with the presentation and discussion.

Dennis Moulton with Ames MSC is representing Rockingham Electric also and proceeded to give a presentation. Pointing to the map, he explained that this is the current Rockingham Electric site. Currently there's approximately 44,000 square foot building along with 34,000 square feet of paved parking. The applicant is requesting two separate variances: a new parking lot in front and a storage area in the back of the building. Current front setback requirements of 75' squeezes parking area off. The applicant is proposing 18' setback on River Road and 30' setback on the Spaulding Turnpike. The State will be clearing 400' of the corner, so this will allow the applicant to have site access. They currently have 57 parking spaces and if the proposal is approved, they will have 122 spaces. No changes to site utilities or any expansion. Plans for landscaping; they would make it as attractive as the PB wants. Currently exterior storage of materials is being stored outside in plain view and the proposal for the new area would keep items out of site and well hidden with vegetation. Materials are seasonal products and once the ground freezes, there is no need for outside storage. Their reason for additional parking is for employees, customers, and to relieve congestion for tractor-trailers as they enter and exit. The setback from Shattuck Way is 18' for parking lot with landscaping that meets the approval of the Conservation Committee. Discussion ensued on the catch basin-where does the water go. Dennis M.: Proposal in a nutshell. They need to further develop the landscaping plans for the green areas and along the side and discuss concerns of the PB at this time. Peggy: Some concerns about the runoff. Discussion ensued. Dennis Moulton was unable to answer some questions that were posed to him from Denis (he'll have to go back and ask the owner). Denis: What's the hardship? Dennis M. didn't know. Denis to Tom: What did the ZBA grant a hardship for? Explanation given by Tom. Chris: True wetlands at the corner and gave his views. Tom jumped on what Chris' views (in agreement) and what he would like to see is more on-site treatment of storm water, more treated on-site the less likely to dump pollutants into the Bay. The Bay is very close and it's particularly an important location to pay attention to the storm water. Chris: It's the reason for having ordinances. Tom: How is it going to relate to the State plan for Spaulding? Discussion continued on detention basin/ponds and storage, etc. Denis: Trying to figure things out here. Things seem a little inconsistent and starting to get suspicious on what's going on. That's why Denis was asking Tom what does the ZBA grant a hardship for. Tom: Explanation given by Tom (August 29,2005 – read what the hardship was, rather long). Discussion ensued. Tom passed out the Variance requests by Rockingham Electric. Denis: Tom said there was no Public Notice that they were trying to get a waiver or variance for storage. Tom: There was a structural setback, but the bit about storage, the Board went over the line. Denis: Wants to bring that up. Discussion continued. Cos: They didn't advertise for outside storage and probably assumed they got it. They have to go back to the BOA and get clarification on outside storage. Discussion continued. Denis: We need to find out from the owner, we are with the understanding that there's no outside storage to occur. If the intent is to do

that, there's an issue and need to sit down with the PB and to discuss what the whole details of the expansion are and why. Something here is not quite right, based on what Tom's explanation of what has happened, and has real issues with the drainage and what they are planning on outdoor storage. Dennis M.: He needs more details. Denis: Doesn't think he knows. Discussions continued. Denis: They are to come back and he has enough information from the PB to show the existing setback and not using outdoor storage. Will put on the Agenda for March 12, 2007.

D) Proposal by the Estate of Barbara Baird for a 2-lot subdivision at 316 Newington Road.

Erin Baird is the oldest granddaughter of Barbara Baird who died in December. She gave a presentation on her proposal. She would like to stay in Newington and has proposed to divide/subdivide 39 acres into two lots. Placing a smaller home on one of the lots. She has 398 ft. of road frontage – needs a variance. The first step is to make sure it's possible to subdivide. Denis: The PB can help her tonight. Peggy gave some history on the family/land. Denis feels it's doable. He thinks 2 feet is pretty short, but pretty close to 400'. (need 400' for each lot) Discussion ensued on setbacks on water/frontage. Denis wants to cover all obstacles before they go through with this. Tom met with Erin several weeks ago. Discussion continued. Denis: What do you propose for a subdivision? Erin: One is for a family residence- they plan on building a home and wants to use sustainable energy, which her grandmother would have liked. Denis: Huge benefit to the Town and to get some kind of variance. Tom: A two-foot variance to one lot and 100" to the other lot and as far as the driveway, couldn't find any rules. Denis: here's a right of way there and need to look at it again. Tom: Think of the alternatives, supposing their plan doesn't make it for whatever reason, they have 39 acres and what would happen there? Erin asked if the next step is to submit her application. Discussions continued regarding continuous frontage, shared driveway, septic, pond, and building a bridge. Tom feels the PB needs to give Erin a direction to go in. Tom: Other issue, to bear in mind is from his reading of the ordinance, he can't find any rule that would prohibit the property owner from gaining access from someplace other than their frontage. Definition of frontage is on Page 24, Article 6. Erin did not want to ask for the double variance for the two feet/not continuous, would rather to just ask for one variance, sounds easier and would require you to decide the issue of access/right of way. Tom: What he liked about this plan, they are not proposing any additional curb cuts on Newington Road. Erin wants to maintain the family presence here in Newington. Discussion continued. Denis: To keep things simple, he would like to do 198' and 200' continuous and need information from Erin, also the ZBA as well and recommend drawing a line where you are proposing to subdivide, try to come to some terms with whoever will be buying the rights prior to doing it, probably get more value from it as far as developing it, etc. and you might want to do that prior to. Erin: Also waiting because if they are interested they will pay for the survey/tree appraisal. Denis: If you take it in that action you will probably find you will do a little bit better in that direction. From the PB point of view, like to keep it simple/common. Also, need to look at infringing upon the rights of person who has right of way now, and need permission from that person (not sure how law reads) to let another person use the right of way, and it depends on how the right of way was written. Discussion continued. Tom suggested the applicant consult an attorney and has them examine the easement to make sure it's not restrictive. Tom said most easements aren't. If there's a conflict it will be readily apparent. Denis: Ownership can change. Personally he would support it. The PB

