

NEWINGTON PLANNING BOARD MEETING

MINUTES

Monday, April 9, 2007

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

Present: Denis Hebert, Vice Chair Person, Cos Iocovozzi, Mike Marconi, Jack Pare, Vincent Frank, Chris Cross, Tom Bobotas, Alternate and Tom Morgan, Town Planner.

Guests: Dennis Moulton of Ames MSC, Bernie Peelich on behalf of Comfort Suites, Michael Haberski of Comfort Suites, David Eckman of Eckman Engineering LLC, Ryan Austin Pease of Wal-Mart, Greg representing Wilcox Industries, and Cory Caldwell representing Wilcox Industries.

Denis asked Board to consider Tom Bobotas as alternate. Motion was made by Jack and seconded by Chris. There was no discussion. All were in favor of Tom sitting as alternate.

1. Old Business:

A) **Minor change to footprint of the addition to the Louis deRochemont House.**

Tom passed out a new design from the architect for the addition which Tom thinks is a big improvement. The footprint changes slightly in configuration but the overall size of the addition is about the same. Tom considers it a minor change but the prudent thing to do is share that with the Planning Board before issuing the building permit. Tom reiterated the only thing changing as far as he knows other than the design is the footprint itself. Denis asked if there was anyone present from the development. Tom stated the only ones present were he and the building inspector and he decided to bring it to the Planning Board. The yellow is the new proposal. Denis asked if they are looking for a motion from the Board or are they just looking for something that we don't need to make a comment on it when in fact it is fine. Tom thinks a motion would probably be the better way to go. Denis stated that the person making a motion might want to consider making a motion that this is the only change and that nothing else has changed, just the footprint.

Chris said he is looking for identification before the motion. Tom stated that he thinks we identify it with the design proposed by TMS

Architects. Chris added “after the footprint change design” to be specific.

Jack moved that the Board consider the new footprint proposal by TMS Architects for the Louis DeRochemont House as not being significant enough to require any rehearing or any additional action by this Board.

Chris seconded the motion.

Further discussion: Denis wanted to make sure that there wasn't something that was possibly added to the site plan that we are not addressing, that the only thing we are talking about is the footprint.

Jack said that was included in the motion.

All in favor. Motion passes.

B) Cost estimate for Shattuck Way extension:

Denis would like some time to look at it and discuss it later.

Meeting was moved on.

C) Rt. 16 Corridor Transportation Planning:

Metropolitan Planning Organization: They have proposed to reconfigure their district. Currently we're in an arrangement to share with Portsmouth, Dover and Rochester and a good portion of this property in town and the proposed property are close along the county's boundaries. They need 75% of the towns to go along with this change. Rockingham has forwarded the matter to the Planning Board for its advisory.

Mike: I don't understand the change.

Chris: The Regional Metropolitan Planning was set up in the '60's and '70's based on municipal areas. At that time, the cities of Rochester, Dover and Portsmouth and all in between were an urban area as they mapped it out and then itself as another urban area. The difficulty is that that urban area at that time cut across two plan zones – the Strafford Regional Planning and the Rockingham Regional Planning. Since the '70's, the population has changed in Rochester and Dover and now the federal government considers Portsmouth an urban area and the Rochester/Dover a separate urban area. They are large enough to be independent on their own. So this proposal is now allowed to separate the transportation signing and align the land use planning with the transportation plan. They both do land planning and yet there was another organization that did transportation planning that's done for the two of them. Some people think that there's twice as many meetings and that they involve different groups and they run out of days of the week and thence co-ordinations. There will still be co-ordination on things like the Rt. 16 corridor and other corridors and the transportation planning between other regions all along Rt. 93.

Vincent: Is it just transportation or would they consider other issues like regional sewer?

Chris: It's just transportation planning.

Tom: So for an explanation, I have come to the conclusion that I don't think it's a very good deal for the town. I'm sure it makes a lot of sense for some of the reasons debated but we've always dealt with transportation issues in the corridor and we share a lot of the same issues and a lot of problems in town. We have the freshening up in common with Salem, Plaistow and some of these other places that we are hooking up with. I'm a little leery of seeing the boundary at the bridge as in the past we have worked co-operatively with our friends in Dover and that it could be a different agency which could lead to some type of complications or recourse. But that is my opinion.

Denis: How do we even do things like co-ordinate, they have a different priority. We have a bridge here.

Chris: It becomes an intraregional type of arrangement. I will point out that this has gone out to each of the governments and requires some type of government approval and that is based on population. Newington comprises 2% of the population and I will point out that the City of Rochester, Portsmouth and most of the other towns in larger population centers have already voted and locked in and others have already gone forward and made the vote for this.

Jack: I know for a fact that Strafford and Rockingham used to meet a lot jointly. Have they said anything about whether or not they would continue that rather than meeting with the MPO.

Chris: Primarily, when they have met jointly, it's because the MPO has been combined to Portsmouth. At least that's the meetings that I've been to. From the stand point of when there has been land planning, things like the Great Bay waterways actuary, they have met jointly and have worked jointly. They have estimated that this frees up about ten to eleven percent of their time. I can't explain how they calculate it - simply by the reduction in the number of meetings and existing staff in the office in Strafford as well as Rockingham being available to do other duties within that region.

Jack: Then suppose we urge the Selectmen to vote yes and in the letter which they send urge both Rockingham and Strafford to continue to meet jointly on the Rt. 16 corridor issue just as they do on the actuary issue.

Mike: This is so new to me, I'm not sure that it is good or bad. I haven't even given it more than two minutes worth of thought other than what has happened right here in front of me.

Chris: It's been talked about for the last year.

