

# NEWINGTON PLANNING BOARD MEETING

## Minutes

Monday, May 8, 2006

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**Call to Order:** Sandy Hislop, Chair Person called to order the meeting at 6:32 P. M.

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

**Not Present:** Cosmos Iocovozzi

**Guests:** Dorothy Watson, Aaron Spencer, UNO's, Jim Carey, UNO's, Michael Haberski, Christopher King-Carter & Burgess (theater expansion, Greg Kirsch, Tyco, Wayne Styles and Rick Stern

**Minutes:** Minutes of May 1, no one had a chance to read them, postponed to the next meeting.

**Correspondence:** A memo from Barbara LeHoullier listing upcoming May and June seminars, sponsored by the University of New Hampshire Professional Development and Training in: soil Science, Engineering Management and State and Local Planning. This list is attached to the packet Tom handed out. A memo dated October 14, 2005 from the Newington Highway Safety Committee regarding the Intersection at Smokey Bones and Piscataqua Drive is attached.

Sandy: At this point, we will move into Old business and turn over to Denis to do the access to Smokey bones and Pizzeria UNO's.

### **Old Business:**

#### *A) Access to Smokey bones and Pizzeria UNO.*

Aaron Spencer: Came back to give you a drawing on what we proposed to do to encourage the use of the rear entrance by customers. It would require very visible substantial signage that the customer would recognize as being a strong statement into wetland as to where they should go. It presently calls for signage of 2x2 square feet or 4 square feet. In his opinion, it would not accomplish the task assigned to them. Aaron showed the proposed plan. Pointing out: Shows the lot as it is, here is the front exit subject of all the discussion and this is the rear entrance that ideally and consistent with my remarks of last time, I would recommend that the sign go and it would be beyond the driveway that people would be seeing as they approach the driveway before the sign and the sign should be attractive/complimentary to what takes place, the sign should be very explicit and leave very little to the imagination. In dealing with the people in my design and construction department, all being business people, you can readily understand the willingness of the desire to make the sign with self-serving restaurant identification, which I am pleased to report that I fought vigorously against and encouraged the design and creation of a genetic sign, which in my opinion would do the job. Aaron produced/described the sign, colors are complimentary and they are consistent with the colors being used by the buildings on the lot and the shape of the sign clearly tells a message. All you have to do is tell the public "restaurant parking" being nothing further said. This is our proposal. The dimensions of the sign are a total of 110", by 64" total height of 12 feet. That's a substantial sign. Tom: Would need a variance for it. Aaron: Continued to point out information from the plan. Aaron's vision of the sign is non-commercial with a lot of lighting and would mount a strip light over it or a gooseneck to see if this does the trick. Aaron continued explaining the plans pointing to different locations on the plan.

Denis: Any comments? Sandy: Driven by several times intentionally to see how the signage looks, and if anybody drives in that exit now they are really disobeying the signage, it's pretty good, and

