

SEABROOK PLANNING BOARD MEETING
TUESDAY, JULY 15, 2003
SELECTMEN'S MEETING ROOM
7 P.M.

MEMBERS PRESENT: Chairman Robert Brown, Vice-Chairman Susan Foote, Peter Evans, Keith Fowler, Alternate William Cox. Others present: Town Planner Thomas Morgan, Engineer Michael Fowler, CEO Paul Garand, and Secretary Cora Stockbridge.

MEETING OPENED: Chairman Brown opened the meeting at 7:04 p.m. with a quorum present.

1) Previous minutes:

Motion: Keith Fowler to accept the minutes of June 17, 2003
Second: Susan Foote
Unanimous

2) Public Hearings.

#3-7 – Proposal by David & Christine Langis and Terry & Deborah Sliker for a condominium conversion at 16 & 17 Elephant Rock Road, Tax Map 16, Lot 11-4:

Henry Boyd of Millennium Engineering, presenting this case, stated he did not get the plans submitted until after the Friday noon deadline. He said he believes the planning board wanted to take action on this case. He said he was not finished with the final results of the proposals by noon on Friday but feels the site work is done enough to be acted on by the Planning Board tonight. The water/sewer remains within the 30 foot buffer and the driveway was moved. Mr. Langis was present. Boyd said that Mr. Langis had had difficulty with his contractors to come and repair the mistakes. Boyd said the stockpiling of the loam and other items have been removed. Boyd said that the driveway of house #17 which had been allowed to be 18 feet into the buffer zone is 19 feet at one point, then 26 feet at another point, and then complies for the remainder. He said Mr. Langis has removed as much of the materials as he could. He said native loam has been placed south of the existing driveway. The revegetation has not been done, and at the direction of the conservation commission, it will be replanted with small seedlings. He has complied with everything else, Boyd said. He said the stone wall has been repaired to his satisfaction. Bill Cox asked if there is a financial guarantee for the remainder of the remedy. Boyd said the bond stands at \$150,000. Sue Foote suggested monumentation at the corners of the easement to prevent intrusion. Boyd said this could be done if Mr. Langis agrees. Foote said she will visit the site in a couple of weeks to check on the vegetation growth to see if it is suitable. She said it may grow on its own naturally. Keith Fowler noted that the revegetation and monumentation are the only things undone. Boyd said the walkway has to be monumented as well. Sue Foote said the conservation commission could put up a brass plaque. Attorney Peter Saari, representing the Slikers, reviewed the plans along with the Slikers.

Motion by Keith Fowler and seconded by Susan Foote to change the bond to \$50,000 to cover the replanting and the monumentation. Vote: unanimous.

Philip Stockbridge from the audience objected to the change in the due date for the plans and said the board should have made a motion to allow the plans that were submitted after the deadline. Chairman Brown said he had the authority to allow the plans for review.

A motion was made by Keith Fowler and seconded by Susan Foote to approve only for the purposes of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations and to approve the monumentation at the corners of the easement. Affirmative votes: K. Fowler, S. Foote, B. Brown, P. Evans. Opposed: W. Cox. Motion carried.

Cox explained that he was opposed because the plan was presented originally to the Planning Board as single family lots. S. Foote offered a reminder that the 30' buffer is going to be adhered to for the remainder of the lots.

#3-11- Proposal by Margaret Stard to erect a 7,100 square foot industrial building at the southerly corner of Stard Road and Whitaker Way, Tax Map 4, Lot 19-10: Wayne Morrill of Jones and Beach Engineering presented the plans. He said a waiver is being requested from the Planning Board regarding the sidewalks on Stard Road. The granite curbing will be sloped granite and shows on the plans. The cut sheets involving the lighting were sent to Planning Board Member William Cox who reviewed them. Regarding the slope at the Stard Road curb cut, Morrill talked with Town Engineer Mike Fowler, and a note was added to the plan that a ditch will be built and a 10 foot rip rap apron will be constructed to direct the water off the road. A swale already goes down the town's right of way, he said. Back shields for the lighting fixtures shows on C-4 of the plans and the cut sheets. The ¾" water line is changed to a 6" line and a note is added that a fire alarm will be installed to conform to the suggestion of the Fire Chief, Morrill said. He said that the handicapped parking cannot be brought closer to the building because of sloping requirements, which call for a degree of slope that cannot be constructed. Stard Road entrance will be closed to traffic during construction. Curb cuts will be sloped on the entrances. There will be six additional pine trees added at staggered intervals, he said. Steps will be taken to muffle the noise.

