

**Planning board Members Present:** Denis Hebert, Vincent Frank, Cliff Abbott, Michael Marconi, Jack Pare, Tom Bobotas, Peggy Lamson, Coz Iocovazzi, Alternate 7:20 pm

**Also Present:** Town Planner Tom Morgan

**Commencement:** Chairman Hebert opened the meeting at 6:30 pm

**Minutes of September 10, 2007:**

Chairman Hebert noted a correction should be made on page 3 relative to the motion on the requested waiver from septic test pits within 100 ft wetlands setback. The motion should state 3 in favor, 3 opposed waiver is denied.

**Frank made a motion to approve the minutes of September 10, 2007 with corrections, Bobotas seconded, all in favor – motion carries.**

**Public Hearing:**

- 1. Bed & Breakfast Inns:** No public comments.

Chairman Hebert closed the public session at 6:39 pm

**Pare made a motion to add the following sentence to Article V Section 1B of the Zoning Ordinance. “Bed & Breakfast Inns, providing such facilities have no more than eight lodging rooms, and that the Planning Board finds parking and septic systems to be adequate.” Marconi seconded, all in favor – motion carries.**

**Conservation Commission: Report on Prime Wetlands**

Lamson recused herself

Justin Richardson, Chairman of the Newington Conservation Commission briefed the board on the background relating to the Town’s designation of prime wetlands within the borders of PDA property and attempts by the PDA to invalidate these designated prime wetlands.

The current project, Farley White Pease, LLC at 100 Arboretum Drive includes a detention pond within the 100’ buffer. It is the conservation commission’s position that a state wetlands permit is required. The conservation commission will recommend approval of the project provided the applicant seek the required state wetlands permit. Richardson believes the applicant does not intend to apply for a permit.

Richardson further stated that in the deeds to the PDA it states that the PDA must abide by all local laws relating to wetlands protection.

The conservation commission has retained legal counsel, Jed Callen, Esq. to represent the town regarding the PDA's attempt to challenge the acceptance by the DES of the prime wetlands designation.

Marconi suggested a letter be sent to the PDA requesting an informational meeting.

Barbara MacDonald stated the applicant in the Farley White project does not want to apply for the permit because they know the State has designated the area a prime wetland. She stated the applicant is required to get a state permit as the area is a designated prime wetland and the applicant must abide by state regulations. In the deed from the airforce to the PDA, the PDA promises to abide by the federal, state and local laws relating to wetlands protection. Local would be interpreted to mean the Town of Newington's wetlands regulations. For the applicant to ignore the entire permit process puts the Town of Newington in a precarious position.

Chairman Hebert expressed concern whether all the PDA members are aware of all of the information in this matter. He requested Tom Morgan to invite all PDA board members to an informational meeting at the October 9<sup>th</sup> meeting at 5:30 pm. All board members were in favor of proposing an informational meeting with the PDA.

Chairman Hebert recognized Lamson as a voting member for the remainder of the meeting.

#### **Roadway Frontage Standards:**

#### **Marconi made a motion to table the matter, seconded by Abbott**

Chairman Hebert stated he would like the board to have the opportunity to discuss the issue.

#### **Marconi withdrew the motion to table, Abbott withdrew the second.**

Discussion of proposed change to the Zoning Ordinance regarding the definition of front yard.

#### **Pare made a motion to make no changes to Article II of the Zoning Ordinance, seconded by Marconi, all in favor – motion carries.**

#### **Class VI Roadways:**

**Marconi made a motion to table this matter until the board has had the opportunity to review the letter from Attorney Upton, Abbott seconded, all in favor – motion carries.**

### **Sidewalks:**

Chairman Hebert stated the Town has always accepted money from applicants for sidewalks which it in turn gave to the state so the state would construct and maintain the sidewalks. The state has taken a different view on sidewalks.

Coz stated the Town will hold a safety meeting to determine what the Town should do relative to accepting and maintaining sidewalks. He suggested Chairman Hebert attend the meeting. The Town can either accept and maintain sidewalks year round, or make it known via ordinance that they are not plowed and sanded in the winter. A committee will be formed to determine what the Town favors.

Chairman Hebert asked the board their opinion on this matter.

Pare suggested the sidewalks be designated as seasonal multi use sidewalks which are not plowed or sanded. The board agreed.

### **Pending Business:**

- Signs in the Residential District and Other
- One building per lot in the Office & Industrial Districts
- Restaurants
- Shared Driveways
- Connecting to utilities
- Class VI Roadways

**Coz made a motion to adjourn, Frank seconded, all in favor – motion carries.**

Meeting adjourned at 8:10 pm.

Respectfully submitted,

Melia Michaud  
Recording Secretary