

**Call to Order:** Chair Hislop called the meeting to order at 6:35 a.m.

**Present:** Chair, Sandy Hislop, Chris Cross, Peg Lamson, Jack Pare, Bob Simms, John Frink, Denis Hebert, Town Planner, Tom Morgan and Selectman, Cos Iocovozzi.

**Old Business: Clarify Matrix Marketing parking approval (25 Piscataqua Road)**  
Morgan advised Board that file was incomplete. There was no signed plan. There is no deed and the prospective buyers want to know what they are getting into. What will they be allowed to do. Greg Harville, Vice-President of Operations for Wilcox Industries was at the meeting, presenting his company's interest in moving their business to Newington. In addition, Jim Teetzel, owner, President and Chief Executive Officer of Wilcox Industries and Paul Kirby, Senior Structural Engineer, employed by TF Moran were present. Harville stated that they have hired TF Moran to perform certain evaluations of the property they wish to purchase. He stated that they have entered into a purchase and sales agreement with Matrix Financial Group and expect that this will result in the purchase of property located at 25 Piscataqua Drive. He stated that Wilcox is primarily a Dept. of Defense contractor that designs and manufactures specialized equipment for service members who are dedicated to US military Special Operations commands. The company has been in business for 22 years. They have more than 60 employees and the staff includes engineering, design, manufacturing and management skills. Wilcox has created a successful product line of laser aiming devices and as a result of their ability to meet demanding specifications, they have been offered the opportunity to develop a Hybrid Life Support System designed to protect the wearer from chemical and biological agents associated with weapons of mass destruction attack. This product is now known as the PATRIOT. As of 9/11 the company has suspended sales of their products to non-US military customers. Their PATRIOT production is one reason that they are now seeking a larger facility to meet their production requirements. The reason for asking to be on the agenda tonight was to clarify a decision that was made by the Planning Board at a meeting held December 11, 2000. Their investigation disclosed that the building is located within the Office Zone and based on current building size, it is required to have more parking spaces than currently exist on the property. Can they assume that the approved minutes of 12/11/00 provide the authorization needed to build the parking lot? They also discovered an Agreement, dated January 29, 2001, between the Town of Newington and Matrix Financial LLC. In the Agreement, the current property owner agreed to deliver a warranty deed to the Town of Newington for a parcel of land that will become the Industrial Corridor Road. It would seem that in the event Wilcox purchases this property, they will be obligated to complete this land transfer. They would like clarification about how the property's parking requirements will be affected when the ICR is constructed. The last thing the applicant wished to discuss was their long-term plans for the property. Based on their current growth, they will outgrow the space within

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the next few years. Their business is divided into two major operations, the machining center and product assembly. The machinery consists of state-of-the art; computer numerically controlled machine, which produce the component parts used in their fully assembled products. Although machinery is large, they are environmentally safe, quiet and easily operated by skilled technicians. One employee can operate up to four machines simultaneously. Due to the weight of the machines, they have to be located on the first floor. In the long term, they will need all of the space on the first floor to house their machinery. Product assembly requires dedicated space segregated from the machining center. In the beginning they would divide the floor space equally between both operations. This is a short-term solution. The warehouse part of the building has a 26' ceiling height. This would allow applicant to install a mezzanine inside the building that would allow company to meet space needs for the foreseeable future. If they cannot meet their long-term space requirement, they could not justify moving into this building. Adding the mezzanine will require a zoning requirement to install additional parking spaces. Adding the additional 45 parking spaces will provide enough on-site parking to meet all the parking needed to support their work force, even into the indefinite future. Their challenge is to meet the Zoning Board's parking space requirements of the Newington Zoning Ordinance. Their plan to add a maximum of 19,750 square feet of mezzanine would leave them with a 42 parking space deficit. There was discussion regarding the mezzanine, parking, what was already approved, already planned, land all set to go. Iocovozzi thought it was a good idea. Chair wondered if we needed a motion. Morgan felt there was a need to have an amended road. They have a clearly approved site plan. Cross stated he had looked at approval and felt it maximized parking, we had the road placed in there. Feels we need amendments to clearly delineate lot line, would propose that treatment swales be relocated. Pare said there was a place. If the deed is written and lot lines are defined, the applicant stated they would be happy to maintain property up to the road, even though it is Town property. Iocovozzi agreed and thought the Town could give applicant access to the road once it was put in. Applicant stated they would rather not have access to the road. Hebert stated that agreement back in 2000 said once the road was installed, this property would be zoned office. The applicant was not in disagreement with this. His concern was the parking space requirements for office zone. There was discussion regarding location of parking spaces and road to be constructed and what could be done. Cross made a motion that the Board approves plan with parking lot approved. Company could convey land to Town to allow ICR to be built. Discussion pointed out that addition of mezzanine would make proposal 42 spaces short of requirement. Morgan asked Board to look at Page 28, Section 4 of Parking requirements. The Board can grant a waiver. Teetzel advised Board they would be constructing mezzanine in 1/3 increments. Pare suggested when property is transferred the applicant ask for a waiver for parking requirement. Morgan reminded Board that the

