

Work Session:

**Present:** Chairman Marlon Frink, Larry Upson, Denis Hebert, Sandy Hislop, Barbara Hill, John Frink, Cosmas Iocovozzi, Alt. Peggy Lamson, Planner Tom Morgan.

**Also Present:** Fire Chief Wahl, Portsmouth Building Inspector Rick Hopley, Newington Interim Building Inspector Charlie Smart.

Meeting was opened at 7 p.m.

**Minutes:** Minutes of meeting held 11-12-01, were amended to show that, in the future, there would be no meetings held on a holiday. Minutes as amended were accepted on a motion by Peggy Lamson, seconded by Sandy Hislop.

Chairman asked for status of the non-approved storage trailers on the GSM Realty Trust property on Gosling Road. Attorney Pelech has agreed to contact GSM and if not successful will hand the matter over to the Selectmen.

**Correspondence:**

Copy of letter from Atty John Ratigan to owner of 136 Little Bay Road asking that a easement agreement for maintenance of drainage ditch, be executed as soon as possible.

Notice from Selectmen to Newington Energy re: Permitted work hours.

Notice from Acentech re: Newington Energy Noise Assessment Design Compliance.

Memo from PB to Pease Development Authority - Comments on proposed Master Plan Update.

Letter from Pease Developmeny Authority in reply to above.

Copies distributed to each member.

Regarding letter from Acentech - Tom Morgan advised that Acentech would like any questions or comments brought to their attention. Board does have questions regarding the agreed to DCB limits and Newington Energy will be contacted.

Regarding the letter from Selectmen to Newington Energy on expanded hours - Cosmas Iocovozzi advised that the Sunday expanded hours is only for two Sundays in December.

**Proposed Zoning & Building Code Amendments:**

Questions have been raised regarding the fact that single and two family dwellings in Newington are exempt from the BOCA codes and therefore inspections, during construction, are not required.

Fire Chief Larry Wahl gave some background/history on the adoption of the BOCA codes for Commercial & Industrial properties while exempting residential construction. The Fire Chief has conducted some inspection of residential construction under the authority of the Fire Safety Codes.

Rick Hopley spoke about the practices in the City of Portsmouth where all categories of buildings are required to meet the codes and stated that he would strongly recommended that Newington adopt the BOCA codes for all types of construction.

Mr Hopley described the process and fee structure in Portsmouth - stated that new homes are

inspected approximately 9 times during construction.

Denis Hebert questioned the limits of the town's responsibility for costs and liability stating that engineers and architects design the homes and do they bear any responsibility.

Mr Hopley and Fire Chief agreed that design professionals and licensed mechanics are not always knowledgeable of the Codes.

Chairman Frink stated that maybe the town meeting should be asked if they want residential construction inspected for conformance with the Codes.

BI Charlie Smart stated that, in his opinion, the exemption of residential construction should be removed and that someone should be available to inspect and make decisions on structural changes during construction - he described the process he uses in another Town to see that all phases are inspected and to eliminate any misunderstandings with contractors. It was noted that there is relatively little residential construction in Newington.

Mr Hopley stated that including residential inspections should not appear to be subsidizing a costly inspectional program - that costs should be covered by fees collected. Also, that codes only cover minimal standards and there is room for compromise.

Chairman Frink concluded that Board needed further discussion before recommending a change to the Zoning Ordinance and asked that this item be placed on the agenda for the December meeting.

On a motion by Denis Hebert, seconded by Barbara Hill, it was voted to hold a Public Hearing on this matter at the January 2002 meeting.

Denis Hebert left the meeting at this time.

**Conservation Commission:**

Board agreed to take up the agenda item 5 (**Meeting with Conservation Commission**).

Conservation Commission members present: Kay Akerley, Barbara McDonald, Dorothy Watson, Nancy Cauvet, Peggy Lamson.

Chairman Frink stated that there are some procedural issues between the Conservation Commission and the Planning Board that need to be clarified - that this became apparent while reviewing the request for bond release by Howard Patten, former owner of 32 Nimble Hill Rd. and the concerns that Mr Patten had not complied with his landscaping requirements.

In conclusion it was agreed by all present that in the future the Conservation Commission will determine if landscaping agreements are met - also, they will be notified, in writing, when a property owner is requesting release of a construction bond and that any landscaping associated with this project needs to be checked for compliance. That the Planning Board will wait for the Conservation Commission's report before notifying the Selectmen to either release or hold any bond.

Larry Upson briefly discussed a concern he had about the tone of a Memo from the Conservation Commission to the Planning Board that, in his opinion, was unprofessional. He suggested that

differences, between any of the town boards, should be discussed before anything is put in writing.

Kay Akerley stated that the Conservation Commissioners were frustrated by the lack of cooperation from a property owner and lack of communication from the Planning Board and she did not feel the Memo, in any way, was unprofessional.

Chairman Frink brought up the matter of a request for bond release from Wal-Mart - that one of the bonds includes compliance with landscaping (replacement of dead trees).

The Board asked the Conservation Commission to check on this site and suggested that, if not complete, a cost for completion could be determined and the bond release reduced by that amount.

The Commissioners noted that it is difficult at this time of the year to determine what plantings need to be replaced but they would do their best.

The Conservation members, including Peggy Lamson, left the meeting at this time.

Board returned to item 4 B of the agenda

**Restaurants in the Office Zone:**

Tom Morgan distributed copies of a proposed Public Hearing notice regarding limiting the number of restaurants within the Office Zone.

It was noted that the owners of the Matrix property are out of the country and left no forwarding address or name of representative with the Planning Board. Chairman Frink asked that Attorney Ratigan attempt to contact the Matrix owners by certified mail, and if not successful the process would have to proceed without them.

On a motion by Larry Upson, seconded by Barbara Hill, it was voted to hold a Public Hearing on the proposed zoning change on January 14, 2002.

**Other Business:**

It was noted that the Vice Chairman Denis Hebert was expected to be absent for an extended period and on a motion by John Frink, seconded by Larry Upson, voted to appoint Sandy Hislop as the interim Vice Chairman.

Tom Morgan stated that Newington Energy had invited the Planning Board to tour the new plant and he needed a time and date and the names of those interested.

Board agreed on December 8, at 9 am.

The meeting was adjourned at 9:15 p.m.

Pat Main  
Secretary