

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

Present: Chair, Sandy Hislop, Jack Pare, Gail Klanchesser, Bob Simms, John Frink, and Town Planner, Tom Morgan. Denis Hebert, Chris Cross and Selectman, Cos Iocovozzi were late.

Minutes: Frink moved and Pare seconded, minutes of November 22 passed as amended. Due to confusion and inability to hear tape, could not hear specifically what amendments were. Minutes of 10/25 and 11/8 still have not been passed.

Public Hearing: Chair advised Board there would be one change in agenda.

G) Proposal by Matrix Financial Group and Wilcox Industries for subdivision and site improvements at 25 Piscataqua Drive. Paul Kirby of T. F. Moran represented Wilcox Ind. Morgan asked that it be noted that Denise Poulos, of Donahue, Tucker & Ciandella was present to represent the Town of Newington. Kirby outlined plan to utilize building as a manufacturing facility. They would like to add a 2nd floor mezzanine in two phases. Would also like to add 45 spaces to the parking area. This would bring parking spaces to 135. Wilcox is willing to deed over part of site needed to complete Shattuck Way Ext. The first floor would house machining operation. One person runs four machines. Morgan advised Board they could make a conditional use site approval. Discussion regarding easement and how Town would take over title for area needed to complete Shattuck Way was outlined by Attorney Poulos. Hebert was concerned about parking. There being no public input, the Chair closed Public Hearing. Hebert made a motion for Conditional Use as outlined on Page 2, line 13, under #1 of Agreement between the Town of Newington and Wilcox Industries Corp. Pare seconded, motion carried. Frink made a motion for site plan approval, Iocovozzi seconded, motion carried. Hebert made a motion for subdivision approval as presented in plan, 46009 site. Klanchesser seconded, motion carried. Attorney stated that Agreement tracks history, sidewalk, utility easements; the Town will be owner of road by February. Pare moved that Planning Board accepts Agreement, Iocovozzi seconded. Motion carried.

Old Business:

A) Proposal by Gurubhai Khalsa for a 6-lot subdivision at 300 Little Bay Road. No one present to represent proposal, no action taken.

B) Olive Garden Pedestrian Bridge, Morgan recommended discussion be put to end of meeting. Board agreed.

Public Hearings, continued:

A). Proposal by the Crossings at Fox Run to replace the cinemas with a 15-theater movie complex. Representative of theater advised Board that they had received a variance from the Zoning Board. Chris King assisted in presentation. Plan was outlined to the Public and the Board. King stated they had revised plan. Items to be addressed, walkway to be maintained, walkway has to be relocated - crosswalks through vehicular area. Utility reroutes have been coordinated with Chief Greenleaf. Variances were granted for building separation from the Zoning Board. Cross asked if extension of road in rear would involve much excavation? Answer, minimal grading will be required. Hebert asked about lighting fixtures, fire hydrants. Chief responded that everything was all set. Chair asked for comments from the Public, there were none. Applicant stated they would lose 122 spaces due to expansion, however, there will be 200 plus spaces with the front and back parking lot, which will provide over 70 spaces more than required. Chair asked if there were any questions from the Board. Frink asked if there was a plan to provide a connector to Joanne's Fabric and applicant said yes. Hebert questioned crosswalk location. Applicant's Traffic Engineer showed how crosswalk issue could be addressed. Pare asked if something could be put there to discourage pedestrian traffic. There was a lot of discussion regarding ways to address crosswalk issue, adding stop sign, location, addition, adding another road. Also discussed Bus stop. Hebert was not happy with the pedestrian flow. Chair asked if he had a proposal. He did not, but felt the Board needed to address the issue to assure safety of public. It was stated that no traffic/pedestrian accident has been reported this year. Keith Frizzell, resident, asked how someone would get from one lot to another. Cross said there was a sidewalk on the east side and perhaps should same width with a new sidewalk. Hebert thought canopy made sense. Applicant agreed to a canopy to Kitchen Etc. Chief had concern. Chair pointed out that a canopy already exists. Applicant stated they would work with the Fire Chief. Hearing closed to the Public. Applicant is looking for site approval of the building and would come back with traffic flow proposal. Giles is doing traffic evaluation, Chief of Police approached from traffic safety. Concern, what does applicant get if there is a review six months down the road? Iocovozzi made a motion to approve building location with stipulation applicant come back with sidewalk proposal, crosswalk location and additional canopy. Klanchesser seconded, motion carried. Morgan pointed out that if Board is looking at vehicle and pedestrian safety, they might want to slow vehicles down.

