

Present: Chairman Sandy Hislop, Robert Simms, Denis Hebert, John Frink, Chris Cross, Peggy Lamson, Jack Pare, Cosmas Iocovozzi, Planner Tom Morgan.

Meeting was called to order at 6:35 p.m.

Minutes: Minutes of meeting held 6-23-03, were accepted on a motion by Peggy Lamson, seconded by Chris Cross. Denis Hebert abstained.

Minutes of meeting held 6-9-03, were amended as follows: The discussion on Con Ed parking should read "several jersey barriers can be placed". Last page 'Outback Restaurant' Change sentence to read "Chris Cross noted that the property owner at Newington Park had put two different users together and this is a landlord issue. Minutes as amended were accepted on a motion by Denis Hebert, seconded by Jack Pare. Peggy Lamson abstained.

Correspondence:

Memo from Conservation Commission advising that landscape plans for Smokey Bones and Pizzaria UNO restaurants have been approved, with stipulations.

Copy of letter to BOS from resident of Dover Point re: night noise from the Sprague Terminal.

Draft 'Notice of Decision' re: application for subdivision by Tyco/Simplex

Memo from Fire Chief Greenleaf re: site plan review for two restaurants off Piscataqua Drive and restaurant replacing Midas Muffler.

Letter from Vanasse, Hangen, Brustlin, Engineers, requesting information from Town that will assist in an Environmental Impact Statement for the proposed improvements to the Spaulding Turnpike.

Copy of letter from owners of Lot 2, Map 7, to Police Chief Loomis re: unauthorized use of their property.

Letter from PDA to Chris Cross re: his comments on the North Apron Access Rd and their response.

Copy of letter from VP of Nimble Spaulding Properties, 14 Nimble Hill Rd, to DOT, requesting that proposed interchange include two access points to his property. Reply from DOT advises that upon completion, accesses will be controlled by the Town.

Copies of all correspondence had been distributed to members.

Driveway Permits:

A) Request by Paul Reardon at 66 Patterson Lane, a town road.

Plans were reviewed - Chris Cross moved to approve the drive location with a stipulation that a 12" diameter culvert be placed under the drive, close to Patterson Lane, Mr Reardon stated that this was planned. Peggy Lamson seconded the motion.

John Frink noted that, for compatibility with other culverts and good cross drainage, the old culvert under the Sprague driveway should be replaced. Sprague will be notified in writing. Following discussion on the motion it was amended to state that a culvert of appropriate size, with appropriate materials will be used. Motion as amended carried.

B) Request by Jeff White at 62 Little Bay Road. Jeff White was not present.

Board reviewed the plan and noted that it appears to meet requirements. However, questions were raised re: construction of the access which needed answers from owner and Board agreed to continue this hearing at the August meeting (8-11-03).

PUBLIC HEARINGS -

A) Proposal by Tyco for 5 Lot subdivision

Peggy Lamson stepped down

Plan presented by option holder David Latullipe, Richmond Corp, who stated that the minor changes, requested at previous meeting, were made.

Chris Cross brought up the matter of poorly drained soils area of land which is separated by a gravel drive and suggested that the two areas be combined by removing a section of the gravel drive - this will enhance the wetland area by bringing it back to its original condition and there will be no loss of development area. Mr Latullipe stated that this is outside the scope of his proposed development and Tyco would have to approve - he also noted that Lot B is not part of his proposal and also he had tried to avoid disturbing the wetlands. Chris Cross noted that the wetlands do impact the whole area. Denis Hebert noted that this was why the Board had wanted to see Tyco's Master Plan.

Attorney Steven Tober, representing the Richmond Co, questioned why the Board was complicating the process by requesting this change now - that Tyco would have to agree to the change, wetlands permit would be required and his clients schedule disrupted - he suggested that the Board make the wetland issue a condition of approval so that his client could continue with his development plans.

Tom Morgan suggested hiring an approved soils expert to examine the effects of combining the two wetland areas. Mark West of NH Soils is familiar with area and cost should be reasonable that the Planning Board could absorb the cost.

Denis Hebert reminded the Board that the land has only one owner(Tyco) to consider. Atty Tober stated that Board should not underestimate the rights of an option holder.

Other issues of concern to Chris Cross was the power lines on Piscataqua Drive - and why they could not be underground. Mr Latullipe stated that he had contacted Public Service Co and concluded that this would require placing additional poles on Woodbury Ave and would be extremely costly. A free standing sign on the Tyco property will become an off premises sign after the subdivision and will need either a variance or removal.

The Public Hearing was closed and Board returned to the Regular Meeting.

Chris moved to approve the proposed 5 Lot subdivision of the Tyco land with the following conditions:

1. Access from Lots A1 & A2 be restricted to Piscataqua Drive.
2. Access from lots B & C restricted to Shattuck Way
3. A soil study of wetlands areas to determine if connecting two areas of very poorly drained soils by removing approximately 75' of old gravel driveway is beneficial to wetlands. Recommend study by Mark West at Town's expense.
4. Free standing sign on the Tyco property should be converted to multi user/directory sign or removed.

Motion was seconded by Denis Hebert - Denis made the following remarks:

Cost of any soil/wetlands study should be borne by the developer. He is aware that Tyco had

made a verbal agreement to place utilities underground on Piscataqua Dr. Who will bear the cost of maintenance of the directory sign? The Town should not bear any costs in this development. Motion was amended to show that the developer will design the directory sign and suggested that the businesses maintain it. Motion as amended carried.