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minutes of four years ago gave the Board authority to sign the plan. There is also a plan for the parking lot that can be signed. Ideally would like to see both on the same plan. There was discussion regarding meeting four years ago and what members remember was asked of the applicant regarding parking, road, etc. Cross spoke of several items he remembered were proposed prior to land being transferred. That would prevent the applicant from coming before the Board to ask for a variance. Morgan suggested Board indicate to applicant that they are prepared to sign a site plan that includes the parking lot and the roadway. Can grant a waiver that night and come in with an interim agreement to turn land over to Town for future roadway. Hebert made a motion to hold a Public Hearing on 12/13, Lamson seconded, motion carried. There was extensive discussion ranging from mezzanine, sidewalk availability, parking and signing over ROW to Town for future roadway. Not sure what Board expects in minutes. Last comment was agreement for Town to provide a sidewalk for the ROW. Morgan outlined things applicant needed to have ready for the next meeting: revised plan to show parking, sidewalk, deed and interim agreement. Applicant felt they could have this ready for December 13 Planning Board Meeting.

**Public Hearing:** Proposal to designate Prime Wetlands. There were no representatives from the public. Representatives from Conservation Commission included Peg Lamson, Jane Hislop, Barb McDonald, Dorothy Watson and Kaye Ackerly. Mark West had been asked to look at the difference between a property with wetlands and proposed Prime Wetlands designation. Chose property on Little Bay Road. West stated that this was a good example because it has an area with proposed Prime Wetland. Under the existing ordinance it has a shallow marsh and has very poorly drained soil. There are two issues, the wetland buffer, that is, what vegetation is adjacent to the wetland and the structural setback. Current regulations the owner has a 25' no disturbance buffer adjacent to it; with Prime Wetland designation it would have 75' limited cut buffer. The old ordinance before this was written, said any forestry and agricultural practices adjacent to wetland within a 100' of the wetland had to be done with care. No regulation says you can cut 50% of the vegetation within 75' of the wetland. The structural setback currently is 50'; new proposal would be 100'. Under old ordinance would be able to have buildings closer to the wetland and would be able to cut closer to the wetland. Under new scenario they would have to maintain a stand of vegetation and only be allowed to cut 50% of that vegetation, so you would be able to get some views in there. We gave a smaller setback to the wetland unless it was prime and if prime, it is given bigger building setback. Lamson spoke of property owner on Airport Road and their concern that they would not be able to have cows on their land. West stated that agricultural use is a permitted activity. Discussion regarding driveways- West stated that driveways are permitted in Prime Wetland. Owner can cut 50% of trees. What this ordinance is trying to do is to maintain our wetland. When compared to the old regulation, the new regulation has only