Vincent: What did you just say a little while ago that you weren't too happy about that?

Tom: I'll give you one example. Ten years ago, even when they were supposedly working in the same clubhouse from local calls at Somersworth, Dover, Rochester got together and they tried to grab all the federal money down here. But it was that memory in my mind that

brought the possibility that once the organization separated out, you could have one part of the corridor competing for the same money as the other corridor. I just think it is better to keep these guys in the same arena rather than have them off in separate organizations.

Vincent: In other words, you as a planner feel that this isn't the right way to go for us?

Tom: Well, I think it is a good idea for all the reasons Chris said for a lot of people, but the Town of Newington happens to be closely aligned with Dover and some other towns further up the corridor. So, from Newington's point of view, I don't think that it makes a lot of sense.

Chris: From a nonprofit stand point or a social economic standpoint, I don't think this is a great idea. There is already a line at the bridge that separates and causes people from Dover, Rochester and Barrington not to cross over the bridge and the same thing for Portsmouth, Newington, Hampton, Kittery not to cross over the bridge. There is already that socioeconomic impact along with this spend around transportation. I don't see this as a great idea from the stand point of getting people services back and forth. I think the two entities really need to be one entity to take care of a lot of these problems that have been prevalent on the seacoast for God knows how long. You have an economic center in Portsmouth. You kind of have that in Dover, but the further out you go, the less you have and by cutting that line at the bridge, I tend to agree with you in saying that at this point, I don't think it is a great idea.

Jack: As an observation of the discontent, if we did go and express Tom's complaint, then at least us casting a vote in that direction may make them work together a little stronger than saying we'll go along.

Vincent: This kind of bothers me a little bit. We have a Town Planner. The man just gave you a suggestion as to what should be done. Nobody wants to listen. As far as I'm concerned, I'm opposed to it. I'll buy what he tells me. That is his job and the rest of you people should realize that. I mean, he isn't sitting there like a bump on a log.

Denis: I think they're going along with you Vincent.

Chris: The Commission indicated that what they originally asked was for inquiries from anyone that would like a briefing of a ten to fifteen minute explanation by the Seacoast and Rockingham Planning Commission so a representative can fully explain their position.

Cos: Maybe that's the way to go. Maybe we should invite them to come see us.

Denis: I think that's appropriate.

Chris: They have talked about it for quite some time at all the different meetings, but they know they want to go out and they want to talk to all the towns. Their letter specifically states that. They want to know who is ready to make a vote and wants to make a vote,

in which case they can send in an order that this is what we are looking for or if they want further explanations, we are willing to come by. Just let us know and we'll come by and talk to the Selectmen, to the Planning Board or whoever is going to make the determination. They are more than willing to do that. There are many pluses and minuses – many more than I can recall.

Denis: We have a Planning board meeting on the 23rd to work on issues. That would be something for that work session. Would that be a good time to do that?

Chris: And that is within their time frame. They want to move forward sometime before the summer.

Denis: Tom, what else is on the agenda for that night, do you know?

Tom: There are a few different things.

Denis: It's not that big if I remember right. So we'll move it to the work session on the 23rd.

Tom: I'll call the MPO people tomorrow and advise them.

D) The Texas Roadhouse:

The people clearing the site didn't realize where Ebenezer Smith was buried. They're suppose to stay 25 feet away. They're suppose to take down 86 trees. That is pretty much what they took down. The trees are pretty much where they should be, but Ebenezer had a close call. The Code Enforcement Officer went out to the site and told them to put all the dirt back.

Denis: Does the cemetery fall under the historic district?

Tom: It is a state law that requires them to maintain the 25 foot buffer but the people on the site apparently weren't aware of the law or they didn't realize Ebenezer was there.

Denis: What board has jurisdiction to make sure those are enforced?

Tom: There is no board with statutory authority in town.

Historically, the Historical Society has handled these issues, but seeing how this was originally an approved site plan, I'm bringing this up in case somebody was driving by ...

Denis: Are they now going back to the

Tom: Oh yah. They understand what they did wrong. They were kind of nervous when they found out what they had done.

D) Longhorn Restaurant:

Tom passed out aerial photographs of the Longhorn Restaurant. It gives an idea of the resolution which is outstanding.

2) Preliminary Discussions:

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

Dennis Moulton of Ames MSC presented updated plans. This shows changes made since the last meeting. Changes to the site would be facilities for parking and also access to service bays, retail space

parking, a connector to the Wal-Mart site, a culvert area for the storm water, fire hydrants, etc. Discussed where the loop would go. Discussed plans for foundation and landscaping that will be heard on Thursday night. Vincent needed two things: pesticides and the signature on the landscaping and the maintenance of the landscaping. Mr. Moulton discussed the proposed tire coral. It is an enclosed covered structure. Discussed water going down through catch basin. Denis stated he thinks it is a pretty good plan but needs something to carry the water down through the swale, Moulton needs to talk to DOT and also co-ordinate with them to make sure that their catch basin can handle it. So we need to have that information. Moulton stated he had discussion with Fire Chief pertaining to meeting with the Board on March 12th. Denis asked if there were any other questions from the Board members or the public. Moulton stated that he has not received consent from the City of Portsmouth Water Department that it is all right with this configuration. A memo dated March 13th was received from the Fire Chief regarding the site plan that the following were resolved: the 8" water main, two new hydrants, there are no dead end hydrants, the fire system does not present a problem. The Fire Chief accepted the new site plans at this time.