B). Proposal by Dorothy Watson for a 2-lot subdivision at the corner of Fox Point Road and Nimble Hill Road. Chair Hislop, Town Manager Morgan and Board Member Frink stepped down from discussion. Dave Hislop presented proposal. He stated that there were 14.74 acres on which Dorothy owned a 1 1/2-story home and her sister Lorna had a 1 1/2-story home. Ms. Watson would like to subdivide 3.9 acres located at the corner of Fox Point and Nimble Hill Road. Wetlands have been mapped out and this leaves 8200-sq. ft. for the bldg. Area. They already have state approval for the driveway cut. There

are trees that should be cut. Keith Frizzell, abutter, to proposed subdivision, expressed concern with a safety issue regarding proposed driveway. Tayna Watson, of Newington, Fox Point road asked to speak on behalf of other family members. She and members are concerned about what is happening. Outlined circumstances involving another party and concern that this individual was taking advantage of Ms. Watson. Co-Chair expressed concern that may be a legal matter that is beyond the jurisdiction of the Board. Cross suggested that Selectmen be asked if there is a legal reason not to proceed. Planning Board needs to look at legal ramifications. It was suggested that the Board talk with Peter Laughlin. Co-Chair suggested that the Board have a non-public meeting to confer with Legal Counsel to make recommendation, and that the selectmen be invited to that meeting. Ms Watson questioned why she couldn't give her property away? Hebert responded that the issue right now was one of safety due to driveway and Legal issue before the Board. Cross was concerned that this might be a matter for the Selectmen due to possible legal ramifications. He felt there was an issue of safety and welfare of Town. He was concerned about the Board's ability to postpone the hearing. Morgan stated Board has 65 days to decide what to do and two Board members have indicated they would be more comfortable if we conferred with an attorney. What the attorney could do is tell you what your responsibility is in this situation. Co-Chair recommended that the hearing be continued to next month. Board will visit site on Saturday, 12/18 at 8:30 a.m. Dave Hislop said he would be there. Frizzell asked if they were going to look at curb cut that they look at the visibility issue as it was much worse than his driveway. There was discussion regarding postponement of hearing. Applicant was asked if there was an issue of getting construction started or was it a matter of giving over the property to another party. She stated she was giving the property to the other party. Board will hold non-public meeting January 10 before regular Planning Board Meeting.

C). Proposal by Westinghouse to revise parking lot behind the Mareld building at the corner of Avery Road and Shattuck Way. Representatives were Richard Ladd, Ronald Kilway and Adam Bottrill. Iocovozzi had to step down due to conflict of interest. Representatives stated they have raised the grade of parking lot. In terms of the Burm situation, they are raising height of fence 2 feet. Lighting poles will go from 18' to 14'. They will add a set of stairs, an additional walkway and a gated fence inside. Cross asked what the width of the pavement to driveway entrance was and response was that it was 24 ft. Hearing was open to the Public. There was a question regarding the existing fence and the three-foot gap at the bottom. Applicant stated the person who erected the fence was not under contract with Westinghouse. Applicant does not own the property, they rent. They lost their parking with Georgia Pacific, thus the reason for asking to use this area. The new fence will be a stockade fence, ground to top; there will be no gap at the bottom. Abutter had concern regarding wood chipper and affect on her animals. Wood chipper will not be used in the parking lot, only parked there. There was

discussion regarding guardrail and whether it was a fire safety hazard. Felt it was not. Applicant reminded Board that they were only asking for a raise in elevation from the original plan. Hebert made a motion that fence be maintained as long as parking lot in use. Klanchesser seconded. Discussion, Hebert asked what the Board could do if fence was not maintained. Applicant will be maintaining for eight years. Discussion regarding RSA 674:A. Motion carried.

