

NEWINGTON PLANNING BOARD MEETING

Minutes – Revision #1
Monday, August 14, 2006

1. **Call to Order:** Sandy Hislop, Chair Person called to order the meeting at 6:37 P. M.

Present: Sandy Hislop Chair Person, Denis Hebert, Peggy Lamson, Jack Pare, Vincent Frank, John Frink, and Tom Morgan, Town Planner.

Not Present: Chris Cross, Gail Klanchesser, and Cosmos locovozzi

2. **Guests:** Don Rhodes, NPA, Philip Pastan, Richmond Co., Ken Linseman, Kane Co., Mike Garripy representing Khalsa, David George, PE of WD Partners, F. Giles Ham of Vanesse & Associates, Inc., Parker Harrington, RE Manager-Texas Roadhouse, Mike Haberski, Apple Vale Construction, David Eckman, P.E., and Paul Zuzvgo, Project Manager, and Frank Dore of Michaels Crafting Store.

3. **Minutes of the meeting of July 31st:**

Denis: made a motion to accept minutes and Vincent seconded it.

Sandy: Discussion on the minutes? Denis: Under Intersection of Shattuck & Piscataqua, Bottom of Page 2 & top of Page 3 sentence reads, "Denis made a motion that the Board does support the action to use a Stop Sign and more investigation be done. Then an additional sentence should be added reading; *"Motion was rescinded and to put it up to the Traffic Safety Board."* Sandy: Any other corrections? None.

Sandy: All those in favor of accepting the minutes as corrected? AYE! None opposed.

4. **Correspondence:**

Tom: Received correspondence from Edwards & Kelcey, Re: Commercial Driveways on Piscataqua Drive for Smokey Bones and Unos Restaurants, DOT, Driveway Application for Texas Roadhouse, letter from Ray Gillespie requesting adding Michaels Crafting Store to the PB meeting agenda; DET letter of approval re: NHDES Wetlands Bureau File #2006-1812, Town of Newington-Brickyard Way, Tax Map 22/Lot N/A, Non-site Specific Permit, Expiration date: 8/11/2011; Correspondence from Upton & Hatfield re: Proposed Piscataqua River Hydroelectric Facilities FERC Docket No. P-12664.

Peggy: Brought up the letter from the CC from Vincent Frank to ConEd, CEO, Kevin Burke re: Shattuck Way Landscaping. She received the letter on the 9th. Vincent went on to explain the situation and the reason why he wanted to have everyone see the letter. Vincent: The reason he wrote to ConEd was that they were offering the CC \$2,000.00 which was not acceptable. Come to find out a lot of the trees that died, were not put in place the way there were supposed to. Mulched and staked, it didn't happen. There were 140-day lilies that never went in and whatever trees died was the fault of the contractor not doing his job.

When it was brought up to them, they said that their people had checked the job, okayed it, and they paid them. Vincent asked why they should be the fall people and turn around and they get \$2,000.00 for a job they didn't complete. What happened was, prior to that meeting the Selectmen had a meeting with them and they turned around and gave them their money (\$45,000 plus \$2,000) this is happening more and more, that's why he wanted the PB to see the letter. Denis: Why did they settle? Vincent: Doesn't know why. Discussion continued. Vincent: It was a done deal. ConEd sent a letter and said they investigated the situation and they were at the May 3rd meeting and that it was accepted by the CC and it's not true. So Vincent will write back to the CEO and he will be sending a copy of the May 3rd meeting minutes that says nothing in them. Also, their people weren't present at this meeting and we'll see what happens. Sandy: Any other further correspondence? We will move on to the next subject.