P. Evans questioned the failure to move the handicapped parking closer to the building. Morrill explained that to do so would be out of compliance with the regulations. Evans said he would like to see sidewalks on Stard Road as an investment in the future. Margaret Hamilton from the audience asked if there is a proposed tenant. Morrill said there is none right now. The building is intended for light industrial. Cox said that any prospective tenants will still have to get any necessary permits to occupy. It was pointed out that the lack of sidewalks on Stard Road had been waived previously.

Motion by Susan Foote, seconded by Keith Fowler, to approve the plan with a \$15,000 bond as recommended by the Town Engineer. Affirmative votes: S. Foote, K. Fowler, B. Brown, and W. Cox. Opposed: P. Evans. Motion carried.

#3-13- Proposal by Hunter Logan Realty Trust for a condominium conversion at 419 Route 286, Tax Map 17, Lot 47. Henry Boyd presented this plan for review. He said the bond is in place. Town Planner Tom Morgan said it has been forward to the planning board legal counsel but there has been no response yet. Specifications for the green space have been taken care of, Boyd said, and the NH DES permit has been received. W. Cox has received the light specifications.

Motion by William Cox, seconded by Susan Foote, that the photo metric grid requirement be replaced with the cut sheets. Affirmative votes: W. Cox, S. Foote, B. Brown, K. Fowler. Opposed: P. Evans. Motion carried.

Boyd said he talked with Fire Chief Jeffrey Brown and no solution has yet been found regarding a 20 foot fire lane at the rear of the building. Brown has agreed to discuss this with Boyd again in an attempt to find a resolution. There was discussion of where the shut offs for the water service(s) should be placed: one for the entire building or one for each unit. Billing/payment methods were discussed with issues raised about who could be penalized if water was shut off for non-payment of water and other complications that could arise because of individual shut offs. It was pointed out that the main water shut off is located across the street. Boyd said the gas main is now depicted on the plan. The matter of recording fees will be taken up after approval, Boyd said. Attorney Peter Saari said he has tried to reach Attorney Mitchell regarding the changes in language on the condo documents but Attorney Mitchell has been on vacation. Saari said the board has to deal with the water shut offs, suggesting that easements might be in order in case of breaks of the individual lines/shut offs. He said that he has the checks for the recording fees.

Town Engineer Michael Fowler discussed the shut offs and suggested that there not be one for each of the 30 units. He said there would just need to be access to the building in case of problems with the water services. Sue Foote pointed out a complication with the time share concept relating to possible water issues, i.e. who would be faulted for non payment. Keith Fowler said he feels this concept is really a backhanded apartment building. P. Evans asked if there are any conditions required on the DES Permits. T. Morgan said it was boilerplate. Evans said we need to get the Fire Chief on board regarding the fire lane at the rear and said there should be no sign off of the plans until the Fire Chief is satisfied because of potential liability. T. Morgan agreed that it is important that the Fire Chief agrees with a solution to that issue. Boyd said the Fire Chief will work with him for an agreeable solution.

Chairman Brown questioned the feasibility of the parking spaces pointing out that there is one designated for one employee, suggesting that there may be more employees there at one time. He said he doesn't think the parking fits the hotel but that the Zoning Board of Adjustment approved the parking plan. Cox suggested that possibly relatives of a tenant may visit and there would not be adequate parking.

Foote said potentially the same family can rent a room all year. Saari said that it will cost \$100 a night and that would be costly. Boyd said that each space is assigned to one room and any street parking would be a State problem. Foote asked if there will be a manager to the facility and Saari said there will be.

P. Evans said there would be room for a fire lane if the building was not so long.

Motion by William Cox, seconded by Peter Evans, to continue this case until September 15 and to address the fire lane. Vote: unanimous.

John Hamilton, Greenleaf Drive, asked, regarding the water/sewer use for the 30 unit facility, if the board considers the consumption of water in their consideration of this case. Chairman Brown said the water superintendent said there is enough water. S. Foote explained that meters have to be installed first before there is consideration of growth control. She said there may be a lot of water but it has to be determined actually how much water is used and how much may be lost through leakage throughout the town. She said it could take a year to determine that.

P. Stockbridge asked about the cooking facilities and Atty. Saari said that there will be none, it is not allowed in this type of facility. Joseph Daly, Pine Street, asked if this is a hotel or condominium and

Attorney Saari said it is a hotel condominium. Chairman Brown pointed out that a person can buy a unit and rent it out. Saari said rates will be set by the association. A portion of the rent will go to the association, Saari said.

#3-14-Proposal by Richard Turcotte, Jr. and Lester M. Knowles for a condominium conversion at 70 and 72 Farm Lane, Tax Map 13, Lot 59: Attorney Mary Ganz presented this case. She said she doesn't have the mylar at tonight's meeting. She said that Ernie Cote had done further surveying. The water shut off and the extent of the wetlands are now depicted on the plans. T. Morgan said that Cote had done all that had been asked.

Engineer Michael Fowler said his comments regarding the possibility of a sewer pump were advisory and it will depend on the topography. P. Evans asked about the mylar. Attorney Ganz indicated there was a mix up and that Cote had been going to bring them. She will get them submitted.

A motion was made by S. Foote, seconded by W. Cox to approve the plan only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations and to have the chairman sign the mylar when it becomes available. Affirmative votes: S. Foote, W. Cox, B. Brown, and K. Fowler. Opposed: P. Evans. Motion carried.

#3-20 Proposal by Walter & Claire Littlefield and Sheila Bishop for lot line adjustments north of Cross Beach Road, Tax Map 25, Lots 2, 13 and 42. Henry Boyd of Millennium Engineering presented this plan. He disagreed with the suggestion of the Town Planner that the plan should be drawn at a larger scale. The recording fees were not submitted in advance. Ms. Littlefield stated she would pay the fee. Boyd said with this action, one lot will be bigger. Engineer Mike Fowler pointed out that the town maintains the sewer pump station. Ms. Littlefield explained that this change moves a 16 foot right of way from one side to another.

Motion by Keith Fowler, seconded by Susan Foote, to approve this plan. Vote: unanimous.

#3-21- Proposal by Zoldon Family Ohio Limited Partnership to relocate Phantom Fireworks at the southeast corner of Lafayette Road & Chevy Chase Road, Tax Map 8, Lot 54-3. Henry Boyd of Millennium Engineering presented this case. He said the new plan reflects all of the town planner's comments. He said the current building will be removed and the new building will be much nicer. The plan will show on sheet 2 that note #6 has been added regarding the demolition of the current building. Parking spaces are addressed on sheet 3 of 4 showing typical and handicapped parking spaces. The water line is shown on sheet #2, as one water service. There will be decreased impervious surface. There is now 34% open space. Boyd said the parking lot would be graded to create flow to the proper drainage outlets. W. Cox needs to see the cut sheets on the lighting. He remarked that lights on the building won't be allowed. There was discussion of the building size in square feet. Boyd's opinion is that the sales area will not be increased. There are five storage trailers currently present which will be removed, Boyd said. Cox suggested that it should be put on the plan that there will be no storage trailers on the site. The owner, Patrick Carlon, said he would like to have two or three there for 21 to 30 days (during transition) but would abide by what the Board says. The board indicated they would not go along with this.

