

Planning Board

Town of Newington

May 28, 2003

Present: Chairman Sandy Hislop, Chris Cross, Robert Simms, Barbara Hill, Jack Pare, Peggy Lamson, John Frink, Cosmos Iocovozzi, Planner Tom Morgan, Legal Council Malcolm McNeill.

Absent: Denis Hebert

Meeting was opened at 6:35 pm

Consultation with Legal Council

Tom Morgan welcomed Attorney Malcolm McNeill to the meeting to discuss SB70. The board has concerns with the bill and would like to know what legal options could be at the town's disposal.

As of Wednesday May 28th, the bill had gone through committee and is going to a House vote with total approval. It is expected to pass. Tom Morgan had printed the most recent amended version that afternoon for the board to review.

Barbara Hill and Tom Morgan both noted that the Piscataqua River is still worded three times in the amended bill. Barbara Hill and Jack Pare mentioned that the watershed is not just Great Bay, several Maine communities will also be involved, but are not mentioned in the bill. Jack Pare went on to advise that the river is a navigable interstate waterway. If two states are involved perhaps the EPA or DES may be able to get involved.

Chris Cross then stated that if the vote was the following day, then the Board's strategy should be to deal with the committee that will be created by the bill to address our concerns.

Short discussion ensued as to the underground nature and lack of public information about the bill.

Tom Morgan asked Attorney McNeill what legal options can be taken to slow this bill down. Attorney McNeill replied that nothing could be done at this point about the vote slated for the following day. Rather the town should look at the study commission being formed. Attorney McNeill will need to determine the heart of the issue and figure out the best way to stop it. Attorney McNeill felt that most House members will support this bill as the first paragraph looks very good on paper. Attorney McNeill felt that he needed to see how the vote would go and then deal with the repercussions.

Discussion then ensued over the membership of the commission that the bill would form. The wording of Part 2, Section 1, letter (d) states *One member from each participating town or city along the Great Bay estuary, river basin, and the estuarine watersheds, appointed by the governing body of the town or city.* The wording can be inferred as both any town along the defined area, or any town

participating in the sewer outfall pipe along the defined area. It is possible that the town may be excluded from membership.

Barbara Hill brought out a study of who currently disposes affluent into the Gulf of Maine. These communities include Pease, Rollinsford, Berwick, and South Berwick.

Attorney McNeill stated that there were hydrological issues involved. There would be many shortcomings if the Planning Board took immediate action on this bill. If the bill passes then the immediate action would cease to be effective. Rather the Board's involvement should be to jump in with both feet once the vote has occurred. At that point the Board and he can see who the primary players are.

Barbara Hill brought up that at the Rockingham Planning Commission many members are from communities not involved in this issue. Attorney McNeill stated that it would be important for Newington to be involved. Barbara Hill continued that there needed to be involvement from parties concerned with the Great Bay Estuary. Tom Morgan suggested that the Board explore its legal options. Attorney McNeill stated that the next step would be to impact the Legislative committee, if there is no success there then look to judicial recourse.

Tom Morgan explained that the Board did not feel a pipe out into the Atlantic Ocean was a problem. The concern of the Board was that a short pipe into the Piscataqua would appear cheaper. The Planning Board is concerned with the environmental impact.

Jack Pare brought up that he had discussed this with Steve Miller at the Sandy Point Discovery Center. If the effluent will not be able to be discharged into the ocean then the Board should push for tertiary treatment prior to discharge.

Attorney McNeill said that there are enough interested in parties in the Great Bay. This bill should be ringing a number of bells. Attorney McNeill himself lives on Little Bay. Attorney McNeill suggested that the Board may want to look into hiring a specialist.

John Frink asked if the Board should contact the Conservation Law Foundation. Peggy Lamson stated that the CLF had helped with Pease. Jack Pare offered that Steve Miller had recommended Jennifer Hunter from the CLF as a contact, as well as Fred Short and Steve Jones from the Jackson Estuarine Lab.

The discussion then turned to letters and public notices to other municipalities or agencies. It was decided to write letters to other Conservation Commissions to alert them to the bill and its repercussions.

Attorney McNeill concluded that he will follow the bill and will make create a list of strategies. There are many good people who can help and Attorney McNeill stated that he would be happy to help with this issue.

Tom Morgan then advised Attorney McNeill that there was one other issue that the Board would like to discuss, the Master Plan goals and objectives relating to Pease.

