

**SEABROOK PLANNING BOARD
AUGUST 20, 2002 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Philip Stockbridge, Paul Garand and Alternate William Cox. Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Robert Moore and Secretary Emily Sanborn.

1) **MINUTES** of the July 16, 2002 meeting: W. Cox made a motion to accept the minutes of the July 16, 2002 with a correction on page 5 to read box fixtures on building to be external shielded hoods. P. Garand 2nd. Vote: unanimous.

2) **Public Hearings:**

#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: Attorney William Pribis and Engineer Todd Morey representing Wal-Mart went over the presentation of potential locations for the outdoor storage area. Morey went over the presentation and the modification of the three way stop signs, stockade fence for the neighbors and the ZBA approval granting Wal-Mart relief from the minimum parking area of 23 spaces.

T. Morey said that the first location depicted, attached to the letter to T. Morgan addressing Morgan's comments, would be adjacent to the store garden center. He said that this would have the minimum number of pedestrian traffic if placed in this area and would not displace any parking spaces. Morey said that the reason he likes this location is that the traffic flow can be controlled by temporary signs prohibiting turning with straight through flow and a permanent sign directing traffic south and north with do not enter signs.

Morey went over the fire lane access and the location of the fire hydrant outside of the corral. W. Cox said he did not like the way that it shifts into fire lane. Morey said that the only way to keep traffic from the front of the building would be to use jersey barriers 3 month of the year. S. Foote asked if this proposal had been seen by the Fire Department. Morey said that he would get in contact with the Fire Chief prior to the next meeting to address any concerns he might have. W. Cox made some comments about the traffic flow but was more concerned with creating mass confusion. S. Foote voiced her concerns with the bottleneck this would cause and the access to the fire hydrant in case of a fire. Todd Morey said that he thought it could work. Chairman Brown said it would cause a gridlock in front of the store. Traffic back up was discussed.

W. Cox asked to see other proposals. S. Foote asked to see it placed to the other side of the parking lot. P. Garand suggested the northwest corner toward the rear of the building. Morey said it would not have visibility at this location. Garand said that this was not an issue of visibility but of safety. Foote and Stockbridge discussed the parking area. S. Foote suggested that they shorten the corral. Morey said that this would require leaving four parking spaces, two in each row for turning around. M. Fowler said that if they have a configuration that doesn't work customers would stop coming.

Chairman Brown said that pedestrian safety was a major concern. He polled the board members for their opinions. P. Garand said that their proposal was not the proper place and recommended the northwest corner. S. Foote said she had no comment. W. Cox said that he was all right with it. T. Morgan said that since the Department Heads have not seen this plan since May that the applicants should submit a revised plan for their review before the September 17, 2002 meeting and that the plans should be submitted before Labor Day.

Reporter Anjeljean Chiaramida asked to speak and asked whether the board was ever going to give a decision to allow this someplace or are they going to drag their feet. Chairman Brown said that someplace is not an option. They have to give us something that will work.

P. Stockbridge made a motion to deny approval of the outdoor sales for safety reasons. P. Garand 2nd. S. Foote abstained. W. Cox voted against. P. Garand and P. Stockbridge voted for the motion. After deliberating on the advice of T. Morgan, Chairman Brown cast his vote against. Vote: 2 for 2 against. Motion failed.

P. Garand again told the applicants that visibility is not an issue it is safety, parking lot access and traffic. He said that he is not convinced that this will work and he does not feel comfortable with the proposals. T. Morgan said that evidently that is the feeling of the members as half the board is not ready to vote.

S. Foote made a motion to continue the site plan to September 17, 2002 at 7:00 P.M. P. Garand 2nd. Vote: 4 in favor 1 opposed. P. Stockbridge opposed. Motion Carried.

Surveyor Henry Boyd of Millennium Engineering representing Grace Fogg for the next application asked that the next three cases, which he would be representing, be moved to the end of the agenda.

#2-25 – Proposal by Batchelder Road Realty Trust and Waterline Industries to erect a 9,000 square foot building at 130 Batchelder Road, opposite Woodwork's Way, Tax Map 6, Lot 15: Ralph Dunke of Waterline Industries and Mr. Cammentt of Camment Engineering were present to go over the revised plans for a 9,000 industrial building at 130 Batchelder Road. Philip Stockbridge asked if the revised plans had been submitted before the date required. Mr. Cammett said that he was not aware that the plans had to be in before tonight's meeting. P. Stockbridge made a motion to continue this application to September 17, 2002 at 7:00 P.M. because of the late submission of the revised plans. S. Foote 2nd. Vote: unanimous. W. Cox gave some advise on the lighting requirements for this building.

#2-26 – Proposal by Harry E. Chase heirs and Fudgit, Inc. to erect a 14,400 square foot industrial building off of Ledge Road opposite of and northeasterly from the Poland Springs entrance drive, Tax Map 5, Lot 8-110: Eric Saari of Jones & Beach Engineering and Ron Fudge the owner, presented the site plan for a 14,400 square foot industrial building containing 10 units for rentals. This is to be placed on Lot #11 of the Ledge Road Industrial subdivision.

Mr. Fudge told the board that there would be 10 units and each unit would have its own bay door on each side to allow a drive through. He said these would house contractors, electricians, a cabinet maker and their secretaries. Fudge said that there was more than enough parking spaces to meet their needs.

P. Saari went over the drainage and the adjacent treatment swale which will require an easement from Scott Mitchell the owner of this lot. W. Cox asked about the granite curb. Saari said that it would be curved and used as a swale. Saari said that there would not be a lot of lighting only wall pack because this would be a daytime business. W. Cox said that this would require a waiver for the photometric grid. W. Cox made a motion to waive the photometric grid on the condition that only 10 250 watt sheltered lights be used. S. Foote 2nd. Vote: unanimous.

T. Morgan asked how come there was so many parking spaces. Saari said this would allow the contractors to leave their box truck and take home their car. R. Moore said this concept is excellent for small contractors, plumbers, electrician to be all in one place. W. Cox cautioned Mr. Fudge not to install external machinery that makes a lot of noise unless it is enclosed to muffle any noise. E. Saari said that note #14 on the plan states that all signs will conform to the regulations. Chairman Brown asked about the snow storage in relation to the wetlands. Saari said that it will go into the detention pond and be treated.

Other matters discussed were water usage, traffic generated, wetland protection, dumpster & hours and bond requirement. Peter and Catherine Evans, residents at 44 Border Winds, asked about the 50' no cut zone and asked that it be looked at because they did not believe that it is 50' that is being left. Mrs. Evans asked about if there would be trucks on site that might leak oil or something being stored in the trucks that might be toxic. E. Saari said that there would be oil catches on the site and nothing would be stored in the trucks except what the contractors used in their line of work.

M. Fowler recommended a bond of \$10,000 be required for lighting, as-built design and construction of the entrance. Sidewalks were discussed. P. Stockbridge made a motion to waive the sidewalk requirement. S. Foote 2nd. Vote: unanimous. C. Evans asked about commercial use in this area. W. Cox said that the Planning Board has the power to grant a Conditional Use Permit to permit a combination of retail and industrial use in Zone 3. The board members pointed out errors in the typing and asked that the 100 year storm be changed to 50 year storm and the words New Hampshire and Centennial be corrected.

S. Foote made a motion to recommend a \$10,000 bond be posted for lighting, as-built design and construction of entrance. P. Garand 2nd. Vote: unanimous.

S. Foote made a motion to approve the site plan provided all specified changes are made with the posting of the \$10,000 bond, to be signed by the Chairman when all is complied with. P. Garand 2nd. Vote: unanimous.