Denis: Any questions from the Board? Chris asked to have the curbing issue outlined. Lighting plan was presented. Moulton has the information for the lighting levels but it is not included on the plan. They have included wall packs. Moulton will get in touch with Frank. Also needs plan showing curbing. Moulton has contacted Longhorn regarding sidewalk. Initially, they had no objection to it and the lawyer got involved and the question from the lawyer was who will be responsible for maintaining the walkway. The response was that we would retain our part and they will retain theirs. Mike requested that the Board gets a clarification as to the granite curbing. When the Board gets it, it will be furnished to the applicant.

Denis asked for a motion.

Mike moved that a public hearing be set for May 14th.

Denis seconded it.

No discussion.

All in favor. Motion passed.

B) Proposal by Michael Haberski to construct a Comfort Suite Hotel behind the Exxon station:

Bernie Peelich present on behalf of Mr. Haberski. Mr. Peelich turned it over to David Eckman of Eckman Engineering, LLC. Mr. Peelich understands this has been before the Board for preliminary discussion on many occasions and hopefully it can be moved along. Denis stated that this particular proposal has been before the Board one time. The prior proposals were turned down by the Board because it

didn't have a complete set of drawings or details as to what... Mr. Eckman: Hopefully, we do now.

Mr. Eckman handed out updated plans. They have worked something out with the Department of Transportation regarding a strip which is shown on the site plan. The compromise is they retain the strip for ten years and if the state does not take action within ten years, it is null and void. Second thing is gravel. DOT is looking at everything. So far they haven't got anything in writing from them, but they verbally said they are okay with the drainage and curb cut but they are still looking at it. The other thing is he met with Thermo. They can't execute the easement until the land is purchased but they do have a drainage easement and a utility easement and they have permission to use the hydrants for fire protection. Denis asked if the hydrants were co-coordinated with the Fire Chief. Mr. Eckman stated that they have a Fire Protection Engineer. Board needs to see what the Fire Chief has approved. The plans haven't been updated to show the loop system. The Fire Protection Engineer will be doing this. Mr. Eckman asked what the process of the town is and when it takes place. Chris stated that the plan needs to meet the minimum criteria of town ordinance. The issue of the height of the hotel was brought up – that it doesn't meet the ordinance. The plan doesn't show the full height of the building. The Board still doesn't know if it is three stories or four stories or what the exact height is. Mr. Eckman stated it is about 65 feet. Denis asked Tom about the ordinance. Tom stated there isn't a finite definition. It is subject to Planning Board approval but primarily when that was put in, they were trying to encourage innovative transportation projects here. Tom stated that the idea was the Planning Board and the applicant would come to some kind of an agreement that each party would give up something and what you are giving up is your 35 foot limit and the applicant would be offering something in return. It doesn't actually say that. Tom remembers that was the rationale of the Planning Board when it gave the proposal at the town meeting. Denis' greatest concern is the fact the Fire Chief said in his letter that his ladders can't reach the top floor of the building at what looks like the height will be. That's a big concern that I have. On top of that is what impact this will be specifically in taller buildings in this particular area when all the surrounding buildings in this particular area are relatively low. So we need to deal with that folks. We need to have a discussion on what we are going with and then the issue is coming down with the fire loop and the Fire Chief saying he needs to get around the building for access. We are not talking about an industrial building here. We are talking about a building where people could be at windows trying to get out in a hotel. Other issues: How are the storm systems going to work in this particular permeable pavement? Eckman stated that this porous pavement is relatively new. What the porous pavement provides for

treatment is 85% removal of sediment. Let's talk a little bit about the concept of the drainage system. Right now a portion of the pipe goes into a flow drain and goes underneath the Exxon station and goes under the Spaulding Turnpike. What we have done is reduce the flow to that system. We did that just by grading. There is a short retaining wall with small pipes for drainage. There is crushed stone behind it and then pipes running through it so there won't be any water buildup. Chris is concerned about the flow to the Neslab detention area. I know of no other property where we have allowed a detention area on another site with or without the permission of Neslab. I would think to allow something like this to make sure that it is not close to failure because if you ride by, you can see ponding all over Neslab's back area. We would like to see a drainage that is not just for this particular site but for Neslab who has also been dumping water from their roof drains, from their pavements all into that same area. That is a vegetative pond in an area that is pretty sensitive. If you raise the height a few inches long term those trees are going to die and you're going to have just a basin there. Chris suggested having their own detention pond. Chris is concerned with the treatment of water and the fact that there is no fall back for failure and the failure is going to be a problem with the town when landowners have water going everywhere. Mr. Eckman stated that it goes into the DOT system. Denis asked what the state RSA says about maintaining still water on site. Mr. Eckman stated it is not required. We have done it in some towns. They do require an easement if there is a substantial change. Denis asked Tom what the law is on easements. Does it allow applicants to decide that they are going to do easements or is that going to be proposed by the Planning Board? Tom: Easements are an agreement of the property owner. Eckman stated that there is maintenance for the porous pavement. Denis is concerned with future maintenance, specifically if the property is sold. Denis asked where the sediment goes. Eckman stated it builds up in the filter and will eventually need to be cleaned. Denis asked where the wetlands exist and what they are doing to mitigate the existing wetlands from stuff like this. Eckman: Basically, at this time no ... Denis: Tom, has the town been notified of the wetlands permit. Tom: Yes, the town has been and it has been voted that the Conservation Commission will make the comment. Dennis: Make sure that they are at least aware of what the Planning Board is looking at. I want to make sure that they are aware of everything that is going on. Jack: I have been present at some of the DOT discussions as far as pavement. So, one of the things that I would suggest that you put in the planning and into your submittal something that amounts to a maintenance scenario for the removal of sediment within the porous pavement and something that amounts to a covenant to be able to repair and replace in kind for that porous

