

**PLANNING BOARD MEMBERS PRESENT:** Chairman Susan Foote, Peter Evans, Barrie Glidden III, Asa Knowles, Selectman's Rep. Alternate: Michael Lowry.

**Others Present:** Paul Garand, CEO, Thomas Morgan Town Planner, Michael Fowler Town Engineer

**MEETING OPENED:** Chairman Susan Foote opened the meeting at 6:08 p.m.

**CORRESPONDENCE:**

- NHDES Dredge & Fill Application - Dracut Street ROW and 129 Atlantic Ave - Tax Map 21, Lot 15. S. Foote gives history of this situation.
- Letter from Dennis Knowles stating he fully supports the driveway improvements on 321, Route 286, as they currently exist.

S. Foote - both units due to be sold, want to pass papers on Friday. P. Garand - gave them occupancy permits. S. Foote - phone call from Jack Kopka. The attorney for the people purchasing this property, won't go through with purchase unless they receive a letter from the Planning Board stating that we accept the driveway as it's built and consider the case closed. S. Foote - asks board if they have any questions or concerns about this property.

**MOTION:** Susan Foote To accept letter from D. Knowles stating his support for Driveway improvements on 321, Route 286, as they currently exist; and, to officially close this case.

**SECOND:** Michael Lowry UNANIMOUS

- Letter from Altus Engineering, Inc. referencing Merrimac Street Roadway Beach Access Construction. S. Foote - F. Welch's recommendation that the board insist conditions of boardwalk/walkway are met.
- Memo from Emily Sanborn correcting minutes of June 17, 2003 and July 15, 2003.

**MOTION:** Susan Foote To amend the minutes of June 17, 2003 and July 15, 2003, referencing Planning Board Case No. 03-7. To state that Attorney Saari was representing the Langis' not the Slikers'.

**SECOND:** Barrie Glidden III UNANIMOUS

**BOND ISSUES**

S. Foote distributed and explained spreadsheet containing all known information about bonds pertaining to the Planning Board. Directs board that bonds of concern this evening are highlighted in yellow, with special attention to those in yellow with red text - these are outstanding cases that need to be resolved. States that she has been advised by Town Manager that completed projects on town accepted roads need not be notified - just officially close the case. Cases that have not town accepted roads

(highlighted in red). Line #31 (Case 98-38) and #32 (99-05) are both Charles Henry Way - one was original subdivision, one was a subdivision off one lot of original subdivision and used original letter of credit. Charles Henry Way is now a town road and can just be officially closed.

States that board can go through cases highlighted in yellow, with black ink and have a bulk motion to officially close those cases.

T. Morgan - asks if she feels she has done sufficient research that she can recommend the board do that. S. Foote - Yes.

**CASE NO.**

**1992-10 Dixon Way**  
**1994-12 Brazonics**  
**1996-14 Deer Crossing - Phase II**  
**1996-30 Berleen Realty Trust site plan.**  
**1996-41 Tyler Machine**  
**1997-28 Butland Way**

P. Garand - questions issues with sewer pump station. S. Foote - according to Town Manager, if it has been accepted as a town road, it is town's problem.

*1997-31 Tower at Sam's parking lot. [skipped]*

*P. Garand asks if bond was supposed to be held in place. T. Morgan - the way it read, it went on forever unless Omnipoint changed their mind - then they would give 30-day notice. S. Foote - it was an insurance bond that expired two years out. P. Garand - questions if there are two bonds on it - one for the building and one for the other issue. S. Foote - it could be that one is held elsewhere, but it is not in the Planning Board bond package. P. Garand asks that this case be skipped until he can do further research on it.*

**1997-35 Car dealership on Lafayette Road. Bond was never posted.**

**1997-41 Viola Circle, Kaleb Court. P. Garand - it has been accepted.**

*1998-10 Bill's Way*

*Will not be retired now. Request official addendum for changing the name - a new mylar or typed and notarized paperwork describing change in road name. T. Morgan - states either one will work, as long as it gets recorded.*

**1998-38 Charles Henry Way**

**1999-05 Jillian RE Development - Charles Henry Way**

**1999-12 Staples Office Supply**

**1999-22 NE Memorial Crematorium**

**1999-32 Mike Marshall - Lafayette Road.**

P. Garand - questions if we have to notify abutters in this case as it has changed hands and will be a restaurant. S. Foote - according to Town Manager - you only have to notify applicant, not abutters. P. Garand - applicant no longer owns property. Questions T. Morgan if board needs to notify him. T. Morgan - questions if site plan has expired. P. Garand - site plan has expired - he has notified him of expiration, in writing. T. Morgan - if site plan is expired - you can close it.

