

Present: Chairman Marlon Frink, Larry Upson, Denis Hebert, Barbara Hill, Selectmen's Rep Chris Cross, Alternate Peggy Lamson, new members Sandy Hislop, John Frink.

Meeting was opened at 7:05 p.m. Chairman welcomed the new members....

Minutes:

Minutes of meeting held March 12, were accepted on a motion by Larry Upson, seconded by Barbara Hill.

Correspondence:

Letter from Fire Chief Wahl 3/28/01, re: inspection of Outback Steakhouse plans.

Memo from Conservation Commission re: Outback Steakhouse landscaping

Letter from owners of Fox Run Mall granting authority to Kohl's Dept Store to apply for planning approval.

Letter from Fire Chief Wahl re: inspection of Kohl's plans.

Letter from HL Patten 3/19/01, requesting release of escrow account.

Copies of letters from DES re: Haz Waste Transfer facility extension and Newington Energy LLC Dredge & Fill permit.

Memo from Attorney John Ratigan re: Sprague's fuel pipeline.

Copies of all correspondence given to each member to be addressed as each proposal is discussed.

Election of Officers:

Elected Marlon Frink as Chairman for ensuing year on a motion by Denis Hebert seconded by Sandy Hislop.

Elected Denis Hebert as Vice Chairman for ensuing year on a motion by Barbara Hill seconded by Sandy Hislop.

Voted on a motion by Denis Hebert, seconded by Barbara Hill, to recommend Jim Leger as an Alternate to the Planning Board for a term of three years. Other alternate appointments to be discussed at the next meeting.

Public Hearings:

A. Proposal by Outback Steakhouse to establish a restaurant at the Star Center.

Plans were presented by Don Leiber representing Outback Steakhouse.

Mr Leiber addressed issues left open at last meeting: 1. Landscaping plans have been reviewed and approved by the Conservation Commission - additionally the landlord will be asked to "spruce up" the area. 2. Fire Chief has inspected and recommends update of alarm panel for entire building. Outback has agreed and also have agreed to heat any open space in the building. 3. Signage discussed. Free standing sign is 35' high and covers 100 sf. Photographs of signage at other Outback Restaurants were studied and majority of Board stated that the neon lighting did not appear to be obtrusive.

Denis Hebert requested that the two proposed Wal-Pack lights be shielded to prevent element being seen from road. Mr Leiber agreed.

Barbara Hill asked about the tie-in to the municipal sewer. Mr Leiber stated that the engineers have yet to decide on the best of two options. The engineers recommendations will be met at Outbacks expense.

Chris Cross advised that there have been some drainage problems on this site and the owner, Mr Hyder, has reached an agreement with the Selectmen to correct the problem. A connector road between the Hyder property and the Skating Center is also being pursued - similar to the connector road between the Malls, the main advantage is to keep traffic off Woodbury Avenue. There being no further comments the Public Hearing was closed and the Board returned to their Regular Meeting.

Regarding the proposal for cross lot agreements (connector roads) it was voted on a motion by Barbara Hill, seconded by Hislop, that the Planning Board will support/endorse an agreement between Hyder and Happy Wheels and any connections as land is developed at some future date. Larry Upson moved to approve the change of use at the Star Center with the following conditions:

1. Provide sewer lines as approved by the Sewer Commission.
2. Upgrade Fire Alarm Panel to cover all potential buildout of existing structure.
3. Provide heating between Pella Windows and Outback to preclude pipe freezing.
4. Obtain separate sign permits prior to erection of any signs.
5. Wall lights will have no outward glare - only downward directed lights.

Motion was seconded by Barbara Hill and carried unanimously.

Mr Leiber described a program by Outback to support local charities. Chairman Frink stated that this will be appreciated by the community.

B. Proposal by Sprague Energy to construct an oil transfer pipeline from River Road to Newington Energy Power Plant.

Marlon Frink and Larry Upson stepped down. Vice Chairman Denis Hebert took the chair.

