

Present: Chairman Marlon Frink, Larry Upson, Jim Leger, Sandy Hislop, Barbara Hill, Denis Hebert, Selectmen's Rep. Cosmas Iocovozzi, Planner Tom Morgan.

Absent: John Frink, Peggy Lamson.

Meeting was opened at 7:07 p.m.

Minutes of meeting held 9/10/01, were amended to show that Denis Hebert, re: Newington Energy Power Plant, advised that the plant is designed and must comply with a 5DB maximum requirement.

Minutes as amended were accepted on a motion by Larry Upson, seconded by Barbara Hill.

Acceptance or amendment of minutes of meeting held 8/13/01, was postponed until a quorum of members attending that meeting, is present.

Correspondence:

Letters between School Superintendent, Selectmen, Town Planner, Conservation Commission and Barry Kimball, re: concerns of the school bus drivers about intersection of Mott Cove Rd and Fox Point Rd.

Copy of letter from City of Portsmouth to Pease Development Authority, strongly recommending a 100' buffer around any wetlands on the Tradeport.

Copy of letter to PDA from Conservation Commission with same recommendation as above.

E-mail from Barbara Hill to Planning Board advising that statutes require a 25 foot setback from cemeteries for all new construction.

Memo's from BI and Selectmen re: Building Code Enforcement and asking for the Boards guidance.

Schedule of meetings/seminars, re: Ethics in Municipal Government.

Notice of Fall Law Lecture Series beginning 10/3/01 through 11/14/01.

Copies of above mailed to each member.

Tom Morgan distributed copies of memo from Attorney Ratigan with info regarding request for two lot subdivision included in this agenda. Also, notice of Haz Waste Cleanup Day for residents on October 30, 01.

Tom noted that, at the request of the Board, some correspondence received after the deadline for inclusion, was withheld until the next meeting. Chairman Frink stated that any correspondence, even if late, that is pertinent or critical, should not be withheld.

PUBLIC HEARINGS -

A) Proposal by Great Bay Marine for Restrooms, Floats.

Sandy Hislop left the table to present the plans.

Permits from Governors Council and DES were submitted.

Described project as two parts. 1. Additional Docking space; 2. New septic system to accommodate new bathroom and shower facilities including handicapped accessible.

Plans meet all setback requirements.

Board reviewed the plans - Chairman Frink suggested that area of proposed leach field be marked off so that Board and abutters could determine the distance from property lines. Sandy advised that only the very necessary growth will be removed. Also, that the septic design only calls for 1 pump - but 2 will be installed, 1 for backup .

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

Larry Upson stated that his daughter was employed at the Marina and all agreed that this could be perceived as a conflict of interest and Larry agreed not to vote on this proposal.

On a motion by Barbara Hill, seconded by Cosmas Iocovozzi, it was voted to approve the proposal by Great Bay Marine for docks and bathroom facilities.

B) Proposal by Westinghouse for Two Lot Subdivision.

Plans were presented by Gerry Gagne, Meridian Engineers. Plan shows the Westinghouse property bisected by the Industrial Corridor Road and all changes previously requested by the Board have been incorporated.

Marlon Frink and Larry Upson stepped down and Vice Chair Denis Hebert took the Chair, Plan was reviewed and Board discussed the issue of a 270' Public Service Easement across the site. Mr Gagne advised that Public Service has a 20 year agreement with Con Ed that would allow use of the easement for power transmission should another power plant be proposed and built.

Other concerns are the matter of long term access onto Avery Lane, a private road ; cost and maintenance of street lights on Avery Road; and any other utilities that may need formal easement agreements.

Chairman Frink suggested that questions about easements and ROW's be given to Attorney Mike Donahue for his input.

Resident Chris Cross voiced his concern should the smaller lot, zoned Office, which could come under separate ownership and what conditions of access would the new owner have - that the new owner should come back to the Planning Board to retain options and conditions for access onto Avery Road.

Denis Hebert voiced his concern for emergency vehicle access should access onto private road be lost in the future.

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

Barbara Hill moved to approve the proposed subdivision subject to the following: The Board notes that a PSNH transmission line easement is shown on the plan. To date, the Town has not accepted any deed or conveyance from Newington Energy or any related entity for land rights corresponding with the ICR. Approval of this plan should not be construed as acceptance or approval by the Town of Newington or its Planning Board that the location or status of this PSNH easement within the ICR right of way is acceptable to the Town. The motion was seconded by Cosmas Iocovozzi and carried unanimously. Tom Morgan requested that a mylar of plan be submitted for recording.

OLD BUSINESS

Proposal by Outback Steakhouse for Restaurant at Newington Park.

Plans were presented by representative of Newington Park who discussed the 25 parking spaces less than required and questioned if development of the pedestrian walkways between Newington Park and the cinema parking lot, allowing for cross parking, would be grounds for granting a waiver from the ordinance. Tom Morgan stated, in his opinion, a waiver could be granted.

Chairman Frink stated that it was good to see cooperation between owners and asked that the Board be given copies of any agreement re: maintenance and upkeep of the walkways. If a written agreement was not ready by the next meeting a cash bond payable to the Town could be made a condition of approval. However the Board would like to see agreements spelt out before final site approval. Also, noted that at least one walkway should be handicapped accessible and both walkways must have proper lighting and have year round accessibility.