B) Proposal by Tyco for construction of two restaurants on Tax Maps 20 lot 4 and 27 lot1

Plans were presented by Jim Kerry VP Real Estate for UNO.

Peggy Lamson advised that Conservation Commission had reviewed plans and developer has agreed to use melt-away in their parking areas. Also, there is concern about debris blowing into area of detention ponds and developer has assured that cleanup of lot will be done daily.

Denis voiced his concern about an access onto Piscataqua Dr. Developer has reconfigured to discourage left hand turns in - however Denis would like access closed off. Developer suggested that the Police Chief be consulted and any change be at his discretion.

Reviewed drainage, erosion control measures and specific plants that will cleanse the runoff prior to entering the river.

Chris Cross noted that plan shows sloped granite curbing and should show vertical.

Maintenance of grease traps will be monitored by the Sewer Commission.

Agreed lighting will be compatible with town ordinance.

Suggested a traffic study and Tom Morgan stated that potential volume does not warrant a study.

Discussed walking access and developer agreed to extend a proposed sidewalk to the Woodbury Avenue traffic light.

The Public Hearing was closed and Board returned to the Regular Meeting.

Tom Morgan asked the Board to review the Notice of Decision drafted by Attorney Loughlin.

Chris Cross moved the following: To approve the proposal as presented with following conditions:

1. All connecting sidewalks , as discussed and appropriate, to show on plan.
2. Expand the width of the West Island if found to be appropriate.
3. Change granite curbing from sloped to vertical.
4. Have only One Free Standing Sign
5. Show on plan the power easements
6. Accept the Notice of Decision/Findings of Fact as drafted by Atty Loughlin.

Developer will secure Bonds as follows: \$10,000 performance bond for each restaurant and \$2,500 3 year maintenance bond for each restaurant.

Motion was seconded by John Frink.

Denis Hebert requested motion be amended by adding that the West side entrance be subject to closure if illegal turns across Piscataqua Drive become problematic based on the Police Chief's judgment. Amendment was accepted and motion as amended carried.

Before leaving the meeting Attorney Tober stated that it was unfair to be given, just before the vote, the Notice of Decision and hoped, in the future, applicants will be given time to review such a document.

C) Proposal to replace Midas Muffler with Longhorn Steakhouse at Crossings at Fox Run

Plan was presented by Brett Mashchek who noted that requested changes had been made.

Fire Chief Greenleaf noted that his plan shows no hydrants or appropriate water lines. It was

determined that the Fire Chief had not received up-to-date plans.

Denis Hebert stated that the Fire Chief should have a chance to review the proper plans leaving issues unanswered - he questioned if any action could be taken tonight.

It was also noted that the landscape plan before the Board did not match the plan approved by the Conservation Commission.

Fire Chief also advised that the Portsmouth Water Dept should be given a set of plans for their review - that two critical areas are hydrant location and approval of Portsmouth Water Dept
The Public Hearing was closed and Board returned to regular meeting.

Cosmas Iocovozzi moved to approve the proposal with following conditions:

1. Fire Chief approval.
2. Portsmouth Water Dept approval.
3. Reconcile landscaping.
4. A performance bond in the amount of \$10,000 and a 3 year \$3,500 maintenance bond be secured.

Motion was seconded by Denis Hebert and carried.

D) Proposal by Newington Energy to reconfigure visitor parking on Map 19 Lot 10.

Plan was presented by Walter Beck who described the area as an original truck staging area outside the perimeter fence. Area is presently gated and Mr Beck requested the gate be eliminated as it now serves no purpose.

There being no further comments the Public Hearing was closed and Board returned to the regular meeting.

Cosmas Iocovozzi moved to approve the proposed parking area and permit removal of gate.

Motion was seconded by Peggy Lamson and carried.

PRELIMINARY DISCUSSIONS

A) Proposed Lot Line Adjustment at 26-36 Hodgdon Farm Lane

Owner Tony Smith presented plan to adjust line by 332 sq ft - the purpose is to square off back of lot and better maintain the tree growth.

Board agreed that this is a very minor adjustment and voted on a motion by Denis Hebert, seconded by Peggy Lamson, to hold a Public Hearing at the July 28th meeting.

B) Proposal by Evelyn Ferland for two Lot subdivision at 19 Captains Landing.

Plan presented by Jones & Beach Engineering and shows two lots of 2+ and 7+ acres

Board reviewed the location of test pits and septic system on the undeveloped 2 acre lot.

John Frink voiced some concern about locations and advised that the septic system cannot be located within the required setback. Peggy Lamson pointed out that ordinance requires that a second area for septic be provided should the first area fail.

Drainage of the lot causes concern - applicant agreed to grant an easement around a utility pole on the Little Bay Road side of the lot.

Board will walk the site and continue the preliminary discussion at the next meeting.

C) Request by Great Bay Lobster to discuss use of Shafmaster Drive

Bob Keating of Great Bay Lobster was present in response to a letter from the Building Inspector re: parking of trucks in the setbacks of the Tyco property on a deeded ROW.

Mr Keating advised that they have considered leasing a parcel for a parking area. Tom Morgan

pointed out that a long term lease is considered a subdivision and also the parking has to be set back 50' from property line. It appears that options are to subdivide or seek a variance from the ZBA.

Concluded that Great Bay Lobster will check the situation and return with some proposals for Board's review.

Board was asked about a sign located on Shattuck/Shafmaster land. Board advised that sign needs a variance from the ZBA.

Meeting was adjourned at 10:50 p.m. on a motion by Cosmas Iocovozzi, seconded by Jack Pare.

Pat Main
Secretary