*2000-4 Cristen Realty Trust*

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*P. Garand - still going right now - finishing up today. S. Foote - questions two listings.  
P. Garand - CD rolled into cash - passbook.*

- 2000-12                      148 Batchelder Road (Rowe Machine)**
- 2000-20                      Brian Button Condo Conversion**  
*2000-22 Stard Road Conversion - P. Garand asks to skip this for now.  
2000-23 Eugene Dean Circus Equipment - P. Garand asks to skip. Some of site plan was never completed.  
2000-24 Same area - question as to what is going on in that area - skipped.  
2000-31 Home Depot - P. Garand - inspection with Jones & Beach tomorrow.*
- 2000-36                      Seabrook Ventures, LLC McDonalds**
- 2000-37                      Seabrook Ventures, LLC Pizza Hut**
- 2000-38                      Seabrook Ventures, LLC Restaurant - can be closed. New Case No. 02-28 CVS**
- 2000-39                      Seabrook Ventures, LLC Retail store - can be closed. New Case No. 04-15**  
**Provident Bank**  
*2000-41 Hampshire Inn S. Foote - talked with B. Beal. Bond still active and there will be some changes to plan. Tells S. Foote to keep passbook. S. Foote made it clear that they must come before board with changes and that will give them another two-year window to get the project done. H. Boyd, Jr. - states they will be coming in soon with Site Plan Review.  
2001-02 D. Benoit industrial (behind Ames) Expects that this case will come up again in the near future.*
- 2001-35                      Fudge - site plan off Whitaker Way. P. Garand - Fudge building is occupied.**
- 2002-06                      Walmart - garden expansion. P. Garand - they will not be doing this expansion. Files reflect this.**
- 2002-12                      Jutras/Seabrook Circle Trust - Route 1. Never posted bond. P Garand having difficulty with compliancy. S. Foote - will send compliancy to get bond posted.**
- 2002-25                      Waterline Industries - Batchelder Road**

**MOTION:**        *Susan Foote                      To officially close the cases read and listed in Bold above, with exceptions in italics. Those in italics will remain open and applicants will be contacted.*

**SECOND:**        *Michael Lowry                      UNANIMOUS*

General discussion that notices to abutters will have to be mailed 10 days before meeting. S. Foote - questions if Public Notice must have individual cases listed. T. Morgan - yes. S. Foote - notice to the paper. T. Morgan - ASAP - suggests working towards the first week in July. Legal Notice for compliancy hearing will be faxed by Thursday, June 17.

**MINUTES of June 1, 2004**

**MOTION:**        *Peter Evans                      To accept the minutes of June 1, 2004*

**SECOND:**        *Barrie Glidden III                      UNANIMOUS*

**DRIVEWAY PERMITS:**

- David & Helen Downs, 6A and 6B Linda Lane - Needs owners signature. Return to DPW for signature.
- Stacey Folberg - 18 Whittier Drive

**MOTION:** Susan Foote To accept driveway permit on 18 Whittier Drive  
**SECOND:** Michael Lowry UNANIMOUS

**#4-21 - Proposal by the Lund Family Revocable Living Trust of 1997 for a 4-lot subdivision at 137 Farm Lane, Tax Map 12, Lot 44.** Henry H. Boyd, Jr., Millennium Engineering presenting.