Proposal was presented by Ted Reed representing Sprague. Jim Collins, Terminal Manager was also present. Mr Reed described the proposal to provide back-up fuel for the new power plant (primary fuel is natural gas) advised that regulations will allow the plant to burn oil 30 days per year. Described how the double-walled pipe will be constantly electronically monitored. Five days worth of fuel will be stored on power plant site the balance will be stored in leased space at Sprague. Noted that if fuel was trucked would need 100 trucks per day.

Sprague has contacted Dig-Safe and will be subscribing to their services.

All the required permits ie DES and Wetlands have been applied for.

Sprague has made application to the State for exemption from EFSEC requirements - Ted Reed stated that Sprague and the Town have enough expertise to regulate and monitor the operation.

Barbara Hill asked about archeological studies within the construction area and was advised that the area was well surveyed while being engineered for the Industrial Service Road.

Attorney John Ratigan asked if the through capacity of the pipeline would exceed the maximum burn, Ted Reed stated that it would by a small amount. Attorney Ratigan also suggested that Sprague copy the town on any exemption applications - giving the town the opportunity to support the request. Ted Reed advised that the Public Utilities Commission will hold Public Hearings in Newington before making any decision.

There being no further comments the Public Hearing was closed.

Denis Hebert commented on the following:

Questioned the need for so much conduit (two 4") - Fire Chiefs suggestion.

Asked if there would be above ground markers - yes.

Questioned liability in the event of a spill - Ted Reed stated that Sprague would take financial responsibility and would meet any requirements the town may request including posting bond.

Selectman Chris Cross stated that this proposal, in his opinion, is an outstanding project and moved the following:

1. The proposed use shall be for a single fuel line and direct support as specified by the plans. Any ancillary conduit shall relate solely to such fuel pipeline use.
 2. The applicant shall submit a performance guarantee sufficient to have the oil pipeline and any related conduit removed otherwise rendered environmentally benign when the pipeline use terminates. The Planning Board shall have the discretion to review the sufficiency of the performance guarantee from time to time, and at intervals no less than three years. The decision of whether to require pipeline/conduit removal or alternate benign closure shall be within the discretion of the Newington Board of Selectmen.
 3. The applicant shall register the pipeline/conduit with DigSafe. Prior to any excavation or work within the pipeline easement, the applicant shall have the location of the pipeline/conduit identified.
 4. The applicant shall provide the Town with an indemnification agreement satisfactory to the Town's legal counsel for all liabilities, including and without limitation, fuel oil spills and contamination cleanup.
 5. The applicant shall provide for insurance coverage, including naming the Town as an additional insured, satisfactory to the Town for liability relating to the pipeline and its use. The applicant shall provide evidence that such policies are in place prior to use. Coverage limits shall be re-examined every 5 years to ensure adequate coverage. Suitable insurance shall be a condition of fuel line use and such policies shall not lapse, be cancelled or materially amended without prior notice and assent, in writing, by the Selectmen or its legal counsel.
 6. Above ground markers and signs will be in place.
 7. Oil pipeline for use only by Newington LLC.
 8. Any leak detection alarms will render the pipeline non-usable until the leak detection alarm is repaired. Motion was seconded by Peggy Lamson.
- Motion to approve carried - plan will not be signed until a complete engineered plan is submitted.

Marlon Frink returned to chair. Larry Upson and Denis Hebert returned to table.

New Business -

Proposal by Kohl's Corp. to enlarge the former Bradlees at the Crossings at Fox Run .

Tom Murphy, representing Kohl's described plans to refurbish the building, change the exterior and extend the building. The Conservation Commission has reviewed plans for various plantings along the front of the building and approve.

Dumpster locations are not set to date and there is still a lot of concern about the traffic pattern around the building including how to safely accommodate parking for the Sullivan Tire store.