5. Public Hearings:

A. Access to Smokey Bones and Pizzeria Uno

Philip Pastan of the Richmond Co. three weeks ago discussed issues with PB and worked with a traffic consultant and came up with a packet. Did a traffic study and put counters in the street, what they observed traffic and after information collected and have plan/reports with what they came up with. He turned it over to Don Rhodes, who then discussed aspects of the study and to go through suggested recommendations. They did a series of traffic counts in order to understand what the situation is. They put up two counters for a three-day period at Piscataqua Drive. Phil went on to explain the counting of queues, etc. After they collected all that information, this plan represents what they have come up with. He pointed to the dark green areas. There are two aspects of what they are showing:

1) To make this a one way driveway and 2) Shift the location of the driveway as much as they could without upsetting the operation of the parking lot to establish more queuing space on Piscataqua Drive so cars would have to back up further before they could reach the point of the driveway. As a result we have come up with this configuration, it's approximately a 40-foot shift from where traffic stops currently to where somebody would stop under this new plan. The upgrades effectively are about two additional car lengths of stacking on Piscataqua Drive Percentage wise; it would recover substantial benefits in keeping the queues from interfering with the driveway. We came up with a specific series of recommendations and would like to go through them. The report further details specific recommendations to clarify the traffic patterns and reduce errant left turns into the southerly driveway and to increase the queuing space for the southbound left turn lane on Piscataqua Drive. Based on the recommendations in Edward & Kelcey's letter report, (the Board received a copy of the letter), they offered their observations. Denis: Whom at Edward & Kelcey were you working with? Don: Mike Desrochers. After going over the recommendations (seven bulleted items) written in a letter to the BOS, discussion/questions ensued also regarding sustained damages. Denis opened up to the Public, any comments/questions? Denis: If the Board members don't mind, we have some information here and won't have time to absorb it right now and would like to take this review and take your suggestions and continue the hearing until the next meeting and want to make the right decision. Is it reasonable with the Board and

the applicant? Denis: Meeting continued to September 11th @6:30 P.M. which will give us a chance to review and have Mike Desrochers attend the meeting.

Paul would like to have an informal meeting to discuss this prior to the meeting and would like to bring Mike Desrochers and Mr. Rhodes at that meeting. Denis: Feels he can pick up the phone and call Mike if he has any questions and if needed then they can meet and have a working session, if necessary. Denis: He sees some improvement, but there are still some issues not resolved and not sure there is a solution.

B) Proposal by Gurubhai Khalsa for a 2-lot subdivision at 300 Little Bay:

Peggy recused herself.

Mike Garripy with Tye Creek Realty Investments is here in behalf of Gurubhai Khalsa to propose a very simple sub-division of an existing 17.5 acre track of land, 300 Little Bay Road, Tax Map 23/Lot 8. It's been before you in various configurations in the past. Recently the Board approved a subdivision of lot, which is now Lot 8-1 at the corner of Little Bay and McIntyre Road. He went on to discuss and passed out maps to the Board and pointed out the lot, about subdividing the existing farmhouse. It's a fairly straightforward plan. There doesn't appear to be any issues and would like the Boards approval of this simple subdivision. **Denis: For the record, the curb cut west of Lot 8-87,120 sq. ft., existing house lot will not have any curb cuts and it was agreed upon.**

Sandy: Any questions from the audience? Tom Radden of Bayberry asked Mike a question and so did Barbara McDonald with regard to frontage/acres and what is their intent (what are they planning to do with the subdivision). Mike went on to explain their intent. Sandy: Intent is just separating subdivision/no proposal of a new house, no proposal to build. No proposal, no house lots. Sandy: Any other questions?

Karen Schaffer asked Mike to explain again the wetland process. Mike: Have to apply to the Planning Board to show they are not harming wetlands in that area. Discussions continued.

Sandy: Any further questions? Question from audience asked, is it a buildable lot? Paul Yes. Had some discussions. Sandy: Closed Public Hearing and resumed the regular session.

Denis: Everything meets the requirements. Make a motion to accept the subdivision as recommended. Vincent seconded it. Sandy: Any further discussion on the motion? John: Made a motion that it should be subject to the conditions of receiving the subdivision Permit. All those in favor of the amended motion, AYE. None opposed. Sandy, all in favor of the original motion, which is to subdivide the property into two properties. All those in favor, AYE. None opposed.