pavement area in case of any difficulties or failures. Denis asked where the water is going from the roof top. Eckman stated it is going right into the closed system. Cos: I would like to see on your plan as to what the maintenance is going to be for the porous system and that the owner is responsible. Now in case of a sale, when the hotel is sold to someone else so that that plan carries across and they have to abide by that plan. Denis: I'm not sure how the town enforces that. Mike: That is why I made the comment about making it a covenant within the deed. Vincent: We are doing the same thing with the Conservation on the landscaping and as long as it is on the plan and that plan is registered, that is what you go by and if it's sold, that plan comes in to effect and that is what you go by. Denis asked about a manhole inside of a building. Eckman said it is a parking area. It's in the open air. Chris: The one thing I would like to get from the Sewer Commission on this is that I would like you to confirm that it drops down about five feet there and I would like you to confirm that the outflow height can match up with the existing sewer pipe. Denis: Going back to my original question on the runoff on the roof. The runoff on the roof is pitching both ways – is that correct? Eckman: The goal is to have it pitched. Denis: I'm looking at the plans you submitted last week. Are they accurate or not? Mr. Eckman: They are accurate, from the standpoint... Denis: Okay, we need to have accurate drawings because the reason why we turned down your application last year was because we did not have accurate plans. We still don't have plans depicting what you want to do. What do you want to do? Mr. Haberski: That is what we want to do. Those are the plans. Denis: These are the plans. Mr. Haberski: Those are the plans. Denis: Mr. Haberski, have you submitted any elevation plans other than the plans prior to last months meeting? Mr. Haberski: We submitted other elevation plans. Denis: When? Mr. Haberski: Absolutely. Denis: When? Mr. Haberski: When we first came in with the Wingate plan. Denis: Yes sir, but you are not showing any elevation. Mr. Haberski: We had elevation. Denis: What type of elevation? Elevation height. Showing height. Mr. Haberski: The plans you have in front of you or are you talking about the previous plans? Denis: You just made a comment that you had elevations with the previous submittal. Mr. Haberski: We did. We absolutely did. Denis: Does anyone on the Board remember having elevation widths with the heights on them? Jack: Only a conceptional sketch, no dimensions. Denis: We would like to have a complete set of elevation plans so we can determine whether or not you have a valid application or not. Mr. Haberski: A complete set of elevation. Is that what you are asking for? Denis: At a minimum. Jack: What we have here is the site and drainage but not of the building. Now as a land use board, we do not need the complete details of construction but we do need to know the size and shape and dimensions. Denis:

This is the kind of things we are looking for. I know you were here with us with the steakhouse that is just going right now. You were in here last year when we said to you this is the type of plan because you asked me what kind of plan you are looking for. We told you at that particular time that this was probably a near perfect plan. But we are not seeing that here. So, we are just trying to get you that same example but you have some specific issues you need resolved, one is the Fire Chief that the Fire Chief has already brought up and you have to be working with him on those things. The drainage is an issue. What you are actually doing is an issue. I think from other comments I have heard in the past is about where the parking is actually going and the 50 foot right of way and the right of way that goes through it. Make sure that it actually does work while you develop it now rather than reestablish it. All of what we do on the Planning Board is look into the future and make sure these kinds of things specifically fit. Concerning the pavement and your trash collection, I know you have one small section there for trash collection but the pavement theory; I'm not convinced yet that the contractors will be very good at doing it because of the failure. What the state is trying to do, if they do it wrong, they rip it up and put it back. We now have to get into whoever the owner is at the time and enforce it especially for the abutter and that we need to get in and change that pavement now. So, we need some kind of an agreement where the town can shut you down or do something to have some kind of hammer that says you know what. The pavement system isn't working correctly. We need to basically hold you somehow accountable and get your attention and do not stretch it out over several years. Meanwhile, the neighbors get flooded out. I have never heard of a wetlands easement on storm water easement. Mr. Peelich: It is very common. Every major shopping mall has one where they all flow into a common detention area.

Vincent: That snow detention area has a tree right there it looks like to me. Is that where you are going to put the snow? Where is that going to drain? Denis: The DOT has plans right now to put a road through this particular site. It has a 50 foot right of way through the road and that is what David was talking about earlier. It is going to take up 50 feet. Right now there is parking within that. So what we would like to see is the parking go into that triangle. Now this has been in discussion right from day one. The issue is coming down to the height of the building, whether or not the site can support this many rooms for a hotel. The site for hotel is probably fine it's just its permitted use. It doesn't matter whether or not the site can support that many rooms for that larger hotel. Lets make sure that when the road goes in, there is adequate parking.

Denis: Do we have any comments from the audience? No?