agrees the signs at the other end are ridiculously small and doesn't really present the right entrance information to you. So I would say this sign would be effective if passed through the Board of Adjustment. Discussion ensued regarding the size. Aaron: What size would do the job. Tom: Size of signs primarily would be the decision of the Board of Adjustments. I suggest we discuss the subject and not spend a lot of time on the size of the sign. Aaron: If you like, I could go to the Board of Appeals. John: Asked if they had the minutes of April 10<sup>th</sup>. Denis: Read some of the minutes of April 10<sup>th</sup>. There was a motion and it was rescinded by Peggy and Sandy and to look at it for 6 months to see what happens. Tom: I think it's a step in the right direction and I think it serves the public to have a sign that it's big enough to be seen and at this point I would encourage you to go to the Board of Adjustments and ask for the biggest sign you can have. I would let the Board just do their thing with the sign size; they have a lot of experience with that. Tom: In concept, I would like something larger. Denis: Other issue is the physical location of it and continued to discuss this. Denis: There were two things we wanted to discuss and not to miss-communicate and you were coming back with a plan for a sign and/or curb-cut issues; and you come back with a sign. I reiterated and wanted to make sure we didn't miss-communicate again, plus I think we did again miss-communicate. Aaron: I can meet your request. He wasn't finished pleading his case to make a conventional entrance/exit. Let me give you the prefix to my remarks. Aaron went on with the discussion. The Public wants to do things that are simple and convenient. He personally believes that if that were a conventional entrance/exit there would be no difficulty with it whatsoever and he has the courage of his convictions. He wants to make an offer to the Board in good faith that they can't refuse. I would like to see us open the conventional access for a short period of time, in addition to the signage that we formally proposed earlier. What I want to say is you watch it, and if it doesn't work, you close it or here is a revised treatment of it which makes it impossible to get in. If it doesn't work, we will fix it so it's impossible to get in. Presently it's designed the way it is on the basis of conjecture. Conjecture that the entrance ought not to be where it causes problems. It's reason to conjecture based on experience and I appreciate that. I have the feeling that it would work. Most of the time when we study a precap, you will notice that at the far end of the street, there is a sign that says "*All trucks and trailers must turn right*". They aren't supposed to be going down that street closing off the entrance. So if my conjecture is correct, that it could serve as an appropriate entrance and exit for the restaurants and contribute to the success of the restaurants. It would be a shame to deny us the opportunity, but you should not be denied the opportunity to do it correctly. So what I'm saying is let us do it right, if it doesn't work, here's a plan that absolutely meets all of your criteria. That's what's called an offer you couldn't refuse. Discussion ensued among the Board. Aaron: To redo the parking lot/redo on plan costs a lot of money, so we are backing up our conviction with a considerable amount of money because we are committed to doing what we can to make a beautiful/attractive development and we think we've done it. Denis: addressing Mr. Spencer, stating his personal opinion that he doesn't see anything different and wants to hear what the rest of the Board has to say. Continued discussion. Aaron would like to do a sign in rear and would like to see both entrances open to the Public. If his proposal of opening it up for some short period of time doesn't work then it will make it impossible by doing it then. Tom: Not impossible, just challenging. Denis: We need to move on. John: Situation needs to be addressed and fixed. He liked Sandy's original motion. The sign may do the job for them, not sure. Sandy: Want to see the proposal for the new sign and then see if the signage they put up seems pretty good to me and driving by it several times, if anyone goes in that entrance are definitely breaking the law. Nothing indicates that they should go in there. Denis: Are they breaking the law? Not sure it can be enforced. Tom: Giving tickets, they have limited powers. Sandy: Pretty well done, now very visible. Jack: Leaning towards leaving the current configuration for a trial period to see if it exists. We hope the signs will prevent the problem we are dealing with, try it, and if we can get thru trial period, and if it doesn't, close it. Chris: The sign doesn't address the safety issue, expressed concerns. Developer did a study, said it would work and it did not. It's been a two-year period, it's not working, time to close the entrance and go with a single entrance at the other end. Vincent agreed. Denis: Any other discussion? Tom: Some Board members proposed a trial to see how it works. How can we assess whether we see if it fails? Continued the

discussion. Aaron has great fears, closing the front, having the Public circling the lot, etc. Denis: Any changes would be by the developer. Denis: Any other discussion? Being no discussion is there any motion at this time to either extend this to deliberate over it some more or do you want to get all the facts placed before you to study. We can move to another meeting time. Tom: Suggests that before make motion should talk to legal counsel. Denis: Wants to get all facts straight and give them some time, it takes a while to gel. Tom: Have a meeting with counsel in a week from tonight on May 15th @6 P.M. Denis: Wants to make sure we do the correct thing for the right reasons. Make sure the Board gets good legal advice. Aaron asked what the guidelines are for the ingress-egress. Tom did some research on recently published "Guidelines for Access Management". Went on to explain it. Denis: Wants to move on. We'll get the information you need. Tom would like a Public Hearing in two weeks. Tom: Will put it on under Old Business for the June meeting.