H. Boyd, Jr. - presents 3-lot subdivision, a division of Parcel 1.  
 H. Boyd, Jr. addresses T. Morgan's comments.

2. Parcel 2 has no frontage on public road - H. Boyd, Jr. states that assessor's map shows as one parcel, but records show two separate sources of title for Parcel 1 and Parcel 2.
3. NH Wetland soils scientist has been identified.
4. Topo contours - not proposing new road. Asking for waiver on requirement for topographical contours.
5. Permanent wetland markers - past history of landowner reflects mowing for 50 ± years of some area that is deemed wetlands. H. Boyd, Jr. asks for board's grace on marking that area with wetlands markers. Will post wetlands at current cat-n-nine tails area with locust posts.

S. Foote - asks board their opinion on wetlands markers. M. Lowry - offers that not posting mowed area is not an unreasonable request. S. Foote - requests that deed reflect wetlands delineation, so there is no confusion, if parcel is sold in future.

**ABUTTERS - None**

**MOTION:** Asa Knowles To waive wetland markers.  
**SECOND:** Michael Lowry UNANIMOUS

**MOTION:** Susan Foote To waive topographical contours.  
**SECOND:** Peter Evans UNANIMOUS

**MOTION:** Peter Evans To accept #4-21 - Proposal by the Lund Family Revocable Living Trust of 1997 for a 4-lot subdivision at 137 Farm Lane, Tax Map 12, Lot 44, with waivers.  
**SECOND:** Asa Knowles UNANIMOUS

**#4-22 thru #4-25 - Proposal by John Colliander, Border Winds Development LLC and Henry Imke to erect industrial buildings off of London Lane, Tax Map 5, Lots 8-41, 8-42, 8-43 and 2-10. Wayne Morrill, Jones & Beach Engineering presenting.**

T. Morgan distributes letter from Todd S. Gerrish, President of Port Lighting Systems.

W. Morrill presents 4 lots for approval. Proposing four industrial buildings.

Lot 8-41	Bldg. 14,400 sq.ft.	26 Parking spaces
Lot 8-42	Bldg. 22,000 sq.ft.	40 Parking spaces
Lot 8-43	Bldg. 12,000 sq.ft.	31 Parking spaces
Lot 2-10	Bldg. 18,750 sq.ft.	62 Parking spaces

W. Morrill states that more landscaping has been added - swamp maples added for more buffer, revised some snow storage areas, identified the impervious space for each lot. On Sheet C4 on the drainage, have added note stating "Prior to the start of construction an agreement between the owners of 8-41, 8-42 and 8-43 must be in place in order to insure that the perpetual maintenance of the drainage facilities on these lots". Went to three landowners, making sure that everyone understands that everything has to be put in to make sure the system runs. Added a note to the erosion control sheet that the construction sequence identifies what pipes have to be put in the ground as these are being built.

S. Foote - requests copy of agreement to be supplied to the Planning Board/CEO. S. Mitchell - Prior to construction beginning. S. Foote - Yes. S. Mitchell - No problem - states when we post the bond, simultaneously we will do that.

W. Morrill addresses T. Morgan's comments:

1. Site Specific Permit - has been filed, not yet granted.
2. Wetlands Permit - Application paperwork done, doesn't believe that it has gone through the Conservation Commission to be sent to State yet.
3. Adequate Parking Spaces - Tried to give each client the adequate parking they needed. Parking spaces are listed for each building now on Sheet C3. S. Foote - questions if clients are satisfied with parking spaces. W. Morrill - clients were involved in design of each building.
4. Identify "*light industrial*" - W. Morrill states came to board twice and disclosed what businesses will be. S. Foote - reminds that when applying for business license, must declare if using hazardous materials. W. Morrill - states each building will have sprinkler system.
5. Hydrants are now clearly depicted.
6. Discrepancy in property owner - All lots depicted owner as Border Winds Development, LLC, with exception of 2-10, which is Imke. Mr. Mitchell is only the developer.

7. Sheet C3 - Site Note #14 - "Set permanent wetland markers prior to the start of construction".
8. Curbing is now labeled "SGC" on site plan parking lots.
9. Sign off London Lane for occupants on Lot 2-10. Will request permanent sign easement from Lot 8-43.
  
