

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, July 12, 2010

Call to Order: Denis Hebert, Chair Person called the July 12, 2010 meeting at 6:34 PM. Meeting posted for 6:30 PM

Present: Denis Hebert; Chair; Patty Borkland, Alternate Member; Peggy Lamson; Mike Marconi; Jack Pare; Cosmos Iocavazzi (arrived at 7:20 p.m.); Rick Stern; Clifford Abbott, Alternate Appointed Member (not yet sworn in and abstained from voting); and Thomas Morgan, Town Planner

Absent: Tom Bobotas and Chris Cross

Guests: Greg Patterson, with Paco representing for Great Bay Marine
Edna Mosher, Nimble Hill Road Resident
Jim Teetzal, CEO of Wilcox Industries

Old Business: Proposal by Great Bay Marine to modify electrical service to its recently approved boat storage building at 61 Beane Lane, Map 6, Lot 9.

Greg Patterson with came before the board for approval to modify electrical service for the new boat storage building, and to requirements necessitating the use of a fire pump.

Discussion was opened to the public, and residents of Beane Lane were assured that the new construction would not impact their water pressure. It was also noted that although there were dig safe markers, no driveways would be dug up. Chair, Denis Hebert noted that the power at the pole was already retrofitted for 3-phase power.

Chair Hebert then closed questions from the public and opened discussion from members of the board.

Chair Hebert expressed concern that future use remain as a boat house, and that owners return to board if any changes are to be made.

Mike Marconi motioned to accept the proposal by the applicant with the stipulation that they come back to the board if any changes in use were to be made.

Patty Borkland seconded the motion.

All members voted in favor (Cliff Abbott abstained), none opposed and the motion passed.

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Edna Mosher, 2-Lot Subdivision of 97 Nimble Hill Road Property, Tax Map 12, Lot 10

Edna Mosher came before the board to present her intentions of sub-dividing her 18-acre property on Nimble Hill Road for the purpose of selling an 8-12 acre building lot. Prior to obtaining permits from the ZBA and DES, she asked that the Planning Board make an exception to have the property surveyed and put on the market prior to subdivision approval to save time and costs. Mike Marconi recused himself from discussion having had previous discussions with Edna outside of his role on the planning board.

Discussion ensued with Edna Mosher noting that it would probably be a two year project, requiring a 45 foot ZBA variance because the nearby wetlands are contiguous and not the required 100 feet from the road, though they are 350 feet from Pickering Brook. Ms. Mosher noted that a wetlands scientist would be attending the ZBA meeting. It was also noted that three perk tests had been completed and although only one failed, there is only a limited area of land in the back that would qualify for house construction with the surrounding wetlands being put in current use. Due to the house placement in the back, road frontage would not be an issue, though a permit from DES will be required to put in a driveway.

As a side discussion, Chair Denis Hebert asked if Ms. Mosher would be amiable to allowing a town bike path along the edge of her lot and she said she would be glad to support a town bike path.

Wilcox Industries, 25 Piscataqua Drive, Tax Map 27, Lot 22 Firing Range Extension

Jim Teetzel, CEO of Wilcox Industries on Piscataqua Drive came before the board requesting that they approve the preliminary phase to extend their underground test firing range to an additional 50 meters to meet the 100 meters which is now required by their military firearms manufacturing contract requirements to be competitive in the Buy American Act. Mr. Teetzel said that the increase in size would still remain far enough from the road and not impact any future road expansion plans.

Chair, Denis Hebert requested that he provide the board with their building plans and Mr. Teetzel said he would have a Wilcox Rep contact them.

Conservation Commission Chair, Justin Richardson who was sitting among the public mentioned that he'd heard about another firing range site that had problems with ventilation and lead poisoning. Mr. Teetzel said that Wilcox does regular blood testing and uses Hepa filters and monitors particulates in their wet filter systems. He also said the lead remnants are sold to Harding Metals for recycling.

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Board Member Mike Marconi and Edna Mosher from the public said they would like a tour of the building. Mr. Teetzel suggested Town Planner, Tom Morgan call Wilcox Industries to set up a time for the tour.