***B) Proposed alterations to the Regal Cinema plan***

Sandy: Please state your name for the Board. My name is Chris King, Civil Engineering Department and I work for Carter & Burgess. I was last here the end of 2004. He presented a small packet containing letter size prints of the previously approved site plan along with some minor modifications just for discussion purposes only. Gives you a chance to follow along. Had color photos also. He went on to explain the plan. Discussion regarding the compactor. In the e-mail he sent he referenced what he would like to do is install catch basins that would catch water. The compactor pad is currently sloped to the front so that all water (rain or wash-down) will not puddle within the compactor area. All water will sheet flow across the pad area-into the parking area and enter the storm drain system via a catch basin, which is permissible. The inaccessible nature of a center drain, underneath a compactor, creates a maintenance nuisance in the event the drain or connecting line needs to be cleaned out. If we really need a drain at this location, I would propose that it be located in an area that is accessible for future maintenance, preferably not directly underneath the compactor. Discussed water quality, what goes into the catch basins. The PB wanted to know what type of waste is anticipated to be dumped into the compactor (food, chemicals, grease, etc.). Chris: It's been their experience to try to eliminate that's really the soda and tracking it around the parking area. According to the closed drain system, the pretreatment up front with this catch basin with a sediment bucket catching the debris and then following through a series of man holes and actually follows through a couple of catch basin in the line of water quality structure is a good sign engineering practice. Jack: Question, not concerned about the sodas, in terms of solids, what percentage would be caught in the catch basin bucket? Chris: We don't see requests like this and a request like this came directly from the tenant who is very conscious of the cleanliness of their area and I would assume that they are requesting this change at this late stage in the game, if you will, but they will be very adamant that any employee going out to dump trash in the compactor to keep it in a cleanly state. Sandy: Any other questions? Discussion continued on concerns regarding wetlands. Jack: The materials that are there that what you would collect coming out of the theatres should not adversely effect the plantings. Chris: It's very well explained and very foresighted of Regal to look at that and add an extra small catch basin inside this area. Sandy: Do you need a Public Hearing? Tom: That's the next question, if you think this is a very minor change to the plan you can make a motion to that effect tonight, your alternative. Sandy: I consider this a minor change and just keeping the parking lot clean. Denis: Make a motion to accept their proposal and modify the drain system. Vincent seconded it. Sandy: Is there any discussion on that motion? All those in favor say aye, AYE, any opposed, None.

**5) Preliminary Discussion:**

***A) Proposal for a Wingate Inn behind the Exxon***

Sandy: The next thing on the Agenda is the Proposal for a Wingate Inn behind the Exxon and Denis will Chair that. Michael Haberski: I have quick questions on Rocky Road with this piece of property; there is two ways that we can actually access this property. One is across from Shattuck Way, that entrance, which I thought was the PB's preferred entry, can't work; it's impossible for me to allow that road. If I do that, then I would need some sort of a waiver and the Zoning Board of Appeal can't grant