6. Preliminary Discussions:

A) Proposal by King Weinstein to expand parking lot at 177 Shattuck Way

No one attended to represent the proposal.

B) Proposal by Texas Roadhouse for a restaurant at the corner of Fox Run Road and Woodbury Avenue.

David George of WD Partners updated the Board where they are on the process.

- Moved the driveway-moved it up
- Put in some additional features potential for retaining walls and are within the setback
- Did do the Traffic Study with Vanesse – received approval
- Submitted to Department of Transportation, drainage report for their approval and on site drainage which will discharge into the DOT system and received approval
- Submitted a curb cut application to DOT as well as the Traffic Report.
- They had a meeting with DOT – a scoping session to determine and refine the Traffic study. Came back with update and to answer any questions the Board may have so that we can move forward. As far as the landscaping design goes, this was at the CC meeting last week and overall what they want to see are trees flagged and an update drawing on what's to be removed, etc. and can take a site walk to see what was proposed. Discussion ensued regarding the trees. PB is interested in the drainage system. David went on to explain the plan with the overall site grading (C2) maintained. DOT has reviewed and approved this. Denis proceeded to question about the catch basin, size of pipe (24"), elevations of catch basin, existing storm drain, etc. Discussion continued. Denis would like to see some details showing the restrictions and the line going in across the street. Denis: Made a recommendation to move process along and get people more technical savvy on this and get back to the Board and answer the questions properly. Denis went on to give his concern regarding the slope which is pretty steep in regards to handicap accessibility. Do you have other ramps that are necessary to enter the building? What are they doing for utility underground connections that come from Fox Run Road (see C5) on plan and who have you talked to? Denis would like to see the final plan from the Sanitary Department and to see something in writing that they meet requirements that they may have.

Sandy: Any other suggestions? Denis: Question on Fire System sprinkler? Would like to see the Fire Chiefs requirements before the PB approves it. Would like to be the last one with the final approval. Dave: It's just been submitted to the PB to discuss at tonight's meeting and see where you want to go. Denis asked questions about the gas line, etc. which David answered. Peggy asked about lighting. David prepared a lighting plan (C5-1) which has the details, and (C6) which has the site illumination plan. David went on to explain the plan. Denis: Keep in mind lighting level and glares are two different things. Problem with the site is you're sitting high and want to make sure to take the glare into consideration. Discussion continued. Denis would like to see something along those lines and details if you could and address the glare. The Beals property will be affected and David said they would leave up some of the trees. Denis: You did a really good job. Giles had a scope meeting and spoke with DOT to discuss traffic flow. Peggy asked about the busy times at the mall, looking at it getting backed up, etc. Discussion ensued.

Denis made a motion to go to a Public Hearing on September 11 and also in that motion Denis would like to include that we have a Technical Review by Edwards

& Kelcey to review all engineering permits and to make sure everything is being done.

Peggy seconded the motion. Discussion continued. David had a question from the last meeting. Wants to clarify where you would require the sidewalk to go and talked about posting a bond so that they may go ahead and reconfigure sidewalk improvements, etc. He just wants to understand it better. Denis would like to see sidewalks wrapped all around the facility. Tom: We have a sidewalk fund/money in escrow. First time John has heard of one. He suggested the PB have a work session on sidewalks. Discussion went on about sidewalk funds/safety/construction. Sandy: If there isn't any further discussion, take a vote for a Public Hearing next month, all those in favor, AYE. None opposed.