On a motion by Larry Upton, seconded by Cosmas Iocovozzi, it was voted to waive the requirement for the 25 spaces short.

Larry Upton made a motion to move this proposal to Public Hearing at the November meeting. Motion was seconded by Cosmas Iocovozzi.

Board asked to see a plan showing where the Newington Park and Crossings at Fox Run meet. Chris Cross received permission to present a preliminary plan showing a connector road between the two parcels stating that elevations where the walkways are proposed can be a problem and an additional connector road will keep traffic off Woodbury Ave and Gosling Rd.

Chairman Frink stated that a portion of the property taken for the connector road belongs to the Olive Garden Restaurant requiring a three party agreement.

The representative of Newington Park agreed to have engineers look at the proposal at the same time they are checking the walkways.

Chairman Frink suggested that in the interest of long term planning a ROW for future development of a road would be acceptable - that a feasibility study and owners willingness to agree would be beneficial.

The motion to move to a Public Hearing carried.

PRELIMINARY DISCUSSIONS

Board agreed to take up item D at this time.

D) Proposed alteration to intersection of Fox Point Rd and Mott Cove Road.

Board was advised that the school bus drivers are concerned that this intersection is poorly designed and would like it changed to give the busses better turning radius, that Fox Point Rd is too narrow. Tom Morgan noted that Mott Cove Road has been accepted as a town road and any alteration must be for the long term.

Board reviewed a plan proposed by resident Barry Kimball, an engineer.

Sandy Hislop moved to recommend Barry Kimball's proposal to the Board of Selectmen. Motion was seconded by Larry Upson.

In discussion on the motion it was suggested that, in future, any proposed intersection or cul-de-sac should be reviewed by the bus company. Chairman Frink also suggested that the Selectmen pay particular attention to those areas that need extra salt & sand early enough for school busses. Dave Low of Fox Point was present and agreed that Mr Kimball's plan is the way to go.

The motion to recommend that the Selectmen adopt Mr Kimball's plan carried.

Cosmas Iocovozzi was excused to attend a Fire Department meeting.

A) Review ICR across Matrix property - Postponed

B) Proposal by GSM Realty to construct Storage Building.

Attorney Bernard Pelech presented plan and described the proposal to construct a storage building in the NW corner of the property fronting on Gosling Road. The building is to be used to store owners both personal (inc boats) and commercial vehicles. This use did require a variance which was granted by the BOA.

Board questioned the activity and were advised that this would be strictly storage of vehicles not in use and will not be a truck terminal.

Building will have a bathroom but to date the septic system has not been designed. Board questioned why the facility will not be tied-in to the Town sewer system and were advised that the building is far enough from the sewer line not to require a tie-in.

Tom Morgan asked about trucks presently parked on the property, which is not a permitted use, and was advised that they will be removed.

Howard Patton, representing the owner, was present and was advised that anything that happens on this property will require Planning Board review.

This lot, some time ago, was granted a variance to store salt - this use has been withdrawn and Tom Morgan asked for something in writing stating that salt will not be stored on this site.

Denis Hebert was concerned that the proposed facility would turn into a truck operation and that a second floor in the proposed building could be used as office space.

Mr Patton stated that the second floor is a mezzanine and auto parts would be stored there.

Larry Upson moved to hold a Public Hearing at the November meeting contingent upon receiving a State approved septic design or - removal of the bathroom facility from the plan. Motion was seconded by Sandy Hislop.

Attorney Pelech, in answer to some members concerns, stated that there will be No Vehicle Maintenance; No Hazardous Materials and No Offices in this building.

Motion to go to Public Hearing carried.

C) Propose Revisions to Total Waste Management

Donald Littlefield, President of TWM, stated that he was present to bring the Board up-to-date on the changes proposed by the new owner from previously approved site plan.

Board reviewed the plan and discussed, at length, the various storage containers. Chairman Frink asked that the Board be provided with a complete inventory of what and where is stored on the site. Was advised that the site is permitted to store 4 full containers and approximately 15 empty ones at any one time.

Board agreed that a site walk is needed and agreed to October 28, at 8:30 am. Mr Littlefield was asked to stake out the proposed truck rack area.

Board was also told that Fire Department personnel are familiar with the site, that training has been held at the facility.

Board questioned the removal of a second driveway from the plan, that this was thought to be necessary to accommodate large trucks. Mr Littlefield explained that TWM had plans to have their own access from River Road however, Sprague has agreed to allow access from their facility and the wider drive is not necessary.

No action was taken - Preliminary Discussion on this site plan will continue at the November meeting.

Mr Littlefield asked if the Board needed to give their approval before a building permit can be issued to modify/redesign one of the holding tanks. Board reviewed and agreed that work is within the scope of maintenance and Mr Littlefield can apply for a building permit.

Zoning & Building Code Amendments

Board will be reviewing, among other things, the scope of inspections at both residential and commercial construction. It was agreed to hold a work session on October 22. Chairman asked Tom Morgan to check with other communities to determine their inspection requirements.

Other Business

Chairman Frink advised that his term of office will be up at the 2002 Town Meeting and he would not seek another term on the Board and Larry Upson has also stated that he will not seek another term - that the other members should start now to recruit residents to fill the slots.

Meeting was adjourned at 9:35 p.m.

Pat Main
Secretary