Tom: The last meeting came up with issues. What is your game plan for resolving the Fire Chief's issues? Echman: We have retained a certified Fire Engineer to be in contact with the Chief. Tom: When can we expect a rendering from him? Eckman: Hopefully, you will have something by the next meeting. Tom: My second procedural question concerns a review of dimensions, designs and calculations. Denis has asked me to contact Edwards & Kelcey. I did and when Mike came in to see me last week, he said he has warmed up to the idea of reimbursing the town for material and services and hopefully we can resolve that tonight before we move on. Cos: Is that standard procedure before the Board even votes to accept the plan? Tom: There are technical advisors. They do have technical review boards. We don't have one here. So what we are going to do is give the town our own expertise of the Board or we go to a hearing where we will have expertise. Cos: So, are they reviewing them to see if they are complete enough for the Board to accept at this point in time or what type of review are they doing? Tom: They will more than make sure they meet town standards. Chris: What I would like to do here, just to make sure we are all on the same page here is if there are any objections from your client to reimburse the town for this service. Mr. Haberski: If this is standard procedure and this is a requirement, we just don't want to pay for pier review and get in a situation where the town still does not accept it. Denis: Well, that's why we hope that's going to happen. Eckman: So you're saying we should postpone this. Denis: I think we should because we don't have really a complete set of plans. Denis: The thing I am really concerned about here is the proposal of 64 rooms and the height and the fact that the Fire Chief has an issue with the height and actually so do I. The Board has basically skirted around that and we haven't really addressed it, but I think there are a lot of other issues. But that is one thing and any issues the Fire Chief has. Safety is paramount. Can you put a hotel here? I think you possibly can. I'm not sure it's going to be this size. Echman: So, I should tell Mr. Desrochers to stand down? Tom: What is he reviewing now? Is he reviewing these plans? Mr. Haberski: He isn't reviewing anything yet. He has them in his possession. But what I am hearing and tell me if I am hearing it wrong is that we aren't there yet. Denis: This is not the complete plan. You want him to review it or not because if you want us to go ahead and do it, that's fine. Denis: I don't know what the other Board members think about the issues of the height of the building. I don't know if we are premature at this point until we hear from the Fire Chief and he has some concerns with it. I think Tom brought up some good points earlier on what the intent of the Board was when we left it open like that. Sixty-five feet is a pretty good height. Now that is 65 feet from ground level up. And we are raising up the entire site 3 feet? Haberski: It will probably be like 68 feet, 70 feet by the

time we are done and we may be working things out with the Fire Chief on that. Denis: Tom, what's the minimal height. Tom: Three stories minimum.

Denis: Is there any other discussion, any other comments from the Board?

Chris: Order of our ordinance. Section 5 on buffers. A number of set backs for parking in the building from the Board of Adjustments. The buffer section has some purpose and runs to when those things are addressed such as drainage swales, landscaping from the Conservation Commission in the past has had great difficulty with plantings that have been required being put in certain areas and it turns out they are not suitable. So, I would like the Conservation Commission to draw up an outline of things they can do for us. Other areas of discussion: separation between different abutters, areas for guests to walk, fencing between abutters from the highway across Neslab, the highway and Nimble Hill Road, a retaining wall with a minimum of four feet high so kids won't be climbing over it. There is a beautiful walkway that goes all the way down to the bridge. I would like to see a sidewalk that runs somewhere along the parking area to Nimble Hill Road. I'm a little concerned about putting proposed future parking on there and not have separate requirements. I don't think we are going to pre-approve that at this time. That is for the proposed parking within the DOT setback that is established already. I would not like to see that on the plan we approve.

Sidewalks – The town requires vertical granite curb with sidewalk next to it. Loading areas – there is nothing that depicts delivery vans and laundry vans. Drains inside that drain to the outside swales - I don't know if when you have a parking garage, you are required to have oil and water separators from the drains before they go directly out to an outside swale from a parking area or they can go directly. The streets – at intersections on opposite sides, we require them to be offset by 125 feet. DOT would actual help to facilitate something like that. Utilities - needs pre-approval to be connected up to the water system and the sewer system load discharge is as planned and whether it includes the laundry facility or if it will be onsite. The Fire Chief's concern about access around building – maybe take out the parking spaces out front. Denis: We need to know the hours of operation on the outside lights as to plan. I would like them to be on a timer and I understand some of them will be on 24 hours. You are entitled to a free standing sign. It has to be out by the setback. Although we don't approve the sign, we would like to see that there is a place to put it that is suitable and provide visibility within the setback as opposed to coming in later and saying we have to put it out on the road 10 feet off the road. The Conservation Commission is taking care of the wetlands. The Fire Chief is taking care of the special requirements for parking. We talked about wet and dry fire

sprinklers or whatever. Would you consider putting doors on the entrances to parking?

Mike: Is there going to be a convention center inside there somewhere or for big functions. Mr. Haberski: No. There will only be meeting rooms for guests. There will be no area for large parties or conventions. Mike: Why I asked that, sir, if I may, being a real estate broker, we have functions for different education purposes and I didn't know if that was something you were going to build into this. My concern would have been the parking.

Mr. Haberski: With regarding to the parking and the variances. We did say there was parking within the 50 foot right of way and if the state took that, we would have to go into that triangle which would again require coming back to the Zoning Board of Adjustments.

Denis: Tom, I'm thinking that earlier you said something about the ordinance on the height on this in particular areas. I remember something very different - their saying the minimum of 3 stories in the matter of a convention center the Board didn't want the limitation and was trying to entrap the convention centers in the industrial areas and speaking about something like the Tyco property. This is not a convention center. Every case could be a little bit different. I think that this case renders a more doable location than Tyco as they do have proper setbacks and so forth. There are similar variances and some things going on, I'm not sure that the intent we were talking about then, I was there and maybe Chris might have been there. I don't know who else was there. Cos, you might have been. Cos: Yup. Denis: I'm not sure. But we did talk about that for convention centers and about whether or not they would work and didn't want to be able to where there was adequate space to do so. I think all what you said is that a minimum 3 elevations and that's not what I remember at all. Jack: I do remember the discussions that for hotels in the office zone. It would be a minimum of 3 stories At even 3 or 4, there are varying heights that one may have, the biggest issue of course being what can be serviced by the fire department.

Denis: I'm not sure if this is all of the comments, but based on what we have in front of us right now, we've got some homework to do. Any other discussion.