C) Proposal by Michael Haberski for a Wingate Inn behind the Exxon:

David Eckman, PE and Paul Zuzvgo, Project Manager, they are representing Applevale Construction. He gave the Board a little background and has a very preliminary/final concept. They are new to this and it's a very preliminary concept. His client is out of the state right now. They are here to find out what issues the Board sees with this particular site. Denis: The client, Mr. Haberski, has told Tom Morgan via telephone, we have been trying to confirm it and he hasn't been showing up at meetings, that he was withdrawing his application and the reason he was put on the Agenda was to take an official vote to take him off the agenda. Denis: That's number one, and wants to make it a matter of public record. Secondly, this is a very preliminary plan, we have asked for a lot of information that we have not received and until we receive more information, I recommend the Board don't take action on this, it's dead in the water, not going anywhere and until then we can't act. There has been a lot of discussion and meetings upon meetings and covered everything, but did not receive any information. They proceeded with the conceptual discussions. They are at the meeting to see what the issues are. Tom asked if anyone has filed a curb cut application with DOT. Tom asked when? They filed the application, but it doesn't have a date on it. Denis: Asked many questions. Doesn't see anything different. It's been very frustrating and we have tried to work on all the issues. Denis recommended that they might want to do some investigation/drillings on that property. Denis would like a letter from Mr. Haberski stating that he is planning on pursuing this and it can't be on and off again. Denis: You don't have any details and keep coming back with the same thing. Denis made a motion to basically start the preliminary discussion over again and need to submit another application. The other one is old and the Board needs to know he is serious. The Board talked to legal to make sure the Board is taking the right action. Denis, can I have a motion from someone? Peggy moved, Mr. Chairman, that Wingate and Michael Haberski's Preliminary motel/hotel proposal, to make a motion to start over and go to Preliminary discussion. Peggy amended the motion and moved to end the discussion with Michael Haberski of the Wingate Inn. Jack seconded it. Denis: Any more discussions? All in favor of motion, AYE. None opposed. Motion carries.

D) Proposal by Michaels Crafting Store for 3 storage trailers per Particle XV of the Zoning Ordinance:

Frank Dore representing Michaels is requesting temporary storage for Christmas, September to December only. He had approvals for two storage trailers last year

and requesting three this year and they will be gone after Christmas. The ordinance doesn't allow for these storage trailers. Suggestions were made from the Board for other alternatives. Discussion continued. Denis: Suggested that the Board approve two (2) storage trailers based on recommendations from the Fire Chief, and if it's practical, a third. Vincent: Voted for three, move the cap to three. Denis: made a motion to go ahead and allow Michael's to use two storage trailers for 90 days and the third trailer is up to the decision of the Fire Chief to make sure it's safety wise and that they are all set. This is the last year. Peggy seconded the motion. Sandy: Any discussion on the motion? All in favor, AYE. None opposed.

Tom: Brought to the Boards attention that DOT has sent a Draft Environmental Impact Statement. Public Hearing on September 21st, deadline performance is October 6th.

Denis asked Tom to consider putting on the list under Pending Business the number of restaurants that we have and very concerned about starting to look like a restaurant strip and would like the Board to be thinking along the lines of limiting the number of restaurants that we have in the Town. Not concerned about the Mall. Denis feels it creates a lot of stress on the Town itself, mainly utilities and infrastructure. Remember, things have to be done by summertime to get the Town vote on all these issues. We have several items on the list, just keep it in mind.

Denis also asked whether or not to consider exhuming bodies from the cemetery, especially where they have buildings being built all around them and move to a place of peace and put in Town Cemetery. Not sure what the Town or State allows. The Board went on to discuss this issue. Denis: Would like the Board to consider this and is it the right thing to do in some cases? Tom: Suggested leaving them where they are, where it's a historical site. Discussion ensued. Denis: Made a motion to for further discussion on this issue. Peggy seconded it. Denis: We should meet on the 28th regarding the Master Plan and Pending Business.

Sandy: All those in favor of adjourning, AYE.

Meeting Adjourned at 9:28 P.M. Next meeting is August 28th at 6:30 P.M.

Respectfully submitted:
Pearl Travis-Sirois, Recorder/Transcriber
File: NPB Minutes, Monday, 8/14/06