that and only the PB could do it. As he said there are two ways. This is one that actually meets your current sub-division rules. It maintains the, over 125 feet from this intersection that he was pointing to. It does meet the guidelines. Probably without a waiver, is that the way we would have to proceed with the engineering. The other alternative, the PB seems to prefer. Which is your preference. Peggy: Wants something firm. Doesn't feel comfortable. Chris: I think it's time we do not focus on one particular issue and give one preference over another. We need to look at an entire site plan view of this property, wetlands, set backs to consider, we have a number of things to look at on the plan. Then we will take a look at the full plan not piecemeal, the next time we approve this. We looked at a total package plan that has all the different materials together so that we could have a good idea and there are tradeoffs, we will take our best view, suggest changes, if they're not, they will come forward and ask for a resolution on the plan. Not on each step along the way. Done what we can with those inputs. Need to look at both plans. Michael: You should be will to grant this waiver, no problem, we are meeting your guidelines. Need to coordinate with the State and the State is happy with either one of these plans. This is not for my benefit. This is to give you what you want and work with the State. Denis: I want to interject something here, the last time we met with DOT, Chris Waszczuk brought up several things which gave us a lot of in-site into what needs to happen for the future development of this town. Denis: Still need to see a study. Michael understands that and is not here for approval of anything and saying that he will waive your street allotment to do what your asking or should I proceed the way we feel is the best way to proceed that meets your requirements and proceed that way and go to the State and get whatever approvals I need and come back here with a Finished set of plans that meet your current sub-division requirements. I believe this plan conforms to all current zoning while leaving access for the state in the event they go forward with the Spaulding relocation project. This is the plan they will be proposing. Vincent: What is this road going to do for this town, nothing. The Spaulding Turnpike. Vincent has a problem with the state and Denis said it's a separate issue. Jack: Would suggest when State plan comes to pass and do proper alignment for the purpose of parking lot access and making sure that the entrance doesn't conflict. I see what he has done here with the 130 foot off set would be adequate for him to proceed with his development. My impression the concept he has shown here not be accepted is a big concept for him to get what he needs done and at the same time has made future accommodations for what the State needs done and they both accomplish that. Michael did everything to make the State happy. All he is looking for is the direction the PB would like to take. Denis: We do have the right to require a developer to come in and pay an impact fee such as infrastructure such as the road to support his very own operation. Denis: Doesn't want to have the same issues as with UNO's. There are two different ways you can go. Denis: Are you willing, instead of our communication, are you willing to give the right-of-way to the State and Town in lieu of not developing the road and in lieu of giving slight offsets. Michael: Absolutely. Denis: So I think it's a pretty good concession. We need to seriously consider that. Want to make sure wetland studies, etc. Michael: They are working on them as we speak. Michael: I think this conversation may be premature. All he is talking about is road alignment and if you would like to give us the waiver and say, we will give you a waiver if we meet everything else that's fine. If not, we will design our hotel to meet the current zoning regulations; we will work with the State, coordinate the fifty-foot right-of-way and landscaping our utilities. We are going to go forward and do that and come in with a plan that we are not going to change. Because it would be hard to believe that the PB would ask us to do something that's impossible when we have a plan that meets all the criteria. Somebody needs to coordinate this and we're working closely with the State. Mike: If you don't want to give us direction, we are well along with the plan, building plans are done and we're negotiation with the State now. All I'm asking is to do is what you want to do. You said at this point that you didn't want the project We've gone forward and now I'm asking you for a little bit of direction. If you don't want to give it, I will design, according to the current rules and regulations, which is the only thing I can to. You can't tell me and I'm not going to let you do this until you design the whole project. It makes no sense. This is an alternative that's acceptable to the State and it's an alternative to preserve the rights of

the town so that if in fact you need a road to go through there, you have it. Denis asked what is the offset. Mike, it's 20 feet off. We have no way to get the property.

Chris disagrees with Mike I think this proposal appears to meet the spec and regulations is a short gain and think it will cause major problem and continued to explain his reasons. Discussions continued. Sandy has no problem waiving alignment. Gail could go either way. Denis: Need to get a solution and have Mike go to Neslab to see if they will sell the land. Denis: Before voting, would like to have a professional engineer to look at this. Sandy: Let's put an end to this. Any more comments from the Public, None. Make a motion, so moved and move to the second Monday in June meeting. All in favor of the motion, Aye, None opposed.