#02-24 – Proposal by Joseph & Constance Miragliotta and John & Rosalee Niceforo to convert 71 Ocean Drive into two condominiums, Tax Map 20, Lot 26: Henry Boyd of Millennium Engineering presented the plans to convert 71 Ocean Drive into two condominiums. Mr. Boyd addressed the two concerns in T. Morgan's letter of review. Mr. Morgan said that the condo documents have been reviewed by Attorney Simmons with his standard response. Boyd said that he had discussed the water shutoffs with Water Superintendent W. Knowles and that he did not care how many shutoffs there were as long as the condo documents cover the responsible parties.

S. Foote and W. Cox informed Mr. Boyd that there are rules and regulations requiring separate shutoffs. Abutters Howard and Dorothy Deshler said that they have lived at this address a long time and it has basically been a condo for all this time. H. Boyd explained that this has existed as such for 40 years. Lawrence Deshler said that Warner Knowles did not give H. Boyd clear instructions as to what was required in regards to the shutoffs. H. Boyd said that he was frustrated with Mr. Knowles. S. Foote advised him to file a complaint about W. Knowles. T. Morgan said that the board has requested separate shutoffs for other cases

W. Cox made a motion that the 2nd waterline be installed for unit 71B and be signed by the Chairman when revised. S. Foote 2nd. Vote: unanimous

#02-22 – Proposal by Grace Fogg for a two lot subdivision at 30 Weare Road, Tax Map 4, Lot 2: Henry Boyd of Millennium Engineering presented a two lot subdivision for Grace Fogg at 130 Weare Road for the board's approval. Ms. Fogg is donating a portion to the Town of Seabrook for conservation land. Boyd told the board that he had shown the box requirement on the lot but there was enough room to do this. P. Garand made a motion to waive the requirement that the box be shown on the plan. S. Foote 2nd. Vote: unanimous.

S. Foote made a motion to approve the subdivision plan for Grace Fogg. P. Stockbridge 2nd. Vote: unanimous.

#02-23 – Proposal by Oliver & Evelyn Fowler for a two lot subdivision between Pickens Avenue and Walton Road, immediately west of the former B&M Railroad, Tax Map 10, Lot 41:

H. Boyd of Millennium Engineering present a two lot subdivision for Oliver and Evelyn Fowler between Walton Road and Pickens Avenue for the board's approval. Boyd presented the plan and explained the variance that was received from the BOA which would allow this subdivision.

In answer to T. Morgan's review and comments, H. Boyd said that this property was not in the flood plain and was well outside of the flood zone and the driveway was not located on the lot because the owner is not sure were he is going to place it. Mr. Morgan noted that Article V of the subdivision regulations require that the entire property be surveyed and that a waiver would be needed. P. Garand made a motion to waive Article V of the subdivision regulations. P. Stockbridge 2nd. Vote: unanimous.

S. Foote made a motion to approve the subdivision for Oliver and Evelyn Fowler. P. Garand 2nd. Vote: unanimous.

3) **Correspondence and Expenditures:** T. Morgan passed out the correspondence to the members and Chairman Brown signed the bills and the expenditure sheet.

4) **Driveway Permit** applications: None

5) **Capital Improvements Program:** T. Morgan went over the department head response to the CIP. Morgan said that he had not received and response from the Emergency Management Director, the Housing Authority and the School Board. T. Morgan said that he would send some informative material to the School Board for next year input.

6) **Other Business:** H. Boyd said that he had met with Mrs. Sullivan about subdividing her existing lots on Ocean Boulevard. He said that this would require three variances for street width, reduction of frontage and dimensional requirements. Boyd asked that a joint meeting of the planning board and the Board of Adjustment be scheduled. The PB set the hearing date for the third Tuesday of October 2002.

Adjournment: Chairman Brown adjourned the meeting at 10:10 P.M.

Secretary's Notations: Mylars were recorded 8/22/02 for Oliver & Evelyn Fowler C-30046 and Grace Fogg D-30045.