

Planning Board Members Present: Denis Hebert, Michael Marconi, Cliff Abbott, Tom Bobotas, Jack Pare, Chris Cross (6:38 pm), Cosmas Iocovozzi (6:39 pm), Peggy Lamson absent

Also Present: Town Planner Tom Morgan

Commencement: Chairman Hebert opened the meeting at 6:34 pm

PUBLIC HEARINGS:

Proposal by Todd Adelman and KWA, LLC for a 2-lot subdivision of land at the site of the former Flagstones Restaurant off Shattuck Way, Tax Map 7, Lot 2.

Attorney Pelech presented revised plans to the board. He stated he had been in contact with both Attorney Loughlin and the Sterns. He said he understands the Sterns concerns with fencing and parking on the 50' strip and that the strip is now proposed to be part of the conservation easement where previously it was not.

Gail Pare of 188 Little Bay Road asked if there was a way to state that if parking becomes a problem that a fence could be put up.

Chris Cross joined the meeting at 6:38 pm. He recused himself from this proposal.

Iocovozzi joined the meeting at 6:39 pm.

Rick Stern asked what the board would be voting on since the board had already voted on this proposal at the February 23rd meeting.

Morgan clarified that the motion made at the February 23rd meeting did not mention the lot line adjustment and excluded the 50' strip from the conservation easement based on the revised plans of 02/18/09.

Rick Stern stated that it was at the 02/23/09 meeting that he asked for a setback which began at 50' and was eventually agreed to be 15'.

Bobotas recalled the request for the 15' setback from the conservation easement and felt the 50' driveway was not addressed at that meeting.

Attorney Pelech clarified that the plans presented at the 02/23/09 meeting showed the 50' strip being excluded from the conservation easement.

Doreen Stern stated that if the 50' strip is now subject to the conservation easement it will present a problem if they need to put in a new septic system. The system would have to go on that side and needs to be 75' from their well.

Chairman Hebert asked Justin Richardson if excluding the 50' strip from the conservation easement would diminish the value to the Town.

Richardson replied that it would not have a profound impact either way. The Town benefits from expanding the amount of land in conservation. He further stated that he was ok with the wording of the conservation easement, however, he had not yet been able to review the plans to see the detail of the conservation areas.

Attorney Ritzo, representing Mary Alice Baer asked if the Town had any interest in the driveway and maintaining it. Chairman Hebert replied that the Town had no interest in maintaining it.

Pare stated that he understood the concerns of the Sterns with people potentially parking in the upper area of the driveway. He said the intent of having the 50' strip included in the easement is so that the parcels are connected for the purpose of preserving a wildlife corridor. He suggested this could be provided for in the easement.

Chairman Hebert clarified that the 50' strip would be owned by the Sterns and that the issue is whether it will be subject to the conservation easement or not.

Doreen Stern stated that it would not be likely they would put a solid fence along the driveway, but rather shrubs and trees.

Rick Stern suggested that wording could be added to the easement that would prevent a solid structure from being put there.

Bobotas asked for clarification as to what plan was approved on 02/23/09.

Attorney Pelech clarified it was the plan dated 02/18/09 Revision #2.

Rick Stern commented that the board wanted to vote on the proposed plan on 02/23/09 because the property was about to change ownership. He further stated that the driveway was discussed as being out of the conservation easement and thought everyone was in agreement at that time.

Justin Richardson stated that a conservation easement is the giving up of the right to bring a claim for trespass. It doesn't have to be written that way, it could still be in conservation with no rights for public access. Richardson said the conservation commission would not want to accept an easement if the landowners were not in agreement.

Rick Stern stated he would like to keep things as simple as possible.

Bobotas questioned whether the easement could include a stipulation for a septic system.

Rick Stern stated the easement would become very complicated with a provision for a septic included and he would prefer to keep it simple.

Chairman Hebert asked about the process for accepting the land conveyed to the Town.

Justin Richardson replied that the selectman would vote to accept at a public hearing and the conservation commission would then be able to vote to accept the conservation easement.