added 25' for structures. Hebert asked whether people could fish in Prime Wetland? West stated that you could hunt or fish unless otherwise posted by the owner. Cross had a question regarding property that abuts the Wildlife Refuge. West said he would look at that wetland to determine whether it has very poorly drained soil. Hebert asked whether it would be easier to not designate an area prime wetland if we know there is a DOT project for road that may go through this area. West stated that the Town should not hesitate to identify boundaries because of this. DOT has the easiest ability to get a waiver. Question was asked what determined Prime Wetland? West stated the area has to be over 2 acres and has to be over 50% very poorly drained soil. An example of areas not considered are ponds in industrial areas that have already been compromised. In considering wetland the final decision can be somewhat political, but should be primarily scientific. Cross felt that wetland that have been long standing should not be considered, for example, Upper Pickering Road and Flagstone Brook. West and Cross had discussion concerning area that is potentially identified as Prime Wetland and may have impact on DOT project. West said he was willing to meet with DOT. Chair asked if West is going to meet with DOT, does the Board want to meet to get an update. West said he would send a report of his meeting. West asked if there were any other questions about prime wetlands or the report. He stated that all this information has to go to the State for approval after the Town has voted to accept. Cross asked if PDA was willing to cooperate? They were notified of the meeting and no one chose to come. No one from the public came. Public hearings are held at the Town level. The State checks for technical accuracy of the mapping. They do not hold hearings. If approved, the State may have Public Hearings if this will affect certain State projects. Frink asked if the Town should have provision in ordinance regarding Prime Wetland? Hebert, Cross and Pare had discussion regarding impact of Prime Wetland to DOT project. Hebert felt Board needed to look at what can get passed. Pare suggested doing each prime wetland designation individually. There was discussion regarding how to identify specific areas. West feels all are defensible in a scientific way. Board should not make their decision based on individuals saying they don't want their property affected. West suggested Board come up with a list of areas they feel are hot issues. Cross indicated that Geno from DOT did not feel the area impacting the DOT project was Prime Wetland. West said he did not understand how Geno could make that determination if he had not talked with West and seen the studies that had been done. West said he was willing to meet with Geno and he will come back to Board and answer questions after he talks to DOT. Frank Richardson from DES would be the person to make any decision regarding wetland impact on DOT project. West will talk with them and find out what impact might be and then look at the designation. There was continued heated conversation regarding prime wetland designation that may impact DOT project. West continued to reiterate that he would be happy to talk with Geno. Chair stated West will meet with the State and he will send a written report to the Board. Morgan suggested public hearing be closed and the Board have a work session. Cross and Hebert felt it should be left open. They felt

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various areas should be revisited to determine whether they should be included as Prime Wetland. There was extensive discussion regarding various areas and West attempted to explain affect various areas would have; what are significant areas and less significant areas. McDonald asked, what's next? The Board has to make a decision within a month and a half. Only the Conservation Commission can take prime wetland designated areas off the proposal. Morgan reminded Board that their only role is to recommend or not recommend Prime Wetland proposal. Chair closed public hearing at this time. Iocovozzi made a motion that the Planning Board recommends the Prime Wetland Proposal presented by the Conservation Commission go to article in the warrant on the ballot at Town Meeting in March; Frink seconded. There was discussion among Board members. Hebert felt there was a split Board and it wasn't going to work. McDonald said we need to find out from two members who are against this motion what they want to see or what they are against. Lamson suggested Commission look at results of West's meeting with DOT. Iocovozzi suggested two Board members who had concerns go to the Commission and talk directly with them. Iocovozzi felt Board had to do it or not do it. Cross still concerned about effect on DOT project. Chair advised Board all they have to do is determine whether the Planning Board endorses or not endorses recommendation from the Commission. Some members wanted Commission to review info from West and come back to Planning Board with their recommendation based on West's visit. Frink feels we need to go forward and endorse or not endorse. We can mitigation the future this small piece of proposed wetland and it's effect on the DOT. Iocovozzi feels we need to look at what's in the best interest of the Town of Newington. We need to put up to the Town to vote. Hebert feels he needs more information. Discussion continued to include whether all the Board had to agree to recommendation, etc. Chair called the roll call vote. Frink, yes, Simms, yes, Hislop, yes, Iocovozzi, yes, Pare, no, Hebert, no and Cross, no. Motion carried by a 4 to 3 vote.

**Minutes:** Due to lateness of the meeting, minutes of 10/25 and 11/8 will be voted on at 12/13 meeting.

**Adjournment:** Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sandra W. Sweeney  
Secretary