

NEWINGTON PLANNING BOARD MEETING
Minutes

Monday, April 10, 2006

Call to Order: Acting Vice Chairman, Denis Hebert called to order the meeting at 6:34 P.M.

Present: Denis Hebert, Peggy Lamson, Jack Pare, Vincent Frank, Chris Cross, Cosmos Iocovozzi, Gail Klanchesser, John Frink, Sandy Hislop Chair, and Tom Morgan, Town Planner.

Not Present: None

Guests: Jim Carey, Vice President of Design & Construction and Aaron Spencer, Founder and Chairman Emeritus representing UNO Chicago Grill

Minutes:

Minutes of the meeting of March 27th to be tabled till the next meeting until Denis reviews them.

Correspondence:

Denis: Two letters received. The Rockingham County Conservation District sent a report prepared by Richard W. Bond, CSS, CWS to Albert S. Hislop for three test pits witnessed 3/21/06 for a proposed subdivision going on 300 Little Bay Road. Test pit results are attached to package that Test pits A, B, and C meets the requirements of the Town of Newington.

Tom: Paperwork referenced to item # 7 and Tom will explain it when they get to the line item. Next page: Fire Chief and Building Inspector have rethought their position on sprinklers and they would like to include a requirement in the Newington building code to make sprinklers mandatory.

Tom: Have an e-mail from the Regal Cinema and they would like to make a slight adjustment to storm water drainage in the vicinity of Dunston. Cannot be done without the PB approving it.

Denis: Put this on the agenda; want to see what their plan is. Finally the last one, driveways discussed at the last meeting was the number of curb cuts in the town road.

Election of Officers:

Denis would like to have Election of Officers. Sandy requested Denis sit in as Vice Chair Person. Denis also made a motion at this meeting *to nominate Sandy as Chair Person* for the coming year and Vincent seconded it. No discussions. All in favor, AYE. None opposed.

Nominated for Vice Chair, Denis, Jack seconded it, any comments on that, None. All in favor, AYE.

Denis: At some point when Sandy is out and Denis cannot attend the meeting, he would like to have someone who could fill in as Chair that night. Peggy moved to ask to add a pro tem Chair Person, and have someone such as Vincent. *Nominated Vincent as Pro tem Chair Person* and he accepted, and Sandy seconded it. Any discussion, none. All in favor, AYE, no one opposed, none, motion carries.

Old Business:

Denis: *Access to Smokey Bones and Pizzeria UNO.*

Jim Carey, VP of Design & Construction for UNO Chicago, and was before the board six weeks ago. They have addressed some of the issues, UNO's entrance sign, do not enter signs, Smokey Bones entrance sign, exit only sign, and a second do not enter sign. Did a little bit of research and couldn't come up with any accidents at the intersection. He asked the Board if they noticed any change in the traffic pattern since those signs went up, it seems to be working better, if there is additional discussion, thoughts, or recommendations for them to consider or demands, frankly. Jim brought Aaron Spencer with him, who is the Chairman of the Board for UNO and is responsible for developing into the national chain it's become and is prepared to make any comments if necessary. He threw it out to the Board for discussion. Discussion regarding the intersection/signs ensued that

were confusing and some of the board had observed the area. Denis: He was expecting tonight was a plan. Jim: They do not have a plan and their thoughts initially that it made be better to make it easier to take a left onto that entry rather than block it.

If there are no accidents that they can verify, perhaps to leave the situation as is, observe it for three to six months, whatever the Board thought was appropriate and if the PB thought it was appropriate for them to come back up and hear about concerns or perhaps hear that it is working as designed and can do that at a later date. That was their plan.

Denis: He's so flabbergasted. He thought the PB was very clear about UNO coming in and show some plans, we delayed the vote and said they needed some time to think about it. He requested they please come with a plan. The last meeting we had delayed again from the previous meeting because you said you didn't have the opportunity to address it. The letter that was written to the Town was not very complimentary. We did have great consternation with this particular curb cut when this development was proposed to the Town and we made it a condition upon of which, if we just decided to close it, we can. Jim, I understand that and feels that the PB has been fair to them and before them on other issues. He thought it was probably reasonable to assess the situation as they changed the signs and in his humble opinion, he thought it was very effective. John felt that if confusing sign was moved, that the PB should be pleased that the owner has done what he was asked and allow to operate as designed. Discussion continued. Jim: If it's a dangerous intersection, we want to address it. We just didn't find any evidence of any significant traffic and was a single fender bender that they could verify and another car drove over the curb in the snow. Jim's understanding was that it was open for discussion, there was some review and again they thought the best way to do it was to sign it, let it operate it the way it was supposed to. If in fact the Board is dissatisfied with that now or in the future, then we need a discussion on how to address it. We think that it works properly.