Chairman Hebert outlined the chronology of this proposal stating it began as a 3 lot subdivision (house and 2 buildings). It then became the proposal of 2 buildings on 1 lot with conservation land being deeded to the town. The ZBA granted the approval and the Sterns agreed to give up their rights to the ROW in exchange for land deeded to them. He feels it is a good deal for everyone.

Pelech stated the deed to the Sterns would include language regarding wildlife access.

Chairman Hebert closed the public hearing at 7:40 pm

Chairman Hebert asked that Attorney Pelech have Attorney Loughlin review all of the deeds prior to the transfer of property.

Pare made a motion to approve the 2-lot subdivision of land at the site of the former Flagstones Restaurant off Shattuck Way, Tax Map 7, Lot 2. as shown on the plan dated 05/20/09 contingent upon the approval of the building and site plan; with an exclusion from the conservation easement of a 15' strip along the Stern home; an exclusion from the conservation easement of a 50' strip along the driveway side of the Stern and Baer properties; and that the deeds contain language that there shall be no obstruction to the movement of wildlife, Marconi seconded, Iocovozzi abstained, all others in favor – motion carried.

Proposal by Todd Adelman, and KWA, LLC, and Rick & Doreen Stern for a lot line adjustment at 516 Shattuck Way, Tax Map 7, Lots 2 & 5.

Chairman Hebert called for public comment.

There being no public comment, Chairman Hebert closed the public hearing at 7:47 pm.

Pare made a motion to approve the proposal by Todd Adelman, and KWA, LLC, and Rick & Doreen Stern for a lot line adjustment at 516 Shattuck Way, Tax Map 7, Lots 2 & 5 as shown on the plan dated 05/20/09 contingent upon the approval of the building and site plan; with an exclusion from the conservation easement of a 15' strip along the Stern home; an exclusion from the conservation easement of a 50'

strip along the driveway side of the Stern property; and that the deed contain language that there shall be no obstruction to the movement of wildlife, Marconi seconded,

Marconi suggested that the approval also be conditioned on the project obtaining site approval and the agreement between Adelman and KWA, LLC being completed.

Pare agreed to amend the motion to include “the approval is also conditioned on the project obtaining site approval and the agreement between Adelman and KWA, LLC being completed”, Marconi seconded, Iocovozzi abstained, all others in favor – amended motion carried.

Proposal by Todd Adelman and KWA, LKC, and Mary Alice Baer for a lot line adjustment at 518 Shattuck Way, Tax Map 7, Lots 2 & 4.

Attorney Ritzo noted that the actual parcel to be conveyed is more than 50’.

Chairman Hebert closed the public hearing at 7:51 pm.

Pare made a motion to approve the proposal by Todd Adelman and KWA, LLC, and Mary Alice Baer for a lot line adjustment at 518 Shattuck Way, Tax Map 7, Lots 2 & 4 as shown on the plan dated 05/20/09 with an exclusion from the conservation easement as marked on said plan, Marconi seconded, Iocovozzi abstained, all others in favor – motion carried.

Proposal by the Birchtree Center and Urstadt Biddle to locate a school for autistic children at the former Portsmouth Rehabilitation facility off West Park Drive, and to construct associated pedestrian infrastructure, Tax Map 27, Lot 18.

Cross rejoined the board at 7:55 pm.

Shannon Alther of TMS Architects presented updated drawings showing elevations and the new entryway. He also provided the lighting plans.

Eric Weinrieb of Altus Engineering pointed out further detail. The parking spaces are angled in front of the building to force backing out and travel in one direction. The plan allows for 2 way traffic with a double yellow line to delineate through traffic.

Gail Pare asked what else was in the building. Weinrieb replied that the iParty store is in the building and the Outback restaurant is a separate building.

Chairman Hebert asked if they had met with the fire chief.

Andrew Albrecht of Urstadt Biddle stated they met with Charlie Smart and Chief Greenleaf. The entire building will have a sprinkler system and the entire building will have an alarm system as required.