wants to have it set up right and meet all the requirements. Chris: Asked Tom to work with the family, just to insure that essentially both lots meet all the requirements, creating a lot, existing house has a septic system/backup space for a septic system and making sure all things are checked off. Want to minimize number of variances on each lot and increases chances of approval. Chris wants to make sure that enough land is left, so that the house being built has a septic and a backup septic space. Just looking at creating two lots and anyplace there has to be a variance, the PB needs to identify it, and you go to the DOA also. Tom: Give Erin some direction to go in right now. Denis: *Come back and show where the existing house is, where the existing system is specifically going – carve out lot and look at site where putting a new house and where septic system is going, foundation is physically fit, also how far they are from wetlands.* Not waiving that, but waiving a complete survey of 39 acres in the back. Is the Board clear on that? Board: Yes! Make sure to have a perk test. Discussion continued. Denis: Asked Erin if it would be possible for the Board to walk the site. Erin: Yes, will show them around. Erin will come back the with the information the PB requested.

2) Other Business:

A) ***Request by Dover Youth to Youth to prohibit the sale of drug paraphernalia at the Mall.***

1/28/07 - Letter addressed to the BOS stating that they are the Dover Youth to Youth, a peer oriented drug prevention program for students from grades 6 to 12 in the Dover community. They have approximately 200 students that work on a variety of community awareness projects. They are writing to the BOS who referred the letter to the PB. Their concerns are about businesses in the Town of Newington selling merchandise that glorifies the use of marijuana and other illegal drugs. One step toward solving this problem would be to pass a town ordinance. They presented a proposal that would provide for several restrictions. They attached a copy of the draft language for this ordinance and are calling upon the community to take action to enact this legislation that would protect youths.

Denis: Asked the Board what do they think/feel about this particular request. Discussion ensued. Chris feels it's outside the PB realm. Jack: Basically, that's what his feeling is, why did they approach the BOS; it's really a State issue and suggests approaching the State Representative from Dover. Peggy: Referred to Zoning Book, Article 22, Page 38 sexually oriented businesses, purpose and intent of this article. Tom: Years ago you regulated Porn. Tom: Downtown Portsmouth, a store was raided and it was the City that did it, not the State, same stuff. Tom: Suggests if it's something that interests the PB, the logical place to start would be to consult legal counsel and to consult the City of Portsmouth how they were so successful, efficient, and quick in shutting it down. Discussion ensued. Tom: Definition on Page 7- not intent to restrict adult access but intent is in restricting access by youth to certain materials and doesn't see any big difference zoning wise between porn and marijuana paraphernalia. Peggy feels we should consult with legal and get an opinion. Discussion continued. Michael Marconi gave his input on this request his suggestion would be to discuss this with legal counsel. Tom: How do you propose to respond? Denis: Have this proposal go to Peter Lockland for review, get his opinion and what's the legislation enforcement. Denis: That being the case, let's move on.

Peggy asked the Chairman to make one remark. She frequents Shattuck Way and is really taken aback by the fact a year ago they were talking about a Reader Board. If

you come from Piscataway to Shattuck Way you had your Georgia Pacific, The Asia and another giving directions. Can understand why, that these truckers are constantly asking for direction and it looks very sloppy. As you know I've said this to the Board. She took advice of the Planner, went back and looked at our minutes and Tom gave them some direction on directory signs about 3 years ago. Peggy hopes that they would really consider this. Denis: Was against the Board at that time and is now doing a reversal, he is convinced now that it should be on the Agenda. None opposed to putting it on the Agenda for February 26, 2007 for discussion.

C) Rockingham Planning Commission

Denis: The Board needs to make a recommendation. Vincent made a motion to keep Chris Cross on and Jack seconded it. Denis: Any further discussion? None. All in favor? AYE! Tom: He's now nominated. His alternate is Gail. Jack and Vincent also offered to be alternates.

Vincent: Another issue-Gulf came to discuss two signs and if not mistaken they said something about keeping it in the same locations and shorten them, dress them up, make them look good. They never shortened them. All they did is put a placket on them. Happened to notice it the other day. They never mentioned anything about bringing in a new sign just utilizing what they had there, etc. Tom: It looks kind of tacky! Discussion ensued. Jack: Maybe it's temporary. Vincent: It's been there for 6 weeks. End of discussion. Denis: Anything else.

3) Minutes of January 22

John moved to approve minutes. Vincent seconded it. Denis: Any discussion? All in favor? AYE? None opposed? No corrections needed.

Adjournment:

Denis: Any more business to discuss tonight? None. Vincent made a motion to adjourn. John seconded it. Denis: All those in favor of adjourning, AYE. None opposed. Meeting adjourned at 9:30 P.M.

Next meeting is February 29, 2007 at 6:30 P.M.

Respectfully submitted:

Pearl Travis-Sirois, Recorder/Transcriber

File: NPB Minutes: 2/12/07