Denis: W asked to please come forward with plans and what you wanted to do to make it better. There are no plans here. What is it you would like this Board prior to them taking any action, do you have anything to say. Jim: Suggest that the board observe the intersection if in fact it's working as designed then it would be appropriate not to take any action. If in fact you think that it's not and it's still a dangerous intersection then the onus should be on Richmond as the Board stated and look for some input for other changes. Aaron Spencer, Founder and Chairman Emeritus stepped forward to speak and he is an expert on traffic patterns of restaurants and simple formulas. Went on to discuss how this formula is used and other suggestions on how to make changes. Aaron will go back and make a plan with his recommendations.

Ken Linseman introduced himself, as one of the owners, who attended every meeting. Will design a plan and make it safe.

Denis: what we need to do is close the discussion and further discuss it with the Board and need a motion to do anything. Denis: gave his concerns regarding the access. The delay is way too long and tired of being ignored. Would like to go ahead and have some discussion with the Board on what we are going to do and have entertain a motion shortly and will discuss the motion. Peggy: Wants Mr. Spencer to know that this is a volunteer Board is dedicated and care very much about the community and our colleagues and Denis feel they have been danced around a little to long. Tom: Never understood the purpose of the second entrance. Denis: purpose of a second entrance and said it publicly here was clearly to show an entrance that people coming from Woodbury Avenue could turn right on to. For all practical purposes that's what that's serving as. Denis said it publicly and they said no that's not the problem and promised if there was an issue they would close it up and it has turned out to be an issue. Discussion ensued regarding the curbing.

Denis would like to close the meeting to the public at this time and have some discussion and is there a motion or anything we would like to discuss. Sandy: Made a motion to bring in a proper plan that shows an improvement to the signage at the East entrance so that it's known to the general public how to get on and off of this property and that we allow them to leave the right turn only existing

with the new signage that they have and see how it operates. If after six months that seems to be inoperable then we'll close it. Peggy seconded it. Denis: Want to make sure that we do capture the right for the Town and make sure it's part of the motion and we don't give up our rights to basically close this curb-cut down simply because we are changing things around and we asked them to make changes. If we take a motion and have basically given up the right, of the original plan and original motion to accept the original sub-division and how the curb cut was going to be. Wants to reiterate that part because what could happen here is, it could be perceived as, well we have relaxed that by saying you could do other things if this would up ever wound up going to court. By carrying that forward and say that we still want to make sure that this is still going on that we are not giving up our rights. John: Motion does it, that if after six months we find it's inoperable, to close it. Can't see it anymore direct than that. Denis: When do you want them to come back? Discussion on length of time given them. Vincent: Question: How long did it take you to draw those plans up? Aaron: Three weeks. Peggy: The Board to make a decision. Denis: Would the board be willing to say; come in with a set of plans for next month based on what we discussed tonight and basically drop the motion and the second we have right now. Denis: would the board be willing to do that and let the record show that we are rescinding the motion (Sandy/Peggy). Denis: The discussion we had here and what we are saying is that we would like to see them back on May 8th meeting with an appropriate plan for review. Denis: Asking them to do is come up some kind of plan for a lit sign on the back that somehow or other you can tell us on how you are going to do it and what you are proposing and secondly what you are doing with the existing curb-cut and the signage there, etc. If there are still some infractions there they need to be corrected and let us know what you are doing to correct them. Do you understand? We want to make sure we aren't mis-communicating again. Denis: Would like to entertain a motion to that and Sandy made a motion and Peggy seconded it. Denis: Any other discussion? All in favor of the motion just made, say Aye, Aye, anyone opposed, None. Motion carried. See you on May 8th.

While having a brief pause, Jack gave a brief update on aerial photos.

