

**Present:** Chairman Sandy Hislop, John Frink, Denis Hebert, Barbara Hill, Peggy Lamson, Jack Pare, Planner Tom Morgan.

**Absent:** Chris Cross, Robert Simms, Cosmas Iocovozzi.

Meeting was opened at 6:38 p.m.

**Minutes:** Minutes of work meeting held 4-28-03, were accepted on a motion by Jack Pare seconded by Barbara Hill.

**Correspondence:**

Letter from the Pease Development Authority (5-5-03) re their retail development and the consolidation of detention ponds on the site - a portion of the pond is within Newington. On a motion by John Frink, seconded by Jack Pare, it was voted that board would take no jurisdiction in this matter.

Letter from CB Sullivan (4-30-03) stating that there would be no retail activity at their off site storage at the Allards Warehouse.

Letter from Newington Energy (5-12-03) re: employee parking. Tom Morgan asked that Board review and advise him later in the meeting.

Memo from Fire Chief Greenleaf re: proposals by Portsmouth Chevrolet and Outback Steakhouse

Letter from Planning Board to the State Conservationist endorsing the project to protect the Frink Farm in the Farmland Protection Program. Chairman Hislop was authorized to sign the letter on a motion by Denis Hebert, seconded by Peggy Lamson.

Copy of letter to Selectmen (5-9-03) from the EPA re: Storm Sewer System waiver. A waiver from the MS4 program was granted due to population being less than 1000.

Peggy Lamson, Chairman of the Conservation Commission, thanked Tom Morgan for his assistance to the Conservation Commission. Also noted that the Outback Steakhouse had submitted a very good landscape plan including maintenance and also have agreed to use a non-salt method of ice removal in their parking lot.

Letter from Sea-3, Inc (5-8-03) re: truck routing on the ICR and requesting alternate route.

Notice of official, ribbon-cutting ,opening ceremony of the Industrial Corridor Road on 5-20-03 at 7:30 am.

Denis Hebert stated that he was opposed to the length of tonight's agenda and suggested that the items could have been separated into two meetings. Chairman Hislop stated that he had no objection to having two meetings in the same month.

**Master Plan:** Board agreed to discuss a later meeting.

**Public Hearing:**

**Proposed subdivision by Matthew Scarponi**

Peggy Lamson and John Frink and Chairman Hislop stepped down Vice Chair Denis Hebert took the Chair..

Plan was presented by Mike Landry representing the surveyor. Noted that all requirements for subdivision are met with the exception of designated curb cut.

Following review and there being no comment from those present, the Public Hearing was closed and the Board returned to the regular meeting

The subdivision was approved as presented on a motion by Jack Pare seconded by Barbara Hill and the applicant notified that they will need to return to the Board for curb cut approval.

Peggy Lamson, John Frink and Chairman Hislop returned to the table.

### **Preliminary Discussions:**

#### **A. Proposal by Tyco for 3-lot subdivision**

Peggy Lamson recused herself citing possible conflict of interest.

Plan was presented by David Latulippe of the Richmond Co who proposes developing 2 free standing franchised restaurants on lots fronting Woodbury Ave.

Tom Morgan pointed out that with the acceptance of the ICR the number of lots and amount of land owned by Tyco is questionable and this issue will need to be addressed later.

Mr Latulippe pointed out changes to the site plan since his last visit to the Board - that no wetlands will be disturbed, access onto Woodbury Ave has been eliminated (access will be from Piscataqua Drive) and setbacks and drainage plans meet specifications.

Barbara Hill and Denis Hebert spoke about the requirement that restaurants in the office zone are allowed as an accessory and support of industry and office zones and questioned the lack of plans for the balance of the Tyco land that the Town needs some assurance that no other restaurants are built. Attorney Tober, representing the Richmond Co, stated that the ordinance does not say (accessory use) only after the offices are built.

John Frink questioned the proposal to have the two restaurants share the access driveway - accessing one lot across another. Mr Latulippe stated that this is typical and deeds will grant cross easements and ROW's

Mr Dave Warsan, representing Tyco told the Board that Tyco is not a developer, but sells real estate to users - there are no plans in the works for the balance of Tyco's undeveloped land that Town would be consulted about the best use of the land. Denis Hebert asked for something, in writing, stating that there would be no other restaurants. Mr Warsan stated that he could not commit at this time not being familiar with the local market.

Attorney Tober noted that the proposed development is consistent with the ordinance - that the Boards attorney had reviewed the proposal and had no questions. Also, the internal connecting access reduces the number of curb cuts.