C) Proposal by Wal-Mart for outdoor sale:

Ryan Austin Pease from Wal-Mart. Ryan passed out photos showing the outside of Wal-Mart. Wal-Mart would like to decorate outside. In the fall have pumpkins and mums to make it festive and inviting. Another thing they would like to do in the summer time is to have swing sets set up on the side of the building not being used. There would not be anything near the fire door. What they would like to do is put display swing sets on the sidewalk so folks would have an idea of what they are buying. Children won't be able to get on them. At

the entrance into the lawn and garden they would like to put a few things on tiered tables according to the season. This would not be sidewalk sales. This would just give the customers an idea of what the season is.

Chris: What we have done – remember Ryan has come in and seen us in the past and we have allowed seasonal sales and limited the time period designed for maybe up to 10 weeks with a break between the next seasons. We have allowed some of those things in certain conditions even though the sidewalk is typically not used between entrances, we ask that you leave a little space so people will not walk in the road when they go to take a look at those swings. Wal-Mart has asked for this in the past on a seasonal basis. They have kept it neat, they have not over extended their welcome and I would move that we consider allowing it on a seasonal sale area.

Ryan: Maybe start May 1st for a 10 week period and then take everything down and maybe in the fall September and October. Everything would be cleared before any snowfall.

Denis: I thought it was the Fire Chief who was concerned about the front being cleared and kids basically running out and people running out and shouldn't be going down the fire lane. If we do this, I think we should limit it on a trial basis and make sure there is not something unforeseen on our part and at a minimum whether we should even do that. That's what we should discuss.

Chris: Starting May 1st and run for 8 weeks, that would take us to the end of June and then it would be cleared up before the 4th of July. And then you could come back in the fall some time when the mums are ready to plant.

Ryan: If you would like, I could get with Chief Greenleaf and talk with him.

Denis: How far out do you want to come?

Ryan: It's just a regular A-frame swing set. It may be about ...

Denis: So that we know what the parameters are, why don't you give us something that shows us that?

Ryan: Okay.

Denis: How far out from the building are you coming, what is the maximum? Talk to the Fire Chief and see if he is okay.

Jack: If we ask you to come back on the 23rd of April with the things discussed for something you want to start May 1st, would that give you enough time?

Ryan: Sure. Absolutely.

Denis: Want to put it to a proposal?

Jack: I think we ought to make it a proposal. I suggest that she get a dimension sketch of the typical items to be displayed so that you know exactly how far out they will come and that she approach the Fire Chief and as long as the Fire Chief concurs with that, then we say okay and initial the sketch or something like that and just come

back to the Board on the 23rd and at that time we can probably move to go ahead and do it for an eight week trial.

Ryan: I absolutely agree. If we abuse the right, take it away from us.

Denis: Would the Board members be willing to go ahead and that in the future we would have the right to refusal should something occur or something not work out even during the trial period and Ryan, getting something like that in writing.

Ryan will be back on the 23rd.

D) Proposal by Wilcox Industries to expand their facility at 25 Piscataqua Drive:

Greg was present representing Wilcox Industries. He introduces Cory Caldwell. Denis: For members of the Board and new members, explain where your facility is. Mr. Caldwell stated they are between the Tyco building and Great Bay at 25 Piscataqua Drive which is right at the T on Piscataqua Drive. It is approximately 39,000 square feet and on approximately a 5 acre piece of land. We have also engaged NH Soils to help us with some of the pipe lines we have to do. Mark West is consulting with NH Soils to make sure that our wetlands proposal and obligations are adequate and our architect will actually be scheduling a hearing with your Board. We need approximately an additional 40,000 square foot of building. And we have looked at many different parts of the site and we have decided that based on the lot and the issues of the site, we looked at the site from area. Area A is where there is an existing parking lot. It's where all of the shipping and receiving is. We have four loading docks back there. It is the only place on the property big enough for a truck turn around. So while it looks like a great place to put on an addition to the building, it would take up all of our handling and it would limit our truck turn around. Area B is the area down at the bottom which is also bordered by the entrance to the building. That parking is right on the side set back so there is really no way to move that parking and building on top of that would also limit the access back to area B. Area C is on the front of the building. This building as you may recall is multi level. The front of the building is about 15,000 square feet single story and is the office space. The back of the building is a 25,000 square foot footprint. When Matrix built it, it was a 31 foot - 32 foot high bay warehouse and split right in the middle. We are finishing phase 2 of the mezzanine now. We are actually putting in the area of 10,000 square feet. We need that space for assembly and this additional 38,000 square feet. Area D is over on the culvert side. The Board was kind enough to approve a piping out on top of that for future expansion and a pipe up plan now. With the corridor road going in, that seemed like an ill chosen place to put in an addition to the building because of the way of the set back which takes us around to Area E which impacts this wet area right

here. That appears from our perspective the viable place to put the addition building on. Now I will turn it over to Cory Caldwell. Cory Caldwell of HMFC. I have a drawing here so you can follow along with me if you would like. There are really loose ends that make up this application. This first expansion here is 108' by 110' as shown on your plan. The second is a proposed basement expansion shown back here as a previously approved parking expansion. That is shown at the dot dash line. And the third thing would be the slight expansion in the front of the pavement to realign these spaces with a retaining wall place here and the pavement extended forward approximately 15 feet. An addition in the back is going in a section of wetland past the wetland. You can see how much wetland disturbance there is. It actually quantifies 560 square feet. We have met with DES Dory Wiggins; Dory is on board with us. She believes that it is a good alternative. The permit issues done by the NH Soil Consultants is going to the Conservation Commission this Thursday night. Dory has already given her blessing if you will for the petition. The main reason for that is that Wilcox has conveyed this here, as part of the new Industrial Corridor Road. That land is going to be filled by that road and bisected. The valuable part of the wetlands then becomes discharged from the larger portion by bisecting that wetland. It creates this little, I won't call it insignificant, but less valuable wetlands if you will. That is why we felt that it was a much better alternative to fill that and try to do something with it. Really that is the best location for it. A couple things have happened because of it. The drainage would be re-routed. Right now most of it goes from the mid point forward. Cory pointed out where all the water would go and carried to the back of the site to an outlet and released into the wetlands. We are proposing to do away with that portion of the drainage and to make the situation better; we would make a detention pond so we are filling some wetlands but we creating a little here to detain the water. The water would eventually get into the pond. The roof drains all collect to a central point at the rear portion of the building. We would run a new pipe to collect all that roof drainage into the pond. The pond will fill up to approximately level 49 and then it would be slow released.