***B) Proposal by Tyco for a 2-lot subdivision***

For the record, Sandy is chairing at this point: Greg Kirsch, I'm here representing my co., Astoria Properties and I have permission of Tyco Integrated Systems, and I'm representing them. Most of you know that I'm also the developer of the office project on Shattuck Way called "Great Bay Commons" which is across the street from the property in question tonight. My company, Astoria, would like to purchase industrial land from Tyco across the street, which happens to be the property of the Louis deRochemont House. Our goal is to acquire the property and to market it to industrial users for a zoning and master plan compliance, industrial development. I have not user I mind or site plan at this point. But, not even in a position to begin to talk to a potential user without some understanding of what we would be able to go ahead and create industrial lot here on this location. Therefore, I have asked for a preliminary conceptual discussion here before you tonight prior to submitting a sub-division application. We have gone ahead and had a survey done of the property and that's what was handed out to you. Greg proceeded to point out on the plan: This larger parcel is the 59 acres that is the Tyco Plant, etc. Friday, met with the HDC. While this is a relatively straight forward sub-division application, in terms of creating a lot and in terms of proposing industrial use in an industrial zone. I suspect that the matter that will have the most commotion and fireworks attached to it is the future of deRochemont House. It isn't exactly clear what the jurisdiction or issues are in terms of that and what it means to the PB and the Historic District Commission. It's my goal to try listen to everyone's concerns to formulate a plan and accomplish the best possible balance between concerns and recognizing the property rights of Tyco, your Master Plan, recognizing that this is the industrial zone and would like to hear your thoughts on that tonight. This wildly colored drawing, not up to quality of graphic I usually bring, but we reviewed this with the HDC. It's the best overview he could find of this area. He continued to point out areas and pointed to the proposed 8-acre lot that is surplus to Tyco at this time. I'm trying to really show, as you can figure that this is sort of a open property that sits in the center of NH most intensely developed industrial district. It's a tribute to your planning for the town that you have been able to have this level of industrial development. Time has moved on in this area in a way that I think now it's time the PB to address the last piece of the puzzle, the last significant piece of land in their industrial district. Peggy asked if the deRochemont house could be moved. Discussion ensued on the possibility of moving the house in this area. Mr. Wayne Styles of Tyco introduced himself. John asked Mr. Styles is this what he is proposing to take this lot of 7.9 acres, not for the purpose of moving the house, but for the purpose of industrial development. Mr. Styles responded: For the purpose of industrial development. Discussion ensued among the Board regarding moving the deRochemont house adding it to the Historical Registry (suggested donating to Great Bay School and enhance it), requirements of a permit and the corner lot. Wayne Styles spoke on also on moving the deRochemont house in different locations and the parking areas. Re Parking: They would want to keep them as they are. I encourage you all to read the packet Greg gave you, it's very important. Chris: I think this is the perfect site lot. Second point was that it's large enough to attract good industrial development and that's what we want in the industrial zone. With respect to the house, I think it can be moved to a compatible area. Would Tyco as well as Greg, be willing to move the house and donate it to the Great Bay school area. Those buildings are related to that building. Sure Great Bay could make great use of that. Put it in a cluster that is compatible. More discussions ensued

on use of house. Sandy: Any other questions? Discussion continued. Denis: Proposed to continue hearing to next month to see if anything is brought forward. Greg, Thank you for the time.

**6) Public Hearing: Amendment to driveway regulations**

Sandy: Anyone in the Public that has anything to say about the amendment to driveway regulations.

Denis: Gail Pare was here earlier and left a letter and he can read it. Denis proceeded to read the letter: "I want to go on the record as opposing rescinding the limit on driveways to one per lot. Allowing two curb cuts for circular driveways will detract from the rural character of Newington's roads; will cause more problems with snow removal in the winter as owners must clear two entrances; and will confuse traffic as two turns into a lot are possible. The current lot size allows plenty of room for cars to turn around on the lot. There are a few existing, grand fathered double entrances. Most of these are on lots with very long road frontage, so the multiple cuts are very well spaced. We are facing more development. New driveways could put cuts every 100 feet, which detracts from our required 200-foot frontage requirements. Signed Gail Pare, 188 Little Bay Road."

Sandy: Close Public hearing and bring it back to the Board. Tom: Don't need to take a vote or can make a decision tonight. Denis: Not opposed to two curb cuts. We can waive regulation. It might be beneficial to have a double driveway or it might not be. If we have the right to do it, the Board should consider both applications that come in and it's ultimately a little bit cheaper for the Town to have one curb cut versus two. Don't have to worry about the drainage, etc. Jack gave two observations. Tough to be consistent and gave his views on the curb cuts. Jack: Bare in mind, the practice of the Board is to review each individual thing on it's own merit in Public Safety and circumstance. Easier to do it case by case. Discussion ensued. Sandy, what's the interest of the Board? Chris: would like to see wording removed. Jack: It still comes down to each site demands it's own evaluation. Continued discussion. Denis: Let's keep wording in place.

**Meeting Adjourned:**

Vincent made a motion to adjourn and Peggy seconded it. Sandy: Continue to second Monday in June. All those in favor, AYE, any opposed, None.

Motion made to adjourn at 10:00 P.M.

Respectfully submitted:

Pearl Travis-Sirois, Recorder/Transcriber

*File: NPB Minutes Monday 5-8-06*