Boyd said he thought it was agreed to place the Liberty Elm further from Lafayette Road than fifty feet. He believes it would not be a good idea to place it at 50 feet back because it may block the sign. He also thought it might stand a better chance of thriving if it were placed farther from Route 1. Boyd said the green space will be grass.

Boyd said the Fire Chief said it would be ok to have sprinklers to address the flammable nature of the merchandise.

Engineer Michael Fowler suggested that a \$15,000 bond be established for the landscaping, the lighting and for the as-built. W. Cox wants to see the light fixtures on the cut sheets. He said he doesn't want to see lights like those at Wendy's. Boyd said the west coast architect will commit to the lighting requests. Cox said the parking lot needs poles that meets town standards. He described the lighting requirements for the flag pole light. Cox asked when the drawings and cut sheets will be ready. Boyd said he expects in a week. P. Evans said he was disappointed that the lighting details were not taken care of in a timely fashion and that the application is incomplete without it. Gary Thing from the audience asked where the entrance would be and was told it is Chevy Chase Road. Joe Daly, Pine Street, said he has seen fireworks demonstrations in that area and asked if the business holds permits for that. W. Cox said the selectmen grant permits, and he could ask them. John Hamilton from the audience remarked that the placement of Liberty Elms and the vegetation requirement at Elephant Rock helps to improve the town.

Motion by Susan Foote, seconded by Keith Fowler, to approve the plan with the condition that the lighting be indicated on the as-built and cut sheets and coordinated with W. Cox and once the storage trailers are removed, they will not be placed on the site in the future and that there be a bond of \$15,000 to cover the Liberty Elm, for land improvements, and other site work. Affirmative votes: S. Foote, K. Fowler, B. Brown, and W. Cox. Opposed: P. Evans. Motion carried.

#3-24 – Proposal by Robert & Bruce Brown for a 2-lot subdivision at 60 Centennial Street, Tax Map 13, Lot 18. Chairman Robert Brown vacated the chair and Vice-Chairman Sue Foote assumed the duties of the chairman. Henry Boyd of Millennium Engineering presented this plan. He said he had not put the stamp on and that the plans were in with the mylar in a timely manner. He said a 3.64 area piece with a 250 foot frontage is being cut from the large piece, creating two parcels. There is a brook on the property which would need a DES permit should one be necessary if it will be impacted. Otherwise, everything on the plan conforms, he said. This will create a new parcel with a new deed.

Town Engineer Michael Fowler said, regarding the sewer service to the parcel, that a lateral was not installed during sewer construction. This will required a cut in the road. There is a possibility that a pump station (small grinder pump) may be needed. P. Evans asked if this would be condo'd or become a duplex. It was pointed out that this is a subdivision only at this time. John Hamilton had questions about the brook and the driveway and S. Foote said that right now we are just looking at a lot subdivision. Factors regarding any impact on the brook and driveway will come into play when the owners go for their permits. Margaret Hamilton asked if there was a clear title to the property and W. Cox said there is a deed on this property. It was pointed out that this application is more like a lot line adjustment and does not at this time require any other permits.

Motion by K. Fowler, seconded by W. Cox, to waive the topographical requirements. Vote: unanimous.

Motion by K. Fowler, seconded by W. Cox, to approve the plans. Vote: unanimous.

Robert Brown paid the \$26.00 recording fee.

Henry Boyd informed the board that a mylar had been rejected by the Registry last week because of their perceived discrepancy. Henry had printed a new mylar correcting what the Registry had found fault with. The Chairman signed the new mylar. This was the mylar in the case of #2-18- Proposal by Gary Moore, Lloyd Perkins, and Oliver & Evelyn Fowler for a 10 lot subdivision and several lot line adjustments off of Belgian Drive and Moore's Lane, Tax Map 9, Lots 36-4, 36-5, 36-6, 36-7, 36-8, 41-3 & 41-4.

3) Informal hearing.

#3-17-Proposal by Scott Mitchell for commercial development of the Tiki Trust property off of Lafayette Road.

Motion by W. Cox, seconded by S. Foote, to limit this case to 10 p.m. Vote: unanimous.

It was pointed out that this hearing is informal and there is no requirement to notify abutters. When the hearing becomes formal, all abutters will be notified.

Realtor Scott Mitchell introduced Developer Robert Kroff, Steve Pernard in charge of a traffic study, Robert Jess from Lowe's, Wayne Morrill of Jones and Beach Engineering and Attorney John Daley. Mitchell reviewed the site design. The home improvement section of the building will be 133,000 square feet, with a garden center of 28,917 square feet. There will be 526 parking spaces. The site will involve the properties of Prompto Oil, MacDonaldis (3.27 acres), Tony's Diner (1.95 acres), Dandelions, and the Parker property (18.5 acres). He said the plan involves the proposed Lowe's Home Improvement Warehouse. They are finalizing the driveway access with NH DOT. Plans are being looked at for coinciding accesses with Demoulas. Mr. Pernard explained the traffic impact study. There are preliminary findings which are expected to be finished in a month, Mitchell said.

W. Cox asked how far north and south would the study look at. He was told that it would go to south to the Home Depot area and north as far as the Railroad Avenue intersection. They will use the DOT figures for the signal at Route 107 and for the north service road. Cox said that there is not enough room at the area of Home Depot where traffic merges. Foote agreed saying that the problem is compounded in that area because not only do the two lanes merge into one, it occurs on a road that swings down and curves at the same time.

W. Cox said the planning board is on record with District 6 that there is a problem and if this development is adding to it, it will become the development's problem also.

Pernard said they are trying to make the front door work and make the two intersections work. T. Morgan asked if they know the percentage of shoppers from out of town. He was told that two-thirds of the traffic goes to and from the south and one-third is to and from the north.

Morgan asked what is Phase 2, that he is uneasy about looking at Phase 1 without knowing about Phase 2. Mitchell said that there is no deal yet for Phase 2, nothing has been planned. He understands that there is a desire that projects should interconnect. Scott said on a portion of the property, there are title issues and he doesn't see any movement on Phase 2 for a year. W. Cox suggested putting a box on the plan with trip assumptions. Someone asked what should be the design for Route 1, for example would there be a signalized intersection at the north driveway of Demoulas. Pernard said there would be two south bound lanes, two north bound lanes and a center lane. Chairman Brown said there needs to be one lane for a separate turn in from the north. Mitchell reminded the board that the study is not done yet.

Morgan asked what is the goal of the level of service and Pernard said it was a "D" or better. Cox asked if the south access out of Demoulas would be able to go south. It was stated that there may be a right in and a right out for that exit. Cox asked if there are counters in the road, and he was told that the traffic is being analyzed manually, from 3 p.m. to 6 p.m. with the focus on between 3:30 p.m. and 4:30 p.m. to find the peak periods. Pernard said the road going north would taper into Railroad Avenue. Mitchell repeated that the study will be completed in a month and submitted to DOT.

The Planning Board suggested that deceleration lanes be considered. S. Foote said she hopes there won't be the same situation where people cut through Kentucky Fried Chicken to get to Wal-Mart. T. Morgan asked if there would be outside sales and Mitchell said there would not be.

John Hamilton, Greenleaf Drive, asked if the Tiki Trust property would go all the way back, and Wayne Morrill of Jones and Beach said there would be no development. If there ever was a decision to have any development of that portion of the property, they would have to come back because there would be a need for calculation of the open space, discussion of a detention pond, and so on.

Margaret Hamilton asked about the current setback rules. CEO Paul Garand explained that this property was a lot of record and is grandfathered. The setbacks have been changed to 500' on Route 1 but this property is not subject to that regulation because it was a lot of record.

Lawrence Harvey, Autumn Way, said that his property was damaged when perk tests were taken within the last two weeks. Mr. Jess, from Lowe's, said he will contact Mr. Harvey about this matter. Harvey said he was told when he bought his property that MacDonald's and Tony's could only go back 500 feet. He asked if the business was going to make an allowance for the money loss when this project goes in. Mitchell said legally the business is permitted to do what they are doing, although he can understand the residential concerns. Harvey asked how far away from his property the building will be constructed and a review of the plans shows about 70 feet.

Margaret Hamilton asked what kind of tree line would there be as a buffer. The developer said he would like to set with the neighbors to discuss these matters. Mitchell said he would make arrangements to discuss all the concerns with the abutters one on one. Harvey said that Autumn Way was commercial and went to residential with no buffer zone.

Brian VanDalinda, Greenleaf Drive, said he had passed pamphlets out concerning this meeting to the residents who live in the area. VanDalinda asked if there are plans to connect to Greenleaf Drive and Autumn Way, and Mitchell said there are no plans to do that. VanDalinda asked what is the difference between Lowe's, Wal-Mart, Home Depot, and Staples. R. Jess said the Lowe's company is a high end company and is different in what they offer. He said they sell home improvement items but they are more

like finished products, they are not like a lumber yard. He said the items are more on the line of interior fashion as well as appliances.

P. Stockbridge asked if the four parcels where the development is going have clear titles to them and was told they are clear. It was pointed out that the portion of the parcel which is not being developed does not have clear titles. (The site of the construction is on the northern section of the site. The southerly section is not being developed at this time.)

Steven Tomlin of Autumn Way questioned the truck loading plans, and he was told that representatives of this development will make themselves available for all of the residents' questions. R. Jess said there will be no pick up of materials/items in the back. There are three customer access points, the garden center, the main store, and the lumber section.

Tricia Stard, Timber Court, asked about the water ban in connection with this development. W. Cox asked if the business would be considering well water for watering their plants. He was told that they will look into it.

This application will be continued for another informal meeting on August 19 at 7 p.m.

Joe Daly, Pine St., asked why the planning board won't televise their meetings and Chairman Brown said he will have an answer to that question next time.

4) Correspondence

The Board reviewed a letter from the town manager regarding a permanent easement deed for the pump station on Ledge Road involving the Gordon and Emily Locke property. Engineer M. Fowler could see no problem and felt that it may be a formalization of an easement prepared during sewer construction.

Motion by Susan Foote, seconded by Keith Fowler, to approve and sign the easement deed. Vote: unanimous.

Motion by Susan Foote, seconded by Keith Fowler, to let the chairman sign the plans. Vote: unanimous.

Various bills were signed by the chairman.

- 5) There were no driveway permit applications.
- 6) There were no sewer easements.
- 7) Other business.

There was a discussion about the Appliance Warehouse business and the new construction. W. Cox said he has noticed that there are two bathrooms and two entry doors. S. Foote questioned whether the wetlands permit was being complied with, noting that any more work than what was approved would have to come back before this board.

W. Cox said that with the Board's ok he would like to send a letter to the DOT asking for an expansion of Route 1 to the Mass boundary and to put two lanes in from Route 107. He said the DOT has not responded to a previous letter. He will bring a draft to the Board.

It was questioned whether the Route 1 development will have an access from Autumn Way to Pine Street as had been discussed in the past, i.e. a "T" behind the former D'Angelos. No one knew the answer to this.

P. Evans suggested reviewing the Master Plan goals for putting articles before the voters concerning zoning. Developing a list and time frames for noticing was discussed.

Paul Garand pointed out that he has vacated his seat on the Planning Board, and it needs to be filled. Chairman Brown pointed out that William Knowles, a candidate for the office in the March election, has been asking to be appointed.

Motion by Susan Foote, seconded by Paul Garand, to contact William Knowles and, should he still want to become a member of the board, that he be invited and be appointed for the remainder of Garand's term.
Vote: unanimous.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:20 p.m.

Minutes taken by Cora Stockbridge.