Denis: Where would that go? Would it interfere with the proposed future roof?

Cory: One of the nice things is by doing this pond, we are actually decreasing the run off by almost 2 to 3 percent.

Denis: You're sitting pretty high right now. There's ledge there, is there not?

Cory: I haven't done test pits. I don't know of any ledge, but the bottom elevation is – there is an existing contour of 48 and we're only going to the bottom of 47. We're only going down another foot. The other part of the run off will be collected in another basin with a drain

over to a drain manhole and then to another drain manhole and out into this vegetaed filter strip. We're actually getting some treatment of the run off before drainage into the wetlands. So a lot of this should flow directly off going into the wetlands. We are improving the situation of the drainage on both sides. As Greg mentioned the parking lot was approved by this Board but we thought we should show it for demonstration purposes. The other thing is the underground or the basement addition if you will. That was actually going under the parking lot. Because of the crest of water table, it is going to be a glorified foundation drain and it will probably be a pump and that would be pumped into that drain manhole.

Denis: Do you have a storm water plan that is going to DES, Dory Wiggins?

Cory: Well, the wetlands fill plan is going to Dory Wiggins. Because we are under 100,000 square feet of disturbance, we don't need a site specific, just a wetlands dredge and fill permit. We're here to get your thoughts and your input before we came in with the..

Mike: The vegetaed filter system, that doesn't have a separation for water and oil and things like that coming down.

Cory: No, there is no proposed water/oil separator there.

Denis: Mike, you bring up a good point because the Board has usually been pretty good with, I know especially with some of the property that were coming onto Pease that on the Newington side, and a lot of the proposals had a lot of parking and we did require some kind of separation unit. There were some more elaborate than others. Some were a simple concrete bin that had a wall that separates the water. I think it's a good thing to do and I think it is something we ought to be seriously considering to do. We have with previous applicants and I think we should do that now. That's just my opinion. I think it is part of the green earth.

Mike: My concern is that they're spending a lot of money to clean up the river and next thing it's going to go toward the river no matter which way you go.

Denis: I think we need to consider something along those lines of what we're going to do to trap those. It doesn't have to be expensive or elaborate, but I'm not going to tell you what to do.

Cory: We do have the luxury of having Denis Moulton here.

Denis: What are you going to do for parking and lighting in that area?

Cory: At this point, we are talking about building mounted lights. There hasn't been a lot of discussion.

Mike: This was already approved?

Cory: I was under the impression that this was approved for everything.

Denis: For the parking area but not for the electricity, lighting or whatever. We're trying to keep light from going up.

Cory: The guard shack will be inside the set back so there will be plenty of room for a track trailer to pull off the road and get through the gate and we propose a security barrier around the entire building based on what is going into that new addition. The fence will come up and curve. It will be very attractive. You can see through it.

Denis: The next thing is the height of the building.

Cory: We are currently above the four stories which puts us one story above the existing building because of the way the mezzanine works, the ground floor, when you come into the building, you are on the ground floor. That elevation is about nine feet. So we end up with about ten feet above the high peak of the existing building.

Tom: This building is the end of the office zoning.

Mike: Now I'm confused. What is the height?

Tom: In the office zoning, the height is subject to the approval of the Planning board.

Jack: There is a two story building there now and Greg mentioned that 13 feet of the building is going in the ground. So Greg mentioned this addition would stick up only 10 feet above the two story building. So it would look to appear from the road as probably a three story.

Denis: If there are no questions, you will bring the plans to the next meeting and schedule the next appropriate meeting for a Tuesday.

Mike: What does the board think about the height?

Chris: I have difficulty with it. I think it is only compatible with the Simplex building right cross the road, the power plant and the height of the towers...

Jack: From one story to two stories to what is apparently a three story is not going to be an issue.

Denis: Is there going to be any discharge of this waste material?

Cory: The pond is going to be there. That is what it is essentially for and which is within the fenced area.

Denis: Is that your property back there where the fence line is.

Cory: The property line is in the back. The wall would actually be in about a foot or two so that the cement pillars were 15" above the ground.

Denis: What about the distance between the building and the fence.

Cory: About fifty or sixty feet.

Denis: No the other side. Go to the corner of the addition.

Cory: There is about ten or twelve feet right there.

Denis: I am looking for access for the Fire Chief. We have to be consistent with everybody. The difference here being since I know the Chief would be concerned about life safety. I know I can ask about how many people will be in there. That's not a secret item or shouldn't be. So what I'm trying to tell you is that you might want to determine how many people are going to be there and whether or not we could use some fire rescue on this building and what is going on

and are there office spaces in here. Don't tell me it's classified. I don't want to hear it. I only want to talk about stuff that is not classified but when dealing with safety, we should know if there is just a level, how the Fire Chief should respond to this, how they're going to have access to this it is a top secret or secret building that is on fire.

