

Present: Chairman Marlon Frink, Barbara Hill, Larry Upson, Denis Hebert, John Frink, Sandy Hislop, Cosmos Iocovozzi, Alternates Peggy Lamson and Jim Leger, Planner Tom Morgan.

Meeting was opened at 7:00 pm with the Board reciting the Pledge of Allegiance.

Minutes of Previous Meetings: On a motion by John Frink, seconded by Denis Hebert the minutes of meeting held 10-22-01 were accepted with a spelling (Dumpling) correction. Minutes of Meeting held 8-13-01 were accepted on a motion by Denis Hebert seconded by Sandy Hislop

Correspondence: Letter from Fire Chief advising that he had visited UIS Industries (Waste Management) on River Road and found no problems with their proposed changes.

Letter from Chris Cross re: Jack Adams proposed subdivision and also volunteering as an alternate to the PB

Letter from Fire Chief re: Outback Steakhouse and the need from sprinklers.

Request by Newington Energy for release of escrow funds.

Copies of all correspondence was distributed to each member.

Public Hearings -

A) Outback Steakhouse:

Representatives of Outback and Newington Park were present and described the proposal to lease a portion of Newington Park and establish a restaurant. Discussed the issue of the proposed connector walkways between Newington Park and the Crossings at Fox Run. Proposed walkway will be 6' wide to allow for snow plowing, paved with asphalt and lit from light on utility pole. Board was asked if two connecting walkways, as previously proposed, were necessary - that one walkway crosses into an offloading area and could be hazardous to pedestrians. Chairman Frink noted that an access easement to the Town, connecting these two properties, should be considered as necessary for future planning .

Other matters noted: The Fire Chief's proposal for a sprinkler system is acceptable to Outback.

There are no adverse compatibility issues with other tenants (business hours are different).

The previously proposed removal of some trees has changed and trees will only need to be trimmed.

Signage and Lighting will require separate permits - the Fire Chief must review and approve any planned neon lit signs.

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

Tom Morgan stated that he had talked to Tom Lavigne of the Fox Run Mall and was advised that the Fox Run Mall agrees with the concept of a connector walkway between the two properties but was not ready, at this time, to commit to any construction or maintenance costs. Tom Morgan suggested that Board require a surety bond to insure the walkway is constructed - noting that a

waiver, granted at the 10/09/01 meeting, of approximately 25 parking spaces was contingent

upon a pedestrian walkway to the Crossings at Fox Run near the cinema.

Following review of the plan, Denis Hebert moved to accept the Outback Steakhouse proposal with a single walkway (the most easterly on the plan). Motion was seconded by Peggy Lamson. In discussion on the motion it was amended to add that a 5 year \$8,500 surety bond would be required and that the ROW connection between the two properties should be 25 feet wide including the 6' walkway. Motion as amended carried.

B) GSM Realty Trust - Storage Building.

Attorney Bernard Pelech, representing owner, presented the proposal. Advised that a permit for septic has been issued. Notes on the plan include a statement relinquishing a previous subdivision approval of this waterfront industrial property. There is no change to the proposal since the last meeting and that a variance for this non-conforming use was granted by the BOA. Chairman Frink asked if this development could preclude future development of this site. Tom Morgan stated that if future uses were in conflict a subdivision of the storage building site may be needed. It was noted that there are no details of any heating system for the building and any changes to the plans will require Planning Board approval.

John Frink, planning rep to the BOA, stated that some justification for granting the variance was that the storage building could easily be made part of any future waterfront industrial use. There being no further comments the Public Hearing was closed and Board returned to the Regular meeting.

Larry Upson moved to grant the request for a storage building at 193 Gosling Road with the following conditions: There should be no floor drains or equipment maintenance; no storage of bulk oils/chemical in 55 gallon drums or larger, except for potential heating of the building; no depot or lease usage of property - will require Planning Board approval prior to any Certificate of Occupancy being granted; change of use of the building requires re-application to the Planning Board; the current use is for storage of privately owned vehicles and boats and some, long term, storage of construction equipment; the curb cut onto Gosling Rd, as shown on the site plan, is approved. The motion was seconded by Cosmas Iocovozzi and carried.

Chairman Frink stated that the removal of the non-approved storage trailers on the site should be resolved ASAP. Attorney Pelech agreed to contact the owner.

Preliminary Discussions -

A) Review of Industrial Road across Matrix Financial property:

Board agreed to take no action at this time until town attorney reviews correspondence. Will place on the December agenda.

B) Total Waste Management 123 River Road:

Don Littlefield and David Carabetta presented the proposal to make some changes to the facility. Noted that some members had toured the site. Denis Hebert noted that proposed changes make for a better and more secure environment - that he was impressed with the operation - described as short term storage of hazardous waste. The Fire Chief has also visited the site and has no objections.

Board asked about the State permits for this project and were told that permits should be received any day

Don Littlefield described a proposal to provide an area, at no cost to the town, for residential residents of Newington to dispose of waste automotive fluids. Use will require proof of residency.

Noted that the Selectmen would like to see this made available

On a motion by Larry Upson, seconded by Cosmas Iocovozzi, it was voted to hold a Public Hearing on Waste Management's proposed site changes at the December meeting.

C) Proposed two lot Subdivision by John & Margaret Adams -

Mr & Mrs Adams had advised that they were not ready to proceed at this time. The letter from Chris Cross referring to a bicycle/pedestrian path across the Adams property cannot be considered/discussed until all effected landowners are notified. Also, the Adams must reapply if they wish to be on the December agenda.

Old Business -

Wal-Mart's Request for release of Bond -

Denis Hebert stated that the lighting changes are acceptable. Jim Leger stated that the landscaping is not acceptable - that dead trees have yet to be replaced. To date there has been no reply from the DOT that the traffic lights on Woodbury Ave have been synchronized Board agreed to hold up release of the bond until they hear from the DOT..

New Business -

Interpretation of Sign Ordinance:

Tom Morgan stated that page 35 of the Ordinance reads that flashing, animated lights are prohibited - he showed some pictures of 'message boards' and asked if these are acceptable. It was unanimous that message boards are unacceptable. It was noted that a bank time/temperature sign would be prohibited without a variance from the BOA.

Other Business -

Jim Leger thanked Tom for the timely distribution of the Planning Board agenda. Also, advised that Portsmouth has a 24/7 disposal area for used motor oil.

Discussed the request by Chris Cross to be appointed as an Alternate member of the Planning Board.

Board discussed and on a motion by Barbara Hill, seconded by Sandy Hislop, voted to appoint Chris Cross as an Alternate member commencing at the December 2001 meeting for a term of three years.

John Frink abstained feeling that there might be some unresolved issues. Alternate Peggy Lamson did not vote on this motion - leaving the required 7 votes.

Energy LLC-

Marlon Frink and Larry Upson left the meeting citing possible conflict of interest.

Vice Chair Denis Hebert took the chair.

Board discussed and Denis Hebert described the agreement to hold cash in an escrow fund.

Edwards & Kelsey have reviewed the request and concur with the project completion percentage.

On a motion by Cosmas Iocovozzi, seconded by Peggy Lamson, it was voted to recommend, to the Selectmen, that \$2,400,000, be released to Newington Energy.

Prior to adjournment and for the record, it was agreed that there would be no future meeting held on a holiday.

Meeting was adjourned at 9:00 pm on a motion by Sandy Hislop, seconded by John Frink

Pat Main
Secretary