Policy Review: Livestock

Newington Building Inspector, Charlie Smart came to the board in response to a memo that was sent to the board in response to several complaints he'd received from several Newington residents complaining of issues with their neighbors' livestock. Charlie stated that he has no authority to regulate or enforce Best Management Practices (BMP) recommended by the NH Department of Agriculture (NHDA). Copies of the NHDA's "Manual of Best Management Practices for Agriculture in New Hampshire were made available to the public attending the meeting, noting that they are just recommendations and not regulations; and the form and instructions for filing complaints intended to resolve environmental or social problems from agricultural operations begin on page 40 of the document and would need to be filed with the Commissioner of the NH Department of Agriculture, Markets and Food per RSA 431:33-35 before any site visit or other action could be taken.

Comments and discussion was then opened up to the public, noting that no one issuing any complaints came forward, and the conclusive consensus of the public present at the meeting and the planning board is that anyone having concerns with their neighbors' agricultural practices should make their concerns known to the parties involved directly before filing complaints or getting attorneys involved.

Chair Denis Hebert openly invited anyone with any differing opinions to come forward, and also noted that any serious infractions, or industrial agricultural entities arriving in the future that would impact the community's health and well-being would not be ignored.

Jack Pare moved that the Planning Board make no motion to create any additional agricultural policies for the town. Mike Marconi seconded and all members voted in favor unanimously.

Air Pollution Mitigation Funds: Proposal for Tree Planting and Landscaping of Slope Behind Newington Public School

Newington Conservation Commission Chair, Justin Richardson came before the Planning Board for their recommendation to the Board of Selectmen to use a portion of the \$97,000 in the Air Pollution Mitigation (APM) Funds so the Conservation Commission could move forward in requesting bids for their proposal to replace the trees downed during the heavy wind and rain storm of March '09, and repair landscaping of the slope between the Newington Fire Station and the Newington Public School (NPS) to prevent erosion.

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Discussion ensued among board members if use of the APM Funds would be justified for planting trees.

The APM Fund was established by the Town of Newington in March 8, 1994 Article 9 of Zoning Ordinance in response to the 1991 Clear Air Act, and incoming manufacturing corporations coming to town in 1995 on Shattuck Way. Town Planner, T Morgan said they should've developed a policy guide for use of funds, and recommends looking at original intent. Planning Board Chair, Denis Hebert requested that Tom Morgan draft requirements for use of the funds.

Board Chair, Denis Hebert and Board Member, Jack Pare said to date the only use of the fund has been to help build the bike bridge in Portsmouth over the Portsmouth Traffic Circle. Several board members expressed a lack of visibility and safe area to walk and bike approaching the hill by the school on Nimble Hill Road. Cliff Abbott asked why the Department of Transportation (DOT) hadn't built in a walking or bike path before they turned ownership of the road over to the town. Board Member, Cozi locavazzi said it would've cost \$300,00, and Justin Richardson added that the DOT didn't want any further involvement once they turned the road over to the town. Mr. locavazzi said it would be cheaper to just get an engineer for the project, but to remember that it is still important to retain the rural character of the town. locavazzi concluded his statements by suggesting that the landscaping costs come out of conservation budget, and the bike path engineering costs come out of APM Fund. Edna Mosher again expressed a willingness to have her roadside property frontage used for a bike path road expansion,

Conservation Chair, Justin Richardson said that a bike path was part of the Conservation Commission's original proposal until further investigation showed that a bike path could not be included in the location of the slope planting proposal because of its close proximity to the school, and crossing a septic system. Mr. Richardson acknowledged that landscaping town property in itself is not strictly a conservation project though they do have a small "beautification fund", but he pointed out that planting trees would in fact be beneficial to air pollution mitigation considering that trees add oxygen to the atmosphere and filter CO₂ which has been identified as a pollutant after the EPA was sued. For those reasons and his understanding of Air Pollution Mitigation, Mr. Richardson said the Conservation Commission was requesting that the Planning Board recommend that the Selectmen approve of using some of the funds in the Newington Air Poll Mitigation Fund to pay for half of the costs of the project. Richardson said the original estimate of the project proposal was \$28,000, but cutback some of the plantings were cutback, which brought it down to \$20,000 and may even be less if able to acquire a lower bid.

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Alternate Board Member, Patty Borkland proposed a motion in the overall planning of widening Nimble Hill Road to include obtaining an engineering plan for a multi-purpose bike and walkway, and to include the tree and scrub plantings on the slope behind the school. Cozi locavazzi seconded the motion and all members present voted in favor unanimously.

Meeting Minutes of June 14, 2010

Peggy Lamson moved to approve the minutes of June 14, 2010 with corrections as listed. Mike Marconi seconded and all approved,

Adjournment: Meeting adjourned at 9:03 pm.

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary