

**SEABROOK PLANNING BOARD
APRIL 16, 2002 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Philip Stockbridge, Paul Garand, Keith Fowler, Mark Preston and Selectmen's Rep. Karen Knight. Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Robert Moore, Secretary Emily Sanborn. Also in attendance were Alternates, Ivan Eaton, Jr. and William Cox.

MEETING OPENED: Chairman Brown opened the meeting at 7:00 P.M. with a quorum present

MINUTES: Paul Garand made a **motion** to accept the minutes of April 2, 2002 as written. S. Foote 2nd. Vote: K. Fowler abstained. Motion Carried

CASE #02-03 – PROPOSAL BY LLOYD PERKINS, JR. AND IRVING & ANITA BROWN FOR A 14-LOT SUBDIVISION AT 63 & 67 CENTENNIAL STREET, TAX MAP 9, LOTS 36, 37-0, AND 37-1 – FORMAL CONTINUANCE: Henry Boyd of Millennium Engineering presented the revised subdivision for the board's review and approval. Mr. Boyd addressed the four recommendations made by T. Morgan in his letter of review of April 1, 2002 as follows: final plan in AutoCAD format has been submitted; Boyd said that the bond recommendation by M. Fowler of \$250,000 is acceptable by L. Perkins as he will do work and ask for reduction of bond; speed limit reduced by vote of Selectmen to 30 mph along entire road and 25 mph along curve with a sign "we love our children" and deeds to stipulate when drafted that detention pond shall not be altered by subsequent homeowners. S. Foote asked Mr. Boyd would the applicant be agreeable to stipulate that all other lots will be single family homes except lots 10 & 11. H. Boyd said that he has represented lot 14 as a duplex lot. S. Foote said that a duplex would be really impacting the wetlands on this lot.

S. Foote made a **motion** to recommend a bond of \$250,000 be posted. K. Fowler 2nd. Vote: unanimous. S. Foote made a **motion** to approve the subdivision plan with the stipulation that it be contingent on that the detention pond and connecting swales shall not be altered by any homeowner and will be written into deed and that lots 10 & 11 only lots to have duplex on them, all other lots to have single family homes on them. Mark Preston 2nd. Vote: 7 in favor. Ivan Eaton, Jr. opposed stating that if plan calls for duplex it should have it. Motion passed.

H. Boyd said that lot #14 is a duplex lot and belongs to Mr. Brown and that he did not have his permission to agree to this being a single family lot. R. Moore said that this lot has enough upland and asked what would he base his denial on. Moore stated that he could not give Mr. Brown a permit if the board denies him a duplex lot. S. Foote said her reason for restricting this to a single family lot was the extensive amount of wetland on this lot. Mr. Moore said that even if this lot was larger with more wetland the situation would be the same. M. Preston said that if the regulations allow a duplex than he should be able to use it as such.

S. Foote **amended her motion** to include Lot 14 as a duplex lot. M. Preston 2nd. Vote: unanimous

CASE #02-06 – PROPOSAL BY WAL-MART STORES AND CBL FINANCE, INC. TO ESTABLISH 6,300 SQUARE FEET OF OUTDOOR SALES AND TO ADD 23 PARKING SPACES TO THEIR SHOPPING CENTER AT 270 LAFAYETTE ROAD, TAX MAP 9, LOT 49. FORMAL: Attorney Bill Purvis of Cleveland Waters and Bass presented the revised site plans for Wal-Mart Stores for the board's review and approval. He introduced Todd Morey, Senior Engineer for Deluca Hoffman Associates and turned the presentation over to him. P. Stockbridge question whether this plan could be accepted because it had not been received before noontime on Friday. T. Morgan referred to the regulation and said that the plan had not been revised just clarified.

Mr. Morey addressed the comments made by T. Morgan's letter of review. Morey thanked the board for allowing him to present the proposed outdoor storage facility plan on behalf of Wal-Mart Stores, Inc. He said that the plan that was submitted was based on a scanned copy of the original site plan prepared by Sain Associated for the approval of the building expansion and at that time, electronic copies of the drawing was not available to their office. He said that they have since been able to obtain the electronic files of the drawing and now it is clearer and more legible plan.

In response to the plan not including a legend, Mr. Morey said that the cross hatched areas and striping areas on the plan refer to modifications that were either existing or proposed at the time of the building expansion permitting two years ago. He said that these markings remained on the plan as a result of using a scanned copy for the base drawing. Mr. Morey stated that the plan has been stamped by a NH engineer as required by the site plan review regulations. In response to T. Morgan's concern for pedestrian safety, Mr. Morey said that the access to the seasonal display area would be provided via existing crosswalks. Morey told the board that no additional landscaping, lighting or signage is proposed at this time. As to the screening, the fencing for the seasonal display area will be similar to orange construction fencing and there would be no objection to a performance bond for this portion of the site.

K. Fowler asked what is the intended use of the 6,300 square foot area. Morey said it was for seasonal products. P. Garand said that Wal-Mart stated that they would never need outside sales again. Morey said that he wasn't involved with the previous application. Ivan Eaton said that there was an ongoing noise problem along Boynton Lane caused by this store. P. Stockbridge said that they took a year getting the stuff out of the parking lot and that they even took up the handicapped spaces. S. Foote said even now the sidewalks are occupied with items and people are walking in the road. P. Garand said that Wal-Mart had put up a sign stating that because of the Planning Board there was no longer capacity for storage on the site. K. Fowler said his concern was that storage if considered floor area and counts as square footage then they are at their capacity for parking spaces. R. Moore said that the 6,300 sq ft seasonal sales area would require 25 or more parking spaces. Attorney Purvis questioned whether outside sales could be considered floor space. R. Moore said that Wal-Mart has abused everything that has been given to them. Chairman Brown said that they do not do what they say they will do.

S. Foote asked about whether the drainage would still flow out back. She was told it would. Mark Preston said that the applicants should come into compliance before they ask for more. P. Garand had an approved plan for reference.

William Cox, who was a member of the board when the expansion for Wal-Mart was approved, asked to speak. Cox said that he would like to point out a few things for the board to take into consideration. He said that Wal-Mart was previously advised by the Planning Board to consider the whole site when counting the number of parking spaces because that was how it was originally approved, not just the Wal-Mart lease area. He said that they were already using sidewalks for sales area that has not been included in the parking space calculations. Mr. Cox asked if the new parking area cut into the already inadequate buffer and should the board approve this shouldn't hours of operation be added. Cox said that the proposed sales area upsets the natural flow of the site. He said that this is the first year that there has not been a safety hazard in the parking lot therefore he said that he would like to recommend that the board deny this proposal on the safety issue alone.

Regarding the old approved plan, Cox said that there are 13 dead trees that need to be replaced and a maintenance prior to releasing bond. Also there are 2 lights out back by Boynton Lane gate that have not yet been disabled. He said that at the meeting for the expansion, a representative from

Sain Associates, stated that this was a CBL controlled area. Mr. Cox noted that CBL has been a Co-applicant on all proposals by Wal-Mart and the authority to do something about these lights already exist to correct these conditions. He said that the access road modification performed last year needs re-stripping as people cannot tell where the lanes are. P. Stockbridge said that there is a \$10,000 bond held by the town.

Henry Boyd said that the trash on the site and in the detention pond is terrible. M. Preston said that he saw them picking it up the other day but it is only on the site and they do not pick up what has blown off site. R. Moore said that it comes from all of the stores not just Wal-Mart.

Joyce Addison, April Eaton and Wesley Digiustino, abutters on Boynton Lane, voiced there concerns and complaints about Wal-Mart. Ms. Addison said that it has been better without the seasonal sales. She said that during the season small tractors with the beeping would be moving the seasonal items around at 3 o'clock in the morning. Her other concern was how much of the area out back would be paved for the parking spaces that are to be moved and that the grass along the fence has not been kept up. K. Knight told the representatives to go back to their clients and tell them when they conform to their previous approvals they can revisit with their proposal.

April Eaton complained about the people and the noise out back after 9 o'clock at night. She also said that she works at the hairdressing shop in this mall and that there is no parking spaces for the workers and customers and that they have to park at Shaw's. W. Digiustino was worried about the traffic coming through Boynton Lane. M. Preston suggested a 10' privacy wall. Todd Morey suggested a chain link fence with vinyl slats.

S. Foote made a **motion** to continue this application to May 7, 2002 at 7:00 P.M. M. Preston 2nd.
Vote: unanimous

CASE #02-07 – PROPOSAL BY RAYMOND & PARTRICIA AND PRIDE DEVELOPMENT FOR LOT LINE ADJUSTMENTS AT 6 & 14 OLD NEW BOSTON ROAD, TAX MAP 1, LOTS 4-3 & 4-4 FORMAL PRESENTATION:

Henry Boyd of Millennium Engineering presented the plans for lot line adjustments on Old New Boston Road for the board's review and approval. Boyd went over the following concerns of Town Planner Thomas Morgan and addressed them as follows: 1) H. Boyd said that frequently the bounds are moved and if it is less than 2/10 of a foot off, we are not in the practice of setting multiple monuments at corners; 2) H. Boyd asked for a waiver for topographical contours; and 3) Mr. Morgan's comments were that in every other respect, the proposal is consistent with the Zoning Ordinance and the Subdivision Regulations.

M. Fowler said that these lots have existing frontage on existing roads and that a lateral most likely has been set. He suggested that the owner see Warner Knowles for the location of these. Abutter Edith Regan of Old New Boston Road asked how many lots this entailed and if these would accommodate duplexes. She also asked about the location of the power lines and if these could be built under. H. Boyd said that they were 1,000 feet back from the street.

M. Preston made a **motion** to approve the lot line adjustments for Raymond & Patricia Peabody/Pride Development. K. Knight 2nd. Vote: unanimous

CASE #02-08 – PROPOSAL BY HOWARD & ROBIN EATON FOR A TWO-LOT SUBDIVISION AT 201-205A SOUTH MAIN STREET, TAX MAP 16, LOT 13 – FORMAL

Henry Boyd presented the plans for a two-lot subdivision on South Main Street for the board's review and approval. H. Boyd addressed T. Morgan's recommendations as follows: 1) H. Boyd

apologized to applicants and said that Elephant Rock subdivision is located at rear of lot and that R. Parker had increased M. West wetland delineation; 2) Boyd asked for a waiver for the topographical contours; 3) for the box requirement; 4) and the boundary marker at the western-most corner of lot. M. Fowler said that he had no problem and that there is existing water and sewer to the lots.

P. Garand made a **motion** to waive the topographical contours. S. Foote 2nd. Vote: unanimous.

P. Garand made a **motion** to waive the box requirement on Lot 1. P. Stockbridge 2nd. Vote: unanimous.

P. Garand made a **motion** to waive the boundary marker at the western-most corner of the lot. K. Knight 2nd. Vote: unanimous.

P. Garand made a **motion** to approve the two-lot subdivision for Howard & Robin Eaton with the waivers for topographical contours, box requirement, and boundary marker. S. Foote 2nd. Vote: unanimous.

DRIVEWAY PERMIT applications: NONE

OTHER BUSINESS:

Ivan Eaton Jr. informed the board that the Firemen's Association will be asking the state to put up a fence in exchange for a 5' easement along the front of the building.

K. Fowler made a **motion** to cancel the meetings for June 3, July 1, and August 5, 2002. P. Garand 2nd. Vote: unanimous

William Cox told the board that he had called Bob Moore in regards to the light fixtures at Home Depot and had met with Wayne Morrill of Jones & Beach Engineering and walked the site with Mark Ingraham the project manager. In conclusion the following revision to the lighting fixtures was agreed upon.

P. Garand made a **motion** to revise the approved lighting fixtures for Home Depot by changing the fixtures from the proposed horizontal lamp to low profile vertical lamps with flat lens and conditional upon sheet metal back shields being installed on the fixtures designated A27, B25, A8, A19 and A29 and fabric shields be installed in the fixtures designated A22, A23, A24, and A9. Also to allow 8, 400 watt flood lights installed @ 20' height on fixtures designated A1, A2, A3, and A2 that are directed at building.

Mark Preston 2nd. Vote: unanimous (Lighting Plan submitted by W. Cox to be placed in file).

MINOR SUBDIVISION CLARIFICATION: T. Morgan had a discussion on whether the maximum number of lots in a minor subdivision included the lot that was serviced by the main road not the proposed minor subdivision roadway. It was T. Morgan's opinion that the three-lot restriction was for the activity on the 18' roadway. The board discussed just such a situation off of Centennial Street where the third lot is completely serviced by Centennial Street not the subdivision roadway. Chairman Brown said that if driveways were made off of this minor subdivision road then this makes it a part of the subdivision. It was the board's interpretation that this was the case. W. Cox said that the intent has to be clarified. T. Morgan said that the important thing was to limit the traffic on a minor subdivision road.

PUBLIC HEARING DRAFT: T. Morgan drafted the following proposed amendments to the Seabrook Subdivision Regulations for the boards review.

- A) Replace Article V Section A with the following: "An Engineered Plan: Eight paper copies and one original mylar."

- B) Add a new section to Article XI as follows, and re-number subsequent sections accordingly:
“D – As-Built Plans Required: The submission of as-built plans shall be considered a stipulation of approval for every subdivision approval granted by the Seabrook Planning Board. Two paper copies and one digital copy of the as-built plan shall be submitted to the Building Inspector. The digital copy shall be in AutoCAD DWG format. The feature layers that are stored in each drawing file shall be assigned a name that clearly identifies the feature. Required features are sanitary pipes, manholes, water pipes, hydrants, drainage, catch basins, edge of pavement, and building footprints. Legends shall also be included. all data shall be defined by the horizontal datum of the New Hampshire State Plan Coordinate system)NAD83 in units of feet, and the National American Vertical Datum of 1988 (NAVD) in units of feet.”

S. Foote asked that wetlands be added to the draft. The board’s consensus was that the amendments were not ready to be sent out to public notice.

ELECTION OF OFFICERS: Chairman Brown opened the floor for the nominations of offices. Paul Garand made a motion to leave the offices as is now, Chairman is Robert Brown and Vice-Chairman is Susan Foote. S. Foote 2nd. Vote: unanimous

CORRESPONDENCE: T. Morgan distributed the correspondence to the appropriate members. Chairman Brown signed the expenditure sheet and the bills.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:12 P.M.

Minutes taken by Emily Sanborn, secretary.

Secretary’s Notations: Mylars recorded 4/22/02 – Peabody/Pride Development – D-29757 and Reid/Foberg – D-29756.