Board will also need to see that trucks picking up dumpsters can do so safely. Various suggestions were made regarding the traffic pattern - no conclusions reached. Mr Murphy stated that he understood the problems and would continue to look for a solution. Marlon Frink asked that roof top air conditioners be screened from the ground. Denis Hebert stated that it would be good to see some update to the facade of Sullivan Tire which has not changed in many years.

Mr Murphy agreed to consider all suggestions.

On a motion by Peggy Lamson, seconded by Sandy Hislop, it was voted to schedule a Public Hearing on this proposal on May 14, 2001 at 7 pm to allow the general public some input.

Preliminary Discussions -

Westinghouse Parking.- Marlon Frink and Larry Upson stepped down, Denis Hebert took the chair.

Gerry Gagne, Meridian Land Services, stated that an additional 68 parking spaces would be needed while permanent parking areas are being constructed and presented plan showing both permanent and temporary areas.

On a motion by Chris Cross, seconded by Peggy Lamson, it was voted to hold a Public Hearing on this proposal on May 14, 2001. Mr Gagne was advised that any paving of temporary lots will require Planning Board review and approval

Building Inspector Doug George was present and stated that Westinghouse has applied for a permit to move their front entrance to the other side of their building. Noted that these changes are due to construction of the Industrial Service Road. Mr George needed to know if Planning Board held any jurisdiction over this change.

Chris Cross, stating it is a minor change, moved to waive Planning Board review and leave to Building Inspector and Fire Chief's review. Motion was seconded by Peggy Lamson and carried.

Old Business -

A. Proposal by Robert Allard to build warehouse at 40 Old Dover Road

Gerry Gagner, represented Allard and advised that a Site Specific permit has been issued and the Wetlands permit will be issued within the next week. Mr Gagner asked if Board would schedule a special meeting so that construction could be scheduled. Board considered and agreed that the wetlands permit needed to be in hand and voted on a motion by Chris Cross, seconded by Sandy Hislop, to hold a public hearing at the regular May meeting (14th) at 7 p.m.

Driveway Application -

Request for approval for driveway cut from lot 23-07, Little Bay Road.

Marlon Frink, John Frink and Denis Hebert stepped down as they were all members of the Zoning Board of Adjustment and had spoken in opposition to development of this lot.

On a motion by Peggy Lamson, seconded by Chris Cross, Larry Upson was voted temporary Chairman and took the chair.

Plans and photos were presented by Timothy Rieser.

Mr Rieser stated that the location was, in his opinion, the safest from this lot and that 3 trees would need to be removed to accommodate the drive and improve visibility.

The stone wall on the site would not be disturbed. That any stones removed for drive would be

set in a present opening in the wall.

Board reviewed the proposal and voiced there concerns about the development of this lot, being so close to the end of the Pease runway.

Following review Sandy Hislop moved to approve the driveway location as shown on the plan.

Motion was seconded by Chris Cross - amended by adding that the 3 trees would be removed at no expense to the Town and the stumps must be ground to ground level.

Denis Hebert, as a private citizen, stated that he did not agree that the location of the curb cut was the safest.

The motion carried - Peggy Lamson opposed.

Marlon Frink returned to chair - Denis Hebert and Larry Upson returned to table.

Old Business - cont.

B. Request by Howard Patten for Bond Release.

Board determined that some issues are yet to be resolved on this site on Nimble Hill Road - lighting and landscaping are not satisfactory.

It was agreed to meet and walk the site on Saturday 4/14 at 9 am to see if all requirements of site plan have been met.

C. Walmart wallpacks.

Denis Hebert stated that Walmart has not met their agreement to keep outside lights from encroaching on other properties.

On a motion by Larry Upson, seconded by Sandy Hislop, it was voted to empower Denis Hebert and Chris Cross to contact Walmart and make some suggestions. If changes are not made the matter should be given to Selectmen as enforcement officers.

The meeting was adjourned at 9:45 p.m.

Pat Main
Secretary

