

Members Present: Chairman Robert Brown, V.C. Susan Foote, Phil Stockbridge, and William Cox

Also Present: Bob Moore (CEO), Mike Fowler (Town Engineer), and Tom Morgan (Town Planner & Acting Secretary)

Commencement: Chairman Brown opened the meeting at 7:02 PM.

June 18 Minutes: Foote moved to adopt the minutes. Stockbridge seconded the motion. All voted in favor except Cox who abstained because he had not been present.

Case #2-6 Proposal by Wal-Mart to construct a 6,300 sf corral adjacent to their store

Wal-Mart was represented by Atty. William Pribis and engineer Todd Morey. Pribis submitted a copy of stipulations attached to the BOA's approval of a variance granting Wal-Mart limited relief from the minimum parking requirement. He stated that the BOA has addressed most of the Planning Board's perceived problems with the application. Morey then addressed Morgan's July 10 written comments and the BOA's stipulations.

Morey proposed a raised crosswalk, 12' to 18' in width, at two locations near the proposed corral. Wal-Mart will build a 6' stockade fence along Boynton Lane. Parking near Boynton Lane will be eliminated. The drainage swale near Boynton Lane will be maintained by Wal-Mart or the land owner, CBL. Most trees will be spared. The two lights by Boynton Lane will be disabled.

Morey asked for a clarification of the sidewalk sale prohibition. The board responded that no merchandise was to be placed on the sidewalk.

As for Morgan's written comment on vehicle circulation in the parking lot, Foote asserted that this is a significant problem. Morey will take a look at this issue, especially during weekends. Cox suggested a 3-way stop sign installation where the Home Depot drive enters the Wal-Mart lot.

As for Morgan's comment #4 on southbound traffic, the board concluded that illegal left hand turns onto Lafayette Road would continue to be made. A better traffic flow must be devised. Morey will look into that.

Morey addressed issues raised at the May 7 Planning Board meeting. Impacts on Boynton Lane would be minimized. Trees will be preserved. The two lights will be disabled. Trash will be cleaned up. The parking by Boynton Lane will be eliminated.

Morey presented alternate locations for the corral. He prefers the proposed site. Foote reminded him that Wal-Mart promised the board in 1999 that a building expansion at that time would preclude any further sales in the parking lot. Cox pointed out that the proposed corral's proximity would render the bank difficult to access, especially on Fridays. Cox advised Wal-Mart to make the corral work somewhere else. Stockbridge recalled that Wal-Mart used to hold outdoor sales on 74 parking spaces, including handicapped spaces.

Morgan suggested that the raised crosswalks be painted a bright color in order to alert motorists.

Fowler suggested that an adequate bond be set. Moore commented that no matter where the corral is situated, it will create a public safety hazard. He reminded Wal-Mart of their 1999 promise to refrain from parking lot sales in the future. Stockbridge reiterated Moore's comment.

Moore noted that raised sidewalks are difficult to plow.

Margaret Bergeron stated that her car was hit two days earlier in the Wal-Mart parking lot. The circulation and congestion are terrible and the lot is already full. She objected to the proposal and its apparent purpose to have a "mulch war" with the nearby Home Depot.

Cox moved to continue the application to August 20. There was no second.

Foote stated that in fairness to the applicant, the Planning Board should decide whether it intends to permit outdoor sales. Chairman Brown read from a note on the 1999 Wal-Mart site plan which promised no more outdoor sales (Note #2 on Sheet C1-R1, November 1999). Pribis replied that it is not correct for the board to fall back on that prohibition.

Cox attempted to withdraw his motion. Morgan advised him that the motion had already died due to a lack of a second. Foote then made an identical motion. Cox seconded. Foote, Cox, and Brown voted in favor. Stockbridge opposed.

Pribis then waived the review period required by statute.

Case #2-12 Proposal by J. Norman Jutras to expand the Appliance Warehouse

Chris York and Henry Boyd of Millennium Engineering presented the application. Boyd reported that Mr. Jutras had obtained a variance from the Board of Adjustment that allowed construction within 50 feet of the brook that bisects the property.

As for the NH DES Dredge & Fill permit, the agency is behind schedule due to the machinations of a certain prominent NH politician. Thus, Mr. Jutras has not yet been issued a permit by NH DES.

Boyd further reported that sidewalks have been added to the plan. Note #4 prohibits retail use in the proposed expansion.

Jutras stated that there would be no floodlights.

A note has been added to the plan indicating hours of operation.

Town Engineer Mike Fowler will calculate an appropriate bond.

Jutras stated that he has no dumpster outside of the building.

H. Boyd stated that the Main Street curb cut would serve Appliance Warehouse employees exclusively. The board members agreed that the Main Street curb cut should be restricted to one-way traffic, inbound.

W. Cox urged the applicant to save as many trees as possible. In response to queries regarding the plethora of signage on the property, Jutras replied, to a skeptical board, that all the signs are grandfathered.

Foote asked that the trees be spared. Stockbridge echoed those sentiments.

Cox moved to waive the photometric grid on condition that no more than two box fixtures are installed, and that they be installed at a 90 degree angle, and that the bulbs not exceed 400 watts. Foote seconded. All in favor.

Foote moved to waive the requirement for a Dredge & Fill permit on condition that no construction take place within 50 feet of the brook. The motion was not seconded.

Mike Fowler stated that a bond in the amount of \$40,000 would be acceptable.

Cox moved to approve the application, subject to the following stipulations:

- 1) The applicant shall walk the site with the Conservation Commission Chair in order to flag trees that shall not be cut;
- 2) Submittal of a \$40,000 performance bond;
- 3) The PB Chairman is authorized to sign the plan when the NH DES permit is received; and
- 4) The Main Street driveway is to be exclusively one-way inbound.

Stockbridge seconded the motion. All in favor.

Case #2-15 Proposal by the Harry Chase heirs and C.P.R., L.L.P. to construct an industrial facility off of Ledge Road opposite the Poland Springs Entry Drive

Wayne Morrill presented for the applicant. Morrill announced that the proposal for a concrete crushing facility had been withdrawn in favor of a 50' by 50' building to store and service trucks. A pylon sign would be added. There would be a gravel yard in the rear. A paved access would be 50' by 30'. Morrill requested a waiver for the installation of four lights.

The board questioned a "stockpile" depicted on the plan. Morrill replied that the stockpile was mistakenly carried over from an earlier version of the plan. There will be no stockpile. *(Millennium Engineering, on the other hand, has never made this type of error.)*

Cox questioned excessive tree cutting.

Morrill addressed Morgan's written commentary. The hours of operation will be 7 to 7 Monday thru Friday, and 7 to 5 on Saturdays. There will be absolutely no material stored on site, including snow. The applicant will install a 100 foot long stabilized construction entrance utilizing large stones. CEO Moore will inspect the facility to ensure that adequate dikes are installed around waste tanks.

Morrill stated that the NH DES has not yet issued a permit for the tank.

Abutter M. Bergeron stated that truck washing should not be permitted in light of the Town's water restrictions.

Abutter Charles Gunn asked how many trucks would be stored on-site. Morrill replied one 18-wheeler.

Abutter Peter Evans asked if the truck would be stored inside. The applicant replied that on occasion the truck would be outside.

Abutter Steve Bergeron stated that he had a hard time believing that this proposal will be viable or feasible.

Abutter Catherine Evans asked if there would be a limit on the number of trucks on site. She also requested that the required sidewalk along Ledge Road be constructed. She further inquired as to the hours lighting would be on.

Cox noted that the proposal called for six 250 watt lights.

Abutter Jason Page requested that the Planning Board restrict the facility to the applicant's vehicles and that no other vehicles be permitted on site. This restriction should be noted on the plan.

Chairman Brown asked if the truck would be empty at the end of the day. He insisted that this be noted on the plan. He further demanded that the plan prohibit *"storage of materials inside the building"*.

C. Evans asked if the applicant rents space to a third party, does that make the facility an impermissible commercial use? The board answered in the affirmative.

Cox waived the required photometric grid on condition that six 250 watt wallpacks be installed on the building. Foote seconded. All in favor.

Cox moved to approve the plan, subject to the following stipulations:

- 1) Plan to be revised to depict a 100 foot long stabilized construction entrance utilizing large stones;
- 2) Hours of operation to be 7 to 7 Mondays thru Friday, and 7 to 5 on Saturdays;

- 3) Used motor oil and other hazardous materials are to be stored in a suitable diked area;
- 4) No materials are to be stored on site, including snow;
- 5) An interior holding tank is to be depicted on the plan;
- 6) The stockpile is to be removed from the plan;
- 7) A \$26,500 performance bond is to be posted to cover utilities, drainage, and lighting;
- 8) Chairman Brown is authorized to sign the plan when the NH DES permit is received.

Foote seconded the motion. All in favor.

Case #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

Mr. Boyd and Mr. York returned to present Belgian Drive, Phase II. The right-of-way over the proposed middle lot has been removed.

In response to a question from Morgan, Boyd noted that most surface water flows toward Noyes Pond.

Town Engineer Fowler has not had an opportunity to review the proposed bond. Boyd stated that the Fire Chief is OK with the proposed cul-de-sac waiver.

Several board members objected to the manner in which wetlands are depicted on the plan. The lines are too dark and heavy.

Cox questioned whether duplexes would be built on these lots as was the case with the infamous Elephant development. Boyd replied that duplexes would only be built only on those lots where it is permitted by the Zoning Ordinance.

York reported that a sewer change requested by the Town Engineer has been made. Mike Fowler indicated that he still had some questions on drainage.

Cox moved to waive the 100' box requirement for three lots. Foote seconded. All in favor.

Cox moved to approve the plan subject to the following stipulations:

- 1) The lines depicting wetland boundaries are to be toned down; and
- 2) The applicant submits a bond in an amount that is satisfactory to the Town Engineer.

The revised plan will be signed by Chairman Brown. Foote seconded the motion. All in favor.

Case #2-21 Informal Discussion: Proposal by Wojicki & McPartland Development for a 4-lot subdivision near Seabrook's boundary with Salisbury and South Hampton.

Dennis Hammel of Cammett Engineering presented the application. Morgan's written comments were reviewed. The board asked for the rationale for running a driveway across proposed Lot #2. Hammel responded that such a configuration avoids wetlands. Wojicki indicated that utilities would be underground and that all residences would be single-family dwellings. The board inquired about curbing. None was proposed.

The board indicated that they were OK with the driveway crossing Lot #2. It was suggested that a courtesy letter be forwarded to the Town of Salisbury.

Other Business:

Jason Page inquired as to whether the Border Winds as-built discussion would be re-scheduled to another evening. The board agreed to place the matter on the September 3 agenda.

Adjournment:

Chairman Brown adjourned the meeting at 10:43 PM, much to the relief of the overworked secretary.

Respectfully submitted,

T. Morgan
Acting Sec'y