10. Bonds amounts for:
 

Lot 8-41	Total	\$20,000
Lot 8-42	Total	\$37,000
Lot 8-43	Total	\$13,500
Lot 2-10	Total	\$27,500

P. Garand asks if this will be made as one bond because the drainage part of whole infrastructure. S. Mitchell suggests and asks to separate out the drainage part of the bond so that we don't have to bond every project. He asks M. Fowler if bond amounts aren't just drainage but other factors. M. Fowler - correct. P. Garand - cites problem at Whitaker Way where some of the detention ponds aren't complete, some are - looking for bond reduction. It is a difficult process. S. Foote - suggests possible solution of actually having five bonds - one for each of the individual sites for site development and one for drainage infrastructure. Just pull the detention pond numbers out. M. Fowler -states that if you back out \$20,000 total, that would take care of all the detention ponds on site. W. Morrill - states that Lot 2-10 detention pond is independent from other three lots - it could stand on its own. S. Foote - confirms that none of the other drainage goes out that way. W. Morrill - exactly. T. Morgan - points out comments from DPW and Fire Department.

M. Fowler reviewed plans - Sewer comments 1, 2, 3 and 4 have been addressed. Water comment 1 - provisions for what are the daily and peak water demands for building. W. Morrill - offers size of the building and number of employees - can give breakdown of every building on what the water use will be. S. Foote - states that whatever to give to Water Department you give to Planning Board. Talked with Warner and Fred Welch as to when contractors are responsible for installing the purchase price for water meter. P. Garand - the water meter contract has been awarded. S. Foote - states that now that bid has been awarded, it is at the point, from this day forward the Planning Board expects that developers bear the expense of installing water meters. S. Mitchell - asks approximate cost of meters. P. Garand - believes to be approximately between \$100 and \$500.

Fire Department review - looking for sprinkler system and fire alarms in all buildings.

J. Starkey, DPW review - looking for centerline profile of London Lane and typical roadway cross-section. W. Morrill - states confused with comments as London Lane is done and road is bonded - not proposing further work on road, just tying in. S. Foote - concurs that road is already established. Will talk with J. Starkey and explain Chase Dr./London Lane possible confusion. M. Fowler - covered by trench profile in the plans.

S. Mitchell - states that at last meeting there was lengthy discussion concerning Todd Gerrish's business off loading at night. He states that this is rare occurrence. He further states that Board encouraged them to go forward with this. States he feels there is no need for waiver or variance. They have placed Gerrish's business in an area that has bigger buffer with proposed buildings in place.

W. Morrill presented letter to Board from present abutter to Mr. Gerrish's business in Amesbury, MA.

S. Foote - reads said letter for the record. From Mr. Mark Pender - states that "My house is within 1,000 feet of Port Lighting. Other than a few small trees, there are no major buffers between my house and their building. In the 4 ½ years they have been operating at 83 Middle Road, Amesbury, MA location, I have never been disturbed, in any way, by their operation". S. Foote - states that it is an industrial zone that does not have limits for hours of manufacturing or occupancy hours, but cautions that they need to keep the noise down at night. There is an ordinance for nuisance noise outside your property line. The board cannot put on restrictions. Paul Garand, CEO - states board cannot, but if it

becomes nuisance, there is a noise ordinance. S. Foote - further cautions that if employees come in late at night, turn the radios off, turn the truck engine off, don't go slamming things around, don't party. Todd Gerrish - reiterates that it is rare that they offload truck late at night. B. Glidden III - questions if board can approve without DES approval on lot. S. Foote - we can conditionally. P. Garand - landowner to change on C5 plans "owner/developer". P. Evans - states concerns he has with traffic on London Lane late at night - it is within 1,000 feet from residential neighborhood. He cites zoning ordinance that truck traffic shall be kept outside of nighttime hours within residential neighborhood. Objects to traffic on London Lane. Because it was mentioned that operations can run 24-7, he feels that it is setting a precedent that you couldn't deny anybody else nighttime operations. S. Foote - states that in an industrial zone you can't deny. P. Evans - states but it is in the neighborhood of a residential area. T. Morgan - suggests Page 60 is what P. Evans is referring to. S. Foote - questions "no cut" buffer. P. Evans refers to Page 7 of regs. T. Morgan - asks how close this business is to residential properties. C. Evans - 400-500 feet. W. Morrill - 500 feet from roadway to 100 foot buffer. 100 foot buffer to Border Winds Development. T. Morgan - questions if there will be other tenants operating trucks after 11:00 p.m. W. Morrill - with wall pac lighting, does not anticipate that - states tough to say. Does not have set clients for 8-43 and 2-10. Lot 43 and Lot 2-10. T. Morgan - so to your knowledge Port City is the only one at this time. W. Morrill - at this time. S. Foote - states need to "play it by ear" on any road - Ledge Road and London Lane. P. Evans - states concerns with outside storage of materials - cites Waterline Industries as an eyesore. S. Mitchell - asks Todd Gerrish if he has any outside storage. Transportation client might have some outside storage. Ordinance for outside storage is allowed in industrial zone. S. Mitchell - we understand your concern Peter. W. Morrill - reiterates that bulk of parking and truck turnaround is away from residential areas - keeping noise levels down.