Jack Pare questioned if it is legal to develop the ancillary use prior to development of the major use - that he would suggest consulting legal counsel and have the question settled. Nothing received to date would preclude development of restaurants on Tyco's parcels B & C.

Mr Tober asked that the Board notify him ASAP of their attorney's decision.

The driveway off Woodbury Ave to the former, now abandoned, deRochemont house was discussed - noted that the house can now be accessed from the ICR and the Town and State would like to see the curb cut off Woodbury Ave eliminated. Mr Warsan agreed to check the site plans.

Denis Hebert briefly discussed, with Mr Latulippe, the requirements for lighting and

underground utilities.

On a motion by Barbara Hill, seconded by Denis Hebert, it was voted to hold a Public Hearing on this proposal at the June 9<sup>th</sup> meeting.

**B) Proposal by Crossings at Fox Run to replace Midas Muffler with Longhorn Steakhouse**

Peggy Lamson returned to table.

Carter Schilf, representing Rare Hospitality, presented plans and noted changes since the last visit. The proposed building has been relocated and now conforms to setback requirements - location of Fire Hydrants are as requested - number of parking spaces are adequate.

Tom Morgan asked which option (variance or subdivision) Rare Hospitality had selected. Mr Schilf stated that they would pursue both options but would prefer subdivision of legal size lot and are negotiating with owners of the Mall.

It was voted, on a motion by Barbara Hill, seconded by Jack Pare, to hold a Public Hearing on this proposal at the June 9<sup>th</sup> meeting.

**C) Proposal by Joseph Mitchell to expand Exxon store off Nimble Hill Rd**

Joe Mitchell present plan showing addition of a 8X12' walk-in cooler. Noted that cooler extends into the setback - that a variance has been granted by the Board of Adjustment.

On a motion by Denis Hebert, seconded by Peggy Lamson, it was voted to hold a Public Hearing at the June 9<sup>th</sup> meeting.

**D) Proposal by Peter Drinkwater for a Lot Line Adjustment off Fabyan Lane**

Plan was presented showing an increase to an abutting lot owned by Suzanne Navelski and elimination of lot on corner of Fabyan Lane and South Newington Rd.

On a motion by Peggy Lamson, seconded by Barbara Hill, it was voted to hold a Public Hearing at the June 9<sup>th</sup> meeting.

**E) Proposal by Allards to store motor vehicles at 40 Old Dover Road**

Walter Ferar, Service Manager for Portsmouth Chevrolet, requested permission to park their excess vehicles on the Allard property.

Board pointed out the illegal use of the front yard setback by Portsmouth Chevrolet creates a hazard by obstructing view for cars exiting the bank next door. Mr Ferar agreed to bring this to the managements attention.

Discussed the request and noted that the Allard property is zoned Industrial and the parked vehicles constitutes expansion of retail business use and therefore cannot be allowed.

**Old Business**

**A) Westinghouse request to discuss Industrial Service Road**

Mr Hank Steck representing Westinghouse, stated that they will not pursue the request for a traffic signal at the intersection of the ICR & Avery Road at this time but will wait 6 months to see how traffic develops.

There is a need to replace parking lost through construction of the ICR and asked for approval to use an area that encroaches into the setback.

Board reviewed the plan and made some suggestions for increasing the parking.  
Mr Steck agreed to return to the June 9<sup>th</sup> meeting with proposed parking plan for site review.

**B) Request by Hauch Storage to discuss the ICR**

No representative present - no action taken

**C) Sign Gosling Road Exxon plan**

Plan, previously approved, was signed for recording.

**Other Business - Report on Regional Sewer Outfall**

Tom Morgan reported on action in Concord, to date, and noted that Newington's request to have the proposal amended by eliminating the Piscataqua River as an optional outfall site has not been addressed.

All agreed that this Bill is of major regional impact, has had little publicity and appears to be on a 'fast track' that the word needs to get out and the newspapers seems the best way.

Barbara Hill, as a representative to the Rockingham Planning Commission and Peggy Lamson for the Conservation Commission are notifying their contacts.

It was suggested that legal action may have to be taken and Board agreed to call a meeting on May 28<sup>th</sup> with Selectmen and attorney to discuss the options. Jack Pare suggested that Board also discuss with Steve Taylor of NROC.

Board also agreed to invite Attorney Loughlin to meet prior to the May 9<sup>th</sup> meeting to discuss the Tyco/Richmond Co proposed development.

This meeting was adjourned at 9:30 p.m. on a motion by Denis Hebert seconded by Peggy Lamson.

Pat Main  
Secretary