

NEWINGTON PLANNING BOARD
Meeting Minutes
JUNE 11, 2007 6:30 P.M.

CALL TO ORDER:

Chairman Herbert called the meeting to order at 6:33 P.M.

PLANNING BOARD MEMBERS PRESENT:

Denis Hebert (Chairman), Tom Bobotas, Chris Cross, Vincent Frank, & Mike Marconi.

ABSENT:

Coz Iocovozzi, Gail Klanchesser, Peggy Lamson, & Jack Pare

ALSO PRESENT: Tom Morgan Town Planner

GUESTS:

Erin Baird, Agent for Baird Trust,
Jim Carroll, Baird abutter,
Jim Rohnstock, Brad Thothma, Chipotle
Denise Kost, Crossings at Fox Run
Stephen E Stapinski, North Avenue Realty Trust
Ted Reed, Sprague

1) PUBLIC HEARINGS - BAIRD

LETTER FROM ATTY. LYONS addressed to Tom Morgan received on Monday afternoon at 4:30 P.M. 6/11/2007 the day of the meeting. The Board members all read the letter before the discussion started.

Mr. Morgan read that the letter stated that in the 3rd paragraph. Atty. Lyons refers to the preliminary consultation set out in Section 3 (4) (a) of the subdivision regulations on page 65 of the regulations. Page 65 of the regulations show that procedures are broken into 3 different phases. Consultation, Preliminary plan, and formal application. For Preliminary Consultations, page 66 shows that you have to have a correct names and addresses of the owners of record and location of the proposal, a rough sketch of the site showing the following: approximate location of lot lines, approximate lot measurements and the area of new lots, & streets where lots have frontage.

Morgan noted that Baird presented all that info at the May 14th meeting. We have had this in the file. There have been public meetings on this and Atty. Lyons looked over the file 2 weeks ago and files are a matter of record.

Later in the 3rd paragraph, the letter refers to RSA 676:4, I (b). Morgan noted that the statute is actually referring to a formal application. Elsewhere in 676:4, the statute discusses preliminary consultation. Atty. Lyons is actually referring to an inappropriate statute for the process and if you look in the Green Book on page 480, the rest of RSA 676:4 addresses preliminary consultation. That is the appropriate statute.

If this were a formal application then the Atty. would have had the correct statute. Page 66 in the regulations is for a preliminary consultations.

A board member asked, "If the Planning Board had the right to waive any provision and make provisions for the right reason"? Yes the board has the right. Tom Morgan referred the inquiry to Atty. Peter Loughlin who commented that he had a similar situation in Kingston and is preparing for that, and Tom Morgan is interpreting the statute correctly.

Decision was to file the letter with no one opposed. And that you can not consider the application complete and the purpose of the preliminary was discussed. More fact finding is needed on preliminary items before \$1,000.00 was spent in engineering.

Proposal by the Estate of Barbara Baird for a two-lot subdivision at 316 Newington Road, presented by Erin Baird, Agent for Baird Trust. Erin Baird wanted to make sure she was in compliance. Erin Baird has also presented information for the abutters. The right-of-way has been has not been filed yet, but it already exists and has been used over time. Ms. Baird was not aware of how long that has existed. The deed has been presented, along with the right-of-way allowed with no changes planned, sketches of the area, and a letter from the Nature Conservancy showing the donated 35 acres (not sold to anyone) and copies of the perimeter setbacks.

Baird stated that there are 15-18 lots that are not wetlands but will not be developed, and the land will never be bought. The land is only available for public use.

Decision was reached to put this on the agenda for next month and within a week Erin Baird will submit the formal application.

Proposal by the Crossings at Fox Run to establish a Chipolte restaurant, Coldstone Creamery, and Tennant X.

Chairman Herbert and other members of the board want to see the following addressed;

1. A complete plan of road showing the proposed narrowing of that road. Civil Engineering will be ready in a week.
2. Concern expressed with the outdoor seating and the sidewalk area that will be left when the seating is placed in more detail.
3. Concern was on the access for delivery men. No trucks will be allowed to pull up in front and deliver to the establishments. There is an option of creating an access for trucks in the space behind to the right of the service area to pull in back and deliveries can be wheeled over to the restaurants.
4. How will the grease traps procedure be carried out for cleanouts?
5. The size of the green area will probably will be 5 feet across.
6. Sewage will be okay?
7. Road railing for sitting areas so children will not be able to run into the road.
8. Plans are for Beer and Wine.
9. A liquor license could be possible requested at a later date.
10. Question on signs and suggestions given.