## **ABUTTERS**

Catherine Evans, Border Winds - states that we are at critical point in the development of the area. Concerned with inadequacy of residential/industrial buffer, cites tall trees, long trunks, lack of lower growth for buffer, the forest growth is merely a canopy. Neighbors question that buffer is 100 feet. Also questions development within 1,000 feet of residential area - it is gray area and warrants discussion with council. Cites Article 9, Section J - Site Plan Review Regulations - truck operations be restricted in residential areas between 11 p.m. to 7 a.m. Also cites Nuisance clause - Article 11, Section B - emission of odor.....noise, vibration shall be prohibited. Questions the possibility of working on rubber mats at docking area, backup alarms on trucks, noise and vibration nuisance. Asks for special care in mitigation, as this impact will affect quality of life, the ability to enjoy their property. States she does not have a problem with proposed business, but has a problem with the hours of operation.

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S. Foote - gives history of development in that area - beginning in 1996-1997. Concerned with residents of the area trying to limit the development of the industrial zone - when this board tried, for so long and so hard, to increase our tax base. P. Evans - states that it is unconstitutional for town Planning Board to require development of a certain type in order to create favorable tax conditions. S. Foote - asks how it is unconstitutional and could he provide that documentation - is it Federal or State? - is it constitutional or Supreme Court ruling? P. Evans - will look it up - State - Supreme Court ruling.

S. Mitchell - states that he has been sensitive to the concerns of the neighborhood and the Planning Board. Has discouraged people interested in area that would impact water use and excessive noise.

Todd Gerrish - states that his business is a clean operation, has never had a complaint, is 1,000 feet from his neighbors (Pender's) home.

S. Foote - states that the concerns of noise and nuisance to the neighborhood is understood. The developers have been forewarned. The board cannot pre-prejudice a business because of what it might do. That if, in spite of warning, they tend to ignore and become a nuisance, then noise ordinance becomes an issue.

Discussion ensues restating C. Evans and P. Evans concerns. S. Foote - questions if P. Evans should recuse himself from the board as he is resident of Border Winds and neighbor to this project. P. Evans - states that if she feels that is the case - he will recuse himself. S. Foote - need to put it to the board for a vote. A. Knowles -states P. Evan's right to his opinion as a homeowner. Restates nuisance ordinance. He also states his belief that the developers will keep their word.

**MOTION:**        *Michael Lowry*                      *To waive Chapter 225, Article X, Section G, requiring minimum lighting*

**SECOND:**        *Asa Knowles*                      *VOTE - P. Evans abstained. PASSED 4-1*

**MOTION:**        *Susan Foote*                      *To set Construction Bonds for #4-22 thru #4-24 - Proposal by John Colliander, Border Winds Development LLC and Henry Imke to erect industrial buildings off of London Lane, Tax Map 5, Lots 8-41, 8-42, 8-43 as follows:*

<i>Lot 8-41</i>	<i>\$15,000</i>	<i>Term: 2 years</i>
<i>Lot 8-42</i>	<i>\$27,000</i>	<i>Term: 2 years</i>
<i>Lot 8-43</i>	<i>\$13,500</i>	<i>Term: 2 years</i>