Pelech presented the board with Birchtree's written safety procedures which were requested at the last meeting.

Morgan stated that he contacted mall management and received notice that they are ok with the plan. There is also a letter from Chief Greenleaf and the Chief of Police that they are ok with the plan.

Cross commented that the plan is well designed for traffic and pedestrians. He asked about snow removal.

Weinrieb pointed out on the plan the various areas that could be used for snow storage and said they are adequate.

Cross asked about curbing in the parking area. Weinrieb replied he preferred a low impact design to allow more drainage.

Cross stated high pressure sodium lights are preferred.

Chairman Hebert closed the public hearing at 8:25 pm.

Pare stated he didn't feel crosswalks to the mall should be a contingency in this approval. Their own written safety policies should be followed.

Andrew Albrecht agreed to go ahead with painting the crosswalks.

Abbott made a motion to approve the proposal by the Birchtree Center and Urstadt Biddle to locate a school for autistic children at the former Portsmouth Rehabilitation facility off West Park Drive, and to construct associated pedestrian infrastructure, Tax Map 27, Lot 18, Marconi seconded

Chairman Hebert suggested that conditions be added to include the painting of the sidewalks and that the walkways be maintained and cleared of snow.

Abbott agreed to amend the motion to include "the applicant shall paint the crosswalks/sidewalks and maintain them and keep them cleared of snow", Marconi seconded amended motion, all in favor – motion carried.

Proposal by Westinghouse to construct a radiograph bunker and evaporator room at 178 Shattuck Way, Tax Map 20, Lot 3.

Richard Talbot, Facilities & Maintenance Manager at Westinghouse stated there have been no further changes to the plan.

Chairman Hebert asked for public comment.

There being no public comment, Chairman Hebert closed the public hearing at 8:35 pm

Abbott made a motion to approve the proposal by Westinghouse to construct a radiograph bunker and evaporator room at 178 Shattuck Way, Tax Map 20, Lot 3, Marconi seconded, all in favor – motion carried.

Proposal by Great Bay Marine to erect a 24' x 24' tent/canopy adjacent to their restaurant at 61 Beane Lane, Tax Map 6, Lot 9.

Ellen Saas from Great Bay Marine stated they would like to put up a tent with rolled walls to cover the picnic tables at the restaurant. It would be seasonal from May to possibly the end of October.

Bobotas state he would like the opportunity to see how far out 24' would actually come from the building. He voiced his concern about getting plans at the last minute and that plans should be provided to the board members ahead of time.

Chairman Hebert said this is a temporary structure and it is not required that they come before the board, but he wanted the board to have the opportunity to ask any questions.

Chairman Hebert asked if the tent would increase the seating capacity.

Ellen Saas replied that the tent will only cover existing tables.

Chairman Hebert closed the public hearing at 8:45 pm

Marconi made a motion to approve the proposal by Great Bay Marine to erect a 24' by 24' seasonal tent/canopy adjacent to their restaurant at 61 Beane Lane, Tax Map 6, Lot 9. to be put up in the spring and taken down in the fall, Iocovozzi seconded,

Morgan suggested the approval be recurring.

Marconi agreed to amend the motion to include a “recurring approval”, Iocovozzi seconded the amended motion, all in favor – amended motion carried.

Minutes of June 8, 2009

Cross made a motion to approve the minutes of June 8, 2009, Bobotas seconded, all in favor – motion carried.

Correspondence:

Letter from Newington Selectmen dated 06/16/09 regarding Rick and Doreen Stern.

Chairman Hebert asked Morgan to send a copy of Peter Loughlin's letter along with the minutes of the meeting to the selectmen in response to the letter.

Letter from G. David Hislop dated June 9, 2009 regarding the Hislop farm as an available mitigation site.

Chairman Hebert asked Morgan to encourage the conservation commission to take the lead and relay that the board supports it.

Abbott made a motion to adjourn, Marconi seconded – all in favor – motion carried.

Meeting adjourned at 9:12 pm.

Respectfully submitted,

Melia Perreault
Recording Secretary