Attorney McNeill stated that all goals involving Pease should be in our Master Plan. The previous Master Plan had helped with issues. There is still litigation pending and Attorney McNeill will draft some goals and will forward them to Tom Morgan. One area to look at is cargo aircraft vs. passenger aircraft.

Attorney McNeill suggested that the Master Plan commend the PDA and then suggest disbanding it. There will be some Federal complications, such as who will run the airport, but the development of the land should return to Newington. An Historical discussion of the PDA ensued. One factor the Board can emphasize is that while the PDA brings in 8 million in taxes, they keep 7 million for operating costs. Newington would not need to retain that large an amount.

Minutes

Minutes from the previous meeting were corrected and then approved.

Correspondence

Letter from Edwards and Kelcey re: Shattuck Way. The letter was necessary for Edwards and Kelcey to sign off on the road so that the Board can sign the mylars and Tom Morgan can register the deed to the road.

Further discussion ensued on the road. It was discussed how the traffic pattern flows and the changing of road names. Cosmos locovozzi then brought up that the Selectmen would like the input of the Planning Board as well as a memo to clarify and rename the sections of the road.

Currently the road beginning at Piscataqua Drive is Shattuck Way. Shattuck Way then terminates when it meets with River Road. River Road then continues northeast and the road name ends at the continuation of the roadway at the Spaulding Exit 4 underpass turnaround and Bloody Point Road. Bloody Point Road terminates at the old railroad depot and the unnamed underpass turnaround merges into the Spaulding Turnpike Southbound.

It was agreed that this is confusing and would make it difficult for truck operators to find Shattuck Way. It was agreed to name and rename sections of the road to Shattuck Way as follows:

The road name Shattuck Way will begin at its inception at Piscataqua Drive and continue northeast to the intersection of River Road. Shattuck Way will then continue along the portion of River Road that runs northeast

of the intersection of the two roads and will continue along under the overpass. The remaining portion of River Road southwest of the intersection with Shattuck Way will remain as River Road. Bloody Point Road is the section of roadway that intersects with Shattuck Way northeast of the Spaulding turnpike and terminates at the old railroad depot and the Axel Johnson Conference Center.

The underpass is a state road, but Chris Cross explained that the State has no issue with communities naming the roads. Cosmos Locovozzi asked if the Planning Board could send a memo to the Board of Selectment with the agreed naming change. Letters would then need to be sent to all property owners affected providing them with 90 days to make necessary address changes. In addition the Post Office will be notified of the change. Appropriate signs will need to be posted.

Regional Sewer Outfall

Jack Pare discussed his position paper. It was agreed that if the Board's position discussed the financial aspect of the bill then there would be concerns that the cheapest alternative would have the pipe terminate at Dover Point. Jack Pare emphasized that the Board's position would need to argue the environmental value to the State. The members of the Board then agreed that the position paper should be a factual scientific paper that clearly states our position.

Jack Pare then explained his research on the 1968 dye tests that were done in the Piscataqua River when PSNH was researching a location for a nuclear power plant. It was determined then that the tidal action of the River would not flush anything that was disposed into it. Rather over a 10 day period concentrations of the dye intensified. This dye test can portray what the percentages of effluent would be.

Tom Morgan proposed to the board that Jack Pare should be the town's selected member on the commission that SB70 will create. Jack Pare agreed that he would represent the town if the time commitment did not conflict with his work schedule.

Master Plan

Tom Morgan presented several of the Master Plan goals and objectives that had been changed at the last work session. The board then reviewed and discussed each of them.

Goal 19 brought forth a discussion of alternative routes for the residential district and access to Pease. Chris Cross brought up that he had been contacted by the Exit 4 Program Manager inquiring on alternative routes into the residential district and to Pease. Discussion ensued as to the historical aspect of Pease access

from the residential area. The town's past position has not been in favor of having and maintaining access to Pease due to the uncertainty of development along the runway's north ramp. The question then became: Is this still the town's position? Is access to Pease part of the exit 4 improvements? Continued discussion then moved to truck traffic through town. If Exit 4 were closed trucks to Neslab and Eastern Bearing would need to travel through residential streets.

Tom Morgan will reprint the entire list of goals and objectives for the next meeting. This document will include Attorney McNeill's suggestions for the Board to review

Next meeting will begin at 6:30 in executive session with Legal Council Peter Loughlin in regards to the Tyco proposal.

Meeting adjourned at 9pm