*That said bonds shall be an irrevocable, self-calling letter of credit, or cash, or passbook in a New Hampshire Bank or FDIC Bank that has offices in New Hampshire.*

**SECOND:**        *Michael Lowry*                      *VOTE - P. Evans abstained. PASSED 4-1*



**MOTION:**     *Susan Foote*                    *To set Construction Bond for Detention Pond area that is jointly used between 3 sites, Lots 8-41, 8-42, 8-43 at \$20,000 to last for the term of two years.*

**SECOND:**     *Barrie Glidden III*     *VOTE - P. Evans abstained. PASSED 4-1*

**MOTION:**     *Susan Foote*                    *To set Construction Bond for #4-25 - Proposal by John Colliander, Border Winds Development LLC and Henry Imke to erect industrial buildings off of London Lane, Tax Map 5, Lot 2-10, in the amount of \$27,500 to last for the term of two years, and that the bond shall be an irrevocable, self-calling letter of credit, or cash, or passbook in a New Hampshire Bank or FDIC Bank that has offices in New Hampshire.*

**SECOND:**     *Michael Lowry*                    *VOTE - P. Evans abstained. PASSED 4-1*

S. Foote - questions can the board approve the plan in general with the understanding that the lots that require State permits will not be developed until those State permits are "in hand". T. Morgan - you can if it is stated so in motion. S. Foote - states that way the lots that aren't dependent on State permits can go forward, but the ones that are pending cannot be developed until they prove evidence of permits. T. Morgan - we will put that on the record of decision and the minutes.

**MOTION:**     *Susan Foote*                    *To approve #4-22 thru #4-25 - Proposal by John Colliander, Border Winds Development LLC and Henry Imke to erect industrial buildings off of London Lane, Tax Map 5, Lots 8-41, 8-42, 8-43, Lot 2-10 provided those lots requiring State permits, prior to development, will have permits in hand and copy of those permits will be provided to CEO prior to any activity on those specific lots.*

**SECOND:**     *Michael Lowry*                    *VOTE - P. Evans abstained. PASSED 4-1*

**#4-26 - Proposal by Raymond Fay to establish a mattress store at the corner of Walton Road & Lafayette Road, Tax Map 10, Lot 24.**

T. Morgan - states that Mr. Fay called to postpone proposal this evening and would like to see board in July.

**MOTION:**     *Susan Foote*                    *To continue #4-26 - Proposal by Raymond Fay to establish a*

*mattress store at the corner of Walton Road & Lafayette Road, Tax Map 10, Lot 24 to July 20, 2004 Planning Board meeting.*

**SECOND:** Peter Evans

**UNANIMOUS**

**#4-27 - Proposal by Stanley Saracy to amend the Bill's Way subdivision off of South Main Street, Tax Map 15.**

T. Morgan - recommends skipping this proposal.

S. Foote - states need of some form of legal document to change Bill's Way to Stan's Way for State 911 requirement - new mylar or typed document. Feels typed document is adequate. Additionally a new security agreement is needed.

**#4-28 - Proposal by Fred Attalla to erect a restaurant and a 75 room hotel at the corner of Rocks Road and Lafayette Road, Tax Map 7, Lots 98 & 99.** Henry H. Boyd, Jr. and Chris York, Millennium Engineering presenting. Bruno Campea, Bayside Engineering presenting. Fred and Denise Attalla present. Property owners Henry and Kathy Dimambro present.

H. Boyd, Jr. -explains history of the property. States Zoning Board granted variance for commercial use on the entire site. Looking for Board's input this evening.

H. Boyd, Jr. addresses T. Morgan's comments:

1. NHDOT permit and NHDES site-specific permit required - working with Bayside Engineering on traffic study.
2. Plan does not indicate Zoning approval.
3. Plan now reflects recorded owner.
4. Plan has now been stamped by H. Boyd, Jr.
5. Lot line labeled "approximate" - lot line was in negotiation at that time - Now officially Sheet 1 of 1 as separate sheet that takes care of lot line adjustment - separate from Site Plan package.
6. "Relocated building" - existing homestead to be disassembled and moved to presently undisclosed location.
7. Plan does not include landscaping specs and liberty elm - Liberty elm is shown. Landscaping details are forthcoming from hotel.

H. Boyd, Jr. - explains no filling of wetland area. NHDOT wants access to this site from Rocks Road - does not want to issue more curb cuts off Lafayette Road. There was lengthy discussion explaining right hand turn lane out of Rocks Road, right hand turn lane in front of "Windsurf" property. Asking NH

Wetlands to fill slope to contain right hand turn lane out of Rocks Road. Originally entrance proposed had retaining walls that required no filling of the wetlands, for safety reasons want to expand width and have a guardrail and then into a retaining wall system. This requires a minimum impact of approximately 1,000 sq. ft. - designed for safety concerns and ease of traffic off Rocks Road.

S. Foote - questions what kind of culverts in there. H. Boyd, Jr. Culverts presently in there are what state put in. Chris York - Right now there is a 15-inch and a 24-inch across gravel driveway that will remain. H. Boyd, Jr. - states not putting any water in there that will require upside. Designed closed drainage system that goes to the back of the sight and slopes gently. A contained system piped by way of catchbasins and drain manholes to get to the back corner of lot. It will accommodate the drainage flows for both restaurant and hotel. No open swales. No fill to native corridor/wetland area.

8. Permanent wetland boundary markers - H. Boyd, Jr. defers to S. Foote on her preference because of slope issues. States wetland line is very discernable. S. Foote - states doesn't have to be locust posts, if there are trees in the area, they can be posted on them. Not a bad idea to post wetlands, will show visitors that we value our wetlands. H. Boyd, Jr. - fine.
9. Architectural elevations - H. Boyd, Jr. submitted Holiday Express prototype.
10. Height limit - Prototype has height calculation.
11. Lighting requirements detail - submitted grid for restaurant, will be submitting for hotel.
12. Storm water calculations/50 year storm - provided.
13. Buffers to screen use from neighboring properties - South area of property leaving natural - some cutting of trees on the slope. North area wooded - planting trees for screening. Only area that not proposing screening is for fire protection around the back. S. Foote - requests grinding stumps, pulling root system would impact wetland area. H. Boyd, Jr. - stumps could be left in place if cut at grade and they could fill over them. If saplings come up, it is a benefit.
14. Loading area for restaurant/delivery area for hotel - Sheet 2 reflects area behind restaurant. Hotel area to be determined. M. Lowry - inquires about dumpster location. H. Boyd, Jr. in the very back for the hotel. C. York - Not yet depicted for the restaurant.
15. Dumpster unloading as early as 6 a.m. - corrected to say 7 a.m. to 7 p.m.
16. Plan does not limit hours of trucking operations - T. Morgan - cites noise ordinance - board needs to grant waiver or they have to limit themselves. H. Boyd, Jr. - asks board preference. P. Evans - believes ordinance is no trucking from 11 p.m. to 7 a.m. H. Boyd, Jr. asks F. Attalla if he has issue with that. F. Attalla - states can't see a problem.
17. Sidewalks/crosswalks not depicted - Plan shows sidewalk on Lafayette Road, not on Rocks Road at this point. Cites the widening for the right hand turn onto Lafayette Road doesn't allow for sidewalk. Sidewalk on Rocks Road would require more wetland filling. T. Morgan - inquires if anyone knows what town's plan is for Rocks Road.

S. Foote - questions traffic light at Rocks Road. H. Boyd, Jr. - states the site, from the States perspective, does not warrant a traffic light. S. Foote - states State may not warrant it, but Town would like it. Bruno Campea, Bayside Engineering - believes the State has jurisdiction. States that he followed nationwide guidelines - taking traffic count on a weekday evening and Saturday between the hours of 11 a.m. and 2 p.m. P. Garand - questions if he took into account that the transfer station was not open at that time. B. Campea - states based on guidelines, and scope of discussion with the State, they were requested to follow the same guidelines they gave to a previous study that was done along

Route 1. That's what the State required. S. Foote - states Rocks Road has specific activity on it in specific time spans