

Town of Newington, NH  
Board of Selectmen Meeting Minutes  
Monday March 18th, 2024

**Present:** Chair Brandon Arsenault, Selectman Chris Wayss, Selectman Bob Blonigen, Police Chief Mike Bilodeau, Planning Board Chair Denis Hebert, Ken Linesman, Kyle Linesman, John Kane, Moderator Jack O'Reilly, Residents Edna Mosher and Paul Kelly, Town Administrator Martha Roy and Eleanor Boy, Recorder.

B. Blonigen called the meeting to order at 5:30pm.

**Election of Officers:** B. Blonigen moved to nominate B. Arsenault as Chair of the Selectmen for the next year. C. Wayss seconded the motion.

**Minutes Approval:** C. Wayss moved approve of the minutes of March 7, 2024 as amended. B. Blonigen seconded the motion. All were in favor.

**Manifest Approval:** C. Wayss moved to approve the manifests for \$85,255.44 dated 3/7/2024. B. Blonigen seconded the motion. All were in favor.

**Facility Use Requests:**

**C. Wayss moved to approve the following facility use request:**

Training-Pat Moynihan/EJ Hoyt-Town Hall-4/4/24

**B. Blonigen seconded the motion. All were in favor.**

**C. Wayss moved to postpone the following facility use request until M. Roy can confirm with the school that the tennis courts can be used during school hours:**

Tennis-Recreation Committee-Tennis Courts-Tuesdays 5/7-8/29/24 and Thursdays 4/4-9/26/24.

**B. Blonigen seconded the motion. All were in favor.**

**C. Wayss moved to approve the following facility use request:**

Baby Shower-Tracy Kelly-OTH-5/25/24

**B. Blonigen seconded the motion. All were in favor.**

**C. Wayss moved to approve the following facility use request:**

Portsmouth Little League-Practice-School Ball Field--3/31-7/1/24, Weekdays after school and weekends

**B. Blonigen seconded the motion. All were in favor.**

**Ken Linseman-Woodbury Avenue and Piscataqua Drive:**

K. Linseman owns the lot at 5 Piscataqua Drive which is located in the Office Zone. There used to be a Smoky Bones restaurant there, but is now a vacant lot. Over the last couple of years, the lot has been used by Wilcox for extra parking and Eversource for storage.

K. Linseman said that he started off wanting to put office space at that location, but after Covid it wasn't a good option anymore. J. Kane said that the retail market is active now, but different. There is still demand for small retail. K. Linseman said that they haven't chased any retail options because retail use is not allowed in this area and they weren't sure if they could get a variance.

B. Arsenault encouraged K. Linseman to reach out to the town planner to discuss options for his lot and to have open communication with the town.

C. Wayss said that the Board of Selectmen is not the Zoning Board and this issue is not something the Board can control, but thinks that K. Linseman may want to consider discussing with the Town a strong proposal as to why he needs a variance to the zoning that doesn't allow for retail space to be in that location. C. Wayss is sure that the Zoning Board would hear the proposal and look at it and discuss if that is the best use. He said if Linseman is getting calls from people looking for retail space, then it might be worth starting conversations with the Planner and Zoning Board.

D. Hebert read the allowed uses for the Office District:  
Offices, research & development facilities, biotech facilities, light manufacturing, warehouses, medical clinics, veterinary hospitals and hotels not to exceed 45 feet in height.

D. Hebert encouraged K. Linseman to have a conversation with John Krebs to figure out a reasonable idea for his property.

B. Blonigen asked M. Roy to present the Torrington update.

**Torrington Properties Update:**

M. Roy said that Jay Bisognano called this past week and gave an update on the Fox Run and the Newington Park properties. He said that they are negotiating with two very large tenants that he is sure Newington will be elated with.

Jay Bisognano will have more to report to the Board after sixty days, but assured the board that there is no housing in the plans. He said that understanding a clear path for the permitting process would be very helpful.

D. Hebert pointed out that the plans for the redevelopment of the Fox Run Mall will make K. Linseman's property more valuable.

**Mike Mazeau-Cemetery Issues:**

C. Wayss went out to M. Mazeau's property to look at the cemetery and the dead trees around the cemetery and said that there isn't a lot the Town can do because the

cemetery and trees are on private property. The trees are on an abutter's property. C. Wayss said the trees are dead, they don't have bark on them and are leaning towards the cemetery. This is a burial ground for a founding family in Newington and C. Wayss doesn't want to see the trees cause damage to the cemetery stones.

B. Arsenault said that the Cemetery Trustees have the authority over that cemetery. The Town doesn't have authority over the cemetery. C. Wayss said that he had a copy of the deed to the property from 4/11/1881 and it shows that there is a 25-foot buffer around the cemetery on M. Mazeau's property, but not the abutters property.

B. Blonigen said that he had spoken to Cemetery Trustee Margaret Lamson this week and she said that all three Cemetery Trustees will be back in town later this week and can address this issue.

B. Blonigen thought that the Town should attempt to have a conversation with the abutter.

B. Arsenault said that it is important for the Town to do their legal due diligence. M. Roy will email M. Mazeau by next Wednesday to give him an update.

M. Mazeau said that he thought any money spent on the removal of these trees would be money well spent.

**Dog Ordinance Information Letter:**

M. Roy will put together a one-page information sheet on the new dog ordinance that was passed at the town meeting. This should be mailed to all dog owners in Newington, posted on both bulletin boards, on the sign at Fox Point and on the Facebook page. This information will also be available at the Town Hall. Also, the sign at Fox Point needs to be updated.

Edna Mosher disagrees with the ordinance and thinks all dogs should be leashed. She recently had an incident with an off-lease dog that attacked her two dogs. P. Kelly was also injured in the incident. B. Arsenault said that the current dog ordinance can be amended at a future Town Meeting if residents disagree with it.

**Non-Public Sealed Minutes Review:**

The Board decided that the non-public minutes from June 20, 2005 and August 8, 2005 remained sealed.

**Earth Day Status:**

B. Arsenault said that the Air National Guard could be available on a Tuesday or Wednesday to help with trash pickup around town. B. Arsenault said this is a community event and would like the Recreation Committee to be involved, the Police

Department to provide a detail and the Highway Department to provide a truck to pick up bags of trash. M. Bilodeau asked that no children be in the group picking up trash along Woodbury Avenue. C. Wayss suggested that the town purchase a specific color trash bags for the cleanup so the Highway Department can identify them easily on the side of the roads. M. Roy will reach out to the Recreation Committee, the Highway Department and the Police Department to plan the event.

**USAF Fuel Line Removal Site Access License Agreement:**

M. Roy said that the Town's attorney and the Town's engineer have reviewed the agreement. The USAF will need a small laydown area, they have agreed to pave Patterson Lane, after the project, from the end of Patterson by Shattuck Way down to Sprague at the other end. The USAF has agreed to have one lane open to traffic at all times during the project. B. Arsenault expressed concern over the ground being disturbed to remove the infrastructure. M. Roy said that the USAF will continue to hold an easement on the land. The fuel line is being removed, but they are leaving a water line in the easement area. D. Hebert wished that they wouldn't remove the pipeline on Patterson Lane and fill the pipeline under the turnpike. M. Roy said that the NHDES is requiring them to remove it. The project will be complete by the end of summer.

**Woodbury Avenue-PDA Rotary to Traffic Lights-Shrubbery and Trees DOT Maintenance:**

The Board discussed the problem with Woodbury Avenue median (from the PDA rotary to the Spaulding exit 3 traffic lights) lack of maintenance and what can be done about it. B. Arsenault thought that a phone call should be made to the NHDOT before a letter is sent about the issue. C. Wayss wondered why some maintenance could have been done this past winter since there was a lack of snow. The State could have done maintenance this winter using the employees who were hired to plow. M. Roy will call District 6 to see if they will do the maintenance in that area.

**Alcohol Purchases with Town Funds/Town Events Serving Alcohol:**

C. Wayss said that he was approached by a couple of residents that expressed concern about alcohol being purchased with taxpayer money for different events in Town.

The Town doesn't have a policy about this issue.

B. Blonigen doesn't believe that tax money should be spent on alcohol for events, but donated alcohol is ok. C. Wayss said that the EDC had parties that used tax money for alcohol. C. Wayss said that town events should follow the same rules as residents have to follow when they have an event on Town property. If there are more than 50 people in attendance, they have to have a certified bartender and a police officer at the event. B. Arsenault and B. Blonigen agreed.

B. Arsenault said that the funds used to purchase alcohol for events has been approved in the department's budget during budget season. B. Arsenault encouraged residents that don't think town funds should be used to purchase alcohol for events should come to budget meetings and express their opinions.

B. Blonigen asked M. Roy to ask Primex to come to a future meeting to give their opinion on this issue.

B. Arsenault thought that it was important to let everyone know what the rules are for alcohol at events.

**B. Arsenault moved to reaffirm what the rules are for spending taxpayer money for alcohol at town events. C. Wayss seconded the motion. All were in favor.**

**Shattuck Way No Parking Ordinance:**

B. Blonigen doesn't want to infringe on any business along Shattuck Way and it is important to talk to the business about this issue before making a no parking ordinance. The cars that are parked along Shattuck Way aren't in the lane of traffic. The no parking ordinance for McIntyre Road was different because cars were parking in the traffic lane. The cars along Shattuck Way are completely off the road.

M. Bilodeau asked why the "no parking" ban had been put along Shattuck Way in that location. D. Hebert said that when that business was approved by the Planning Board, "no off-street parking" was a condition of approval.

M. Bilodeau doesn't think that parking on Shattuck Way is an issue. It is a big road.

B. Arsenault would like to reach out to the tenant and the owner of that location about the parking issue. They have asked for a tent permit which will add more seats to their restaurant which will increase the parking need.

B. Arsenault pointed out that a tent has been allowed for the past four years with no issue.

**B. Arsenault moved to have a conversation with the tenant first to try to figure out a solution. B. Blonigen seconded the motion. All were in favor.**

B. Arsenault thanked everyone who went to Concord to speak against House Bill 1513. This bill would have given the power to appoint the three PDA members currently appointed by Portsmouth, Newington and Greenland to the Executive Council and the Governor instead. The bill was defeated and B. Arsenault thanked everyone who helped defeat this bill; Stephen Duprey, Dennis Malloy, David Muese, Paul Deschaine,

the Mayor and City Manager of Portsmouth and the Board of Selectmen and Town Administration from Greenland.

**Public Comment:**

J. O'Reilly said that the warrant article to require the town to count the ballots by hand was defeated in Newington and all over the State.

The Board thanked J. O'Reilly for overseeing the election and the Town meeting.

**C. Wayss moved to enter a nonpublic session at 7:29pm per RSA 91-A:3 II (a) Personnel. B. Blonigen seconded the motion. B. Arsenault asked for a roll call vote: B. Blonigen-Yes, B. Arsenault-Yes, C. Wayss-Yes. All were in favor.**

Respectfully submitted, Eleanor Boy, Recorder