Cory: We have provided badges with all kinds of access to all the areas for Chief, his firefighters and deputies that would all be checking the building. Currently, there is one area that they don't have immediate access to and the inside guard pulls the alarm which shuts the whole building. There is office space on the fourth floor. The machines where all the big heavy boxes and all the big heavy equipment is on the basement level and the access is you have to come in the front door and come up and access the basement area. There is a full sized truck ramp over on the right hand side of the plan that backs down into that basement. The Chief would enter the basement by that area.

Cory: There is actually 25 feet there not twelve or thirteen and the Chief could access from the parking lot on this side keeping in mind there is going to be a retaining wall and this is all going to be flat and is going to be roughly one percent off the building and the truck could pull in to that corner anyway. And the truck could come in from the other side as well.

Denis: I think we need to consider that where we are being consistent from one application to the next to make sure he has access going around. Also remind the Fire Chief of the system. Now the other thing I am concerned about is the height. Now looking at the height being a safety issue and the fire truck can't get to the top of it, what are we going to do.

Jack: This will be a three story building with regards to the grade.

Denis: So three stories with regards to raise which is how high? What is the height, elevation. Three stories could be different heights.

Chris: I think we are being premature as to whether he can make it up there or not.

Mike: Typically there's ten feet between stories, approximately.

Vincent: Does his truck reach 75.

Denis: I don't think so.

Vincent: The new truck is suppose to be 75.

Denis: Any other questions?

Tom: I would recommend that we postpone the hearing. I would remind you that the plans are not thorough.

Chris: From that stand point, I understand being inconsistent as we have to keep with the details but unlike some other proposals, I think they seem to be satisfying everything in the right direction. It's a matter of details.

Tom: If you're worried about comparing it with that hotel, there were major pieces of the puzzle missing.

Chris: I make a motion to go to public hearing at the regular meeting on May 14th.

Vincent: I second it.

Denis: Any discussion?

Mike: Is this a preliminary hearing right now?

Jack: Yes

Mike: I have a real problem with the layout here. I think this is a much better proposal and more complete and interesting to work with. Inconsistent is what we call ...

Tom: I'm coming from state statute 675:4 in which they say when the Planning Board receives a plan that is complete enough to make an informed decision and I am paraphrasing it, then you are to advise to move and notify the abutters and put it in the newspaper and have a public hearing.

Jack: Additional discussion then would be does he have an elevation for the public hearing. That is the one consistency piece from the first item of business the abutters were provided during the public hearing. We should be all set.

Chris: Should that be taken just one step further Mike saying that it should be basic approval by the Fire Chief as far as life safety concerns.

Jack: That goes without say. That's automatic.

Mike: I'm not suggestion you guys make a decision on the 14th, I just saying its time for a public hearing.

Denis: We have as much information on this tonight probably even a little bit less than we've had on earlier applications.

Mike: I make a motion to go to public hearing to allow you to make the proposal.

Vincent: Seconded.

Denis: Is there any discussion? Alright, that being the case, all in favor?

Aye. The motion passed.

3) Minutes of April 9, 2007:

Vincent: I make a motion we accept the minutes.

Jack: I second it. One question. On page two on the discussion Haberski hotel. The grade level parking beneath the hotel would require wet and dry sprinkler systems. I believe it was discussion that it would only be dry there. Is that what we were discussing?

Denis: No, the hotel is going to require wet and dry not just the parking.

Tom: That is what the Fire Chief said.

Denis: All in favor?

Aye. The motion is passed.

3) Election of Officers:

Denis: I want to give everyone the opportunity to think about it. I hope you have been. Make a motion and once a motion is made, we will listen to more motions. I want to make sure everyone has an opportunity to nominate.

Mike: I want to nominate Denis Hebert as Chairman of the new Planning Board.

Jack: I second that.

Denis: I like to hear if there is anyone else who would like to do the job.

Denis: All in favor.

Aye. Motion passed.

Denis: The Vice Chair.

Chris: I would like to nominate Jack.

Jack: I was going to nominate Chris and let you turn it down.

Denis: So we have two nominations. What would you guys like to do?

Jack: I would like to make a motion we have Chris as Vice Chair.

Chris: As you can tell I have missed two main Planning Board sessions because of travel. I will be traveling some again this year. Apparently they aren't on any evenings, but that is always subject to change.

Denis: What the rules say is that when Chair and Vice Chair have to refuse themselves the remaining Board has to elect or nominate.

Denis: Okay, is there a motion for Chris? Jack, are you okay with this?

Jack: Oh yah.

Mike: I nominate Chris as Vice Chair.

Denis: All in favor.

Aye. Motion passed

Denis: Now we have the ZBA. A one year term. John did it for a couple of years in a row and Vincent did it this past year. The intent was to try to give everyone the opportunity to sit on the ZBA advisory.

Mike: I nominate Jack.

Jack: I would rather not do it for the same reasons described (not having enough time).

Mike: I nominate Vincent.

Denis: Are there any other nominations? Since there are no other nominations, all in favor?

Aye. Motion passed.

Denis: I want to make sure everyone had an opportunity to either self nominate or nominate someone else and leave that window wide open so there are no questions about it. Does anyone have a question as to

how we did it and raise an issue right now? I guess there were some issues on some other Boards where that happened and that's not necessarily true here. I just want to say it for the record that everyone had an opportunity. Okay. Do we have a motion?

Mike: We adjourn.

Meeting was adjourned at 9:38 P.M.

Next meeting is April 23, 2007 at 6:30 P.M.

Respectfully submitted:

Judith Galietta

Recorder/Transcriber