D). Proposal by Westinghouse to construct an 8' by 40' tank storage lean-to. Applicant stated that sides will have paneling and front open to be able to store gases. Fire Chief was given a list of the gases. Hebert moved to approve, Iocovozzi seconded, motion carried.

E). Proposal by AA&M for 2,800 SF of outdoor storage at 40 Old Dover Road. Request withdrawn.

F). Proposal by Great Bay Marine to erect an 8,640 SF storage building. Chair had to step down, as he is an employee of the company. Ellen Sass, President of the company was there to answer questions. Co-Chair, Hebert presided over discussion. Board had a question regarding fire protection. Applicant stated they have contacted three companies who were supposed to contact the Fire Chief. Chief stated that East Coast contacted and Burns contacted, but did not follow-up. Chief stated that the applicant has agreed to a 2-year limit to get fire alarm system in place. There was a question regarding a temporary trailer on site. Applicant said there was a 25' X 30" trailer for the Yacht Club that has been there for 1 - 2 years. Public session closed. Frink asked if owners would be able to work on boats in the building. Applicant said insurance would not allow them to work on boats in the building. Iocovozzi made a motion to accept proposal for storage facility and future sales trailer. Hebert seconded, motion carried.

H). Correct error in Article V of the Zoning Ordinance regarding the Office Zone. Page 13, Hotels of 3 stories or higher and conference centers as an accessory use. Was meant to be a principal use. Hearing open to the public, there being no comments, public hearing closed. Iocovozzi moved, Simms seconded that correction be made. Motion carried.

Old Business:

B). Olive Garden Pedestrian Bridge. There is a request from Newington Development Trust that the Town of Newington releases the \$21,071.09 from the Escrowed Funds to International Heritage, 63 Franklin St., 2nd floor, Boston, MA 02110. Iocovozzi made a motion to give money back, Hebert seconded. Discussion involved whom the Town makes the check out to? General Mills made out the original check, not sure who should

get the money. After extensive discussion, Iocovozzi amended his motion to giving the money to the rightful person, pending investigation by Legal Counsel. Hebert seconded. Motion carried, Cross against motion.

Preliminary Discussions:

A). Presentation by PSNH regarding preferred route for Shattuck Way Extension. Applicant has asked to postpone until January.

B). Beauty salon & school at the Star Center. Morgan stated applicant has been off and on with request. Currently on, but not here tonight.

C). One principle building per lot. Hebert asked that this be put on agenda for tonight's meeting. After extensive discussion and concern by Morgan, Hislop and Frink it was decided to postponed discussion to work session in January. There was concern about rushing to make decision and time needed to address Master Plan that needs to be completed first.

Correspondence: Morgan pointed out correspondence found in Board members' packets That includes correspondence from Newington Development Trust, from Attorneys DTC at Law, copy of letter from Great Bay Services asking that Town take measures to improve accessibility to community shops and restaurants for people receiving services at their facility. A letter from Edwards and Kelcey regarding their review of Site Improvements Plan for Tax Map 27. Correspondence from Knight Hill Services, Inc. regarding Dorothy Watson's request for subdivision, and letter from Public Works of Portsmouth indicating they have reviewed the plan for Dorothy Watson. The last piece of correspondence in Boards' packet was a Public Notice regarding proposal to amend Article V Section 2 of the Zoning Ordinance.

Planning Board Budget: Planning Board reviewed 2004 budget and made proposals for Year 2005. Budget approved by Board members.

There was discussion regarding Rockingham Planning Board and the services they provide to the Town. Membership dues have not been paid for a few years and Board members felt it was something the Selectmen should be paying, however, they have chosen to cut from their budget. The Planning Board wants to add to their budget. Bob Simms announced to the Board that he would not be seeking re-election in March. He wants to enjoy his retirement.

Klanchesser made a motion to adjourn, Cross seconded, motion carried. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Sandra W. Sweeney
Secretary