Preliminary Discussion: Proposal for a Wingate Inn behind the Exxon.

Denis: What we need to look at and clear to me is that there is no other alternative but to put a road thru there. If we don't get that through there, what's going to happen, for all practical purposes, we won't have a southbound lane on the Spaulding turnpike and it's going to shut off future businesses for the Exxon station. The Attorney that was here, basically said if that was the case, they did not support this Wingate going in there, if in fact the road is going to be shut down. Denis: I look to defend the liability of this Town and how it's going to affect them. Denis: We are still very much in preliminary discussion. Sandy: We should make road up to standard and push for it and to get a little bit of land from NESLAB so that we can align the road correctly. Discussion continued. Stopped to work with Lulu Pickering who had to leave.

Voluntary Lot Merger: 339 Little Bay Road

Lulu Pickering: There are two pieces of property she is requesting to merge as one. Denis: Reason for doing it. Wants to put the two lots together. Tom: Action can be taken tonight. Jack: Make a motion to accept the voluntary merger of two lots, Map 23, Lot 23 and Map 23, Lot 6. Cos: Made a motion to accept the merger of two lots identified as, Map 23, Lot 23 and Map 23, Lot 6. Gail seconded it. Denis: Any discussion, None. All in favor, AYE. Motion carries. The Board signed paperwork regarding the merger.

Preliminary Discussion: Continued with Wingate discussion.

Denis: The Board has a lot of jurisdiction here and looking for the well being for the town. The applicant has some challenges against him with the undersized lot and now the road is an issue. Discussion continued. Tom: Feels that if they are having the discussion, they should have the applicant present. Denis: He was invited, but he's not here. Denis: Let's move on.

Land Use Regulations:

Tom: Everyone okay with the Public Notice. Just change year to 2006. Everyone okay with this. Everyone, Yes. **Tom:** Received e-mail from the Cinema. The original plan calls for the dispatch of storm water underneath the dumpster into the sewer system. The Sewer Department said no way. Now they have to reconfigure the storm water drainage and because they are changing the approved site plan, they need the PB to concur. They only submitted an e-mail. **Denis:** This does put us in a dilemma because you can get rain into the dumpster and leaches out and going to an untreated system, it's going to be an issue. Needs some kind of system. **Tom:** We can e-mail them back and invite them to the next PB meeting to give the Board more information. **Denis:** Sounds like a good idea. Is it okay with everyone? Yes

Denis: Would like to bring up one thing. We did not elect one fellow officer, the ZBA representative for the PB. John has been doing a really good job out there. The thing is, Denis did spend 2 years on the ZBA and learned a tremendous amount of things. Should seriously consider rotating the position. John has been doing this for a long time. If anyone wants to do it, now is the time. Vincent is volunteering to do it. What was done in the past, once you start something on the ZBA, you finished it. John already started with the Wingate property and asked him to finish it. Is it okay with you John? **John:** Yes, didn't mind doing it. **Denis:** Vincent needs to get up to speed. **Denis:** It's a good experience and keep in mind the connectivity between the two Boards.

Denis: Asked for a motion for Vincent to do it. **Peggy:** Moved for Vincent Frank to be the NPB representative to the ZBA Board of Adjustments and John Frink as the Alternate. **Denis:** Jack seconded it. Any discussion. None. All in favor, AYE.

Denis: Would like to say to John "Thank You" for all the hard work you've done.

Pending Business:

Tom: Correspondence discussing Sprinklers. **Denis:** We should make them mandatory. They should be put on a plan. We have every right to do so. Discussion ensued. **Denis:** We need to speak to the Fire Chief and Building Inspector. Is the Board willing to do that? **Board:** Yes. **Tom:** Will extend an invitation to the Board of Fire Engineers. **Denis:** Would like to have a motion to have them come visit the PB because of a life safety issue. Vincent made a motion. **Peggy** seconded it. **Denis:** Any discussion? They're being no discussion, all in favor, AYE. Anyone opposed? Motion carries.

Meeting Adjourned: Peggy Lamson made a motion to adjourn the meeting at 9:50 PM. Jack seconded it. **Denis:** All in Favor, Aye.

Respectfully submitted:

Pearl Travis-Sirois, Recorder/Transcriber

File: NPB Mtg. Mins. - Monday, 4-10-06