DECISION by the Planning Board is that the concept is liked but other issues need to be presented.

PROPOSAL BY KING WEINSTEIN TO EXPAND A PARKING LOT AT 177

SHATTACK WAY was presented by Stephen E. Stapinski of North Avenue Realty Trust for proposal of additional parking on site -- a net of 25 parking spaces.

Chairman Herbert commented that the need for additional parking is needed and the plan looks very good.

- North Avenue Realty Trust will supply plans showing drainage is not a wetland area.
- Fire Chief got a PDF & he has no issues.
- Water flow/lighting (day use only) Plans for these concerns will be presented.
- There is a retention pond that will have to be looked at – including setbacks.
- The question of the Maintenance of the fire lane and if that would be a problem needs to be addressed for the 4 week right-of-way needs to be presented and the easement right to it.
- Power line never granted out and advised Stephen to have that approved with the NH Power Department.

3 Steps needed.

- a. Looking for materials
- b. Do they have the materials?
- c. Public hearing final to action or correction of problems.

This is not an issue on the agenda now but additional parking spaces in the future will be addressed because Westinghouse is coming back to this area again.

PROPOSAL BY SPRAGUE ENERGY TO EXPAND A SALT PAD AT 372 SHATTACK WAY

Ted Reed presented information for expanding the River Road facility Salt Pad.

Note: The site approval expires after 2 years.

Now put in 97,000 square feet. 75-80 acres

- Continuous 100 foot set back or check wet land scientist and go from there.
- Added to Salt Pad in '97 by MORTON SALT. 3 ship loads.
- Waterfront industrial leases the pad owed by Morton Salt.
- Chris Cross questioned if trains ran again how would they operate?
- Will supply a complete plan in a couple of weeks.
- 100 thousand square foot rule.
- Appledore required \$500 permit & takes 4 months to get that out.
- Paving needs to be done.
- Chairman Herbert recommends run-off covering Salt Pad. Conservation
- Tom Morgan said there have been no other problems in the past and NH needs this.
- Shattuck Way needs upgrade. Will Sprague's River Road facility contribute to the road improvements?

Decision was reached to put this on the agenda for next month.

CHAIRMAN HERBERT

* COMMENTS ON A SEPERATE ISSUE CONCERNING SPRAGUE. SALT PAD

The Bond for the under ground pipeline that is needed every year and Ted Reid will have someone look into that for the Planning Board.

The leak had been fixed and is running great – tested each year by the PLC.

Oil burned? Only for 3 days, used gas when cheap last year.

Tom Morgan asked for approval of the last month's minutes.
Mike Marconi accepted the minutes and Tom Bobotas 2nd them.

VARRIANCE ISSUE

- Mike Marconi motioned Chairman Herbert 2nd to move to the Board of Assessment.
- VIP Building measured incorrectly and they are 5 spaces short. This needs to go back to the planning board.

Discussion on having the Newington Planning Board aired on Television.

Decision was reached that members are considering recording the meetings but not televising. Cost is part of that reason.

Voted and Tom Morgan was the only member for and Mike Marconi, Denis Hebert (Chairman), Tom Bobotas, Chris Cross, Vincent Frank, against.

Planning Board members will agree to record the meeting if all other boards' agree to do that. Voted on Videoring the meeting Chris Cross made the motion and Mike Marconi 2nd it.

- Land on McIntyre Road for Newington Road & Little Bay Rd. for lot of land.
- Discussion on renaming Newington Road. Purpose is for ease of curb cuts in the future, to know where the lots are and to make it less confusing. Plan to recommend and submit idea to the Selectmen.

Vote -- Chairman Herbert made the motion and Tom Bobotas seconded it.

All in favor. Tom Morgan will write a draft and Chairman Herbert will look it over.

A new secretary will need to be hired. The last Secretary resigned.

Motion to adjourn by Vincent Frank, 2nd by Bill. All approved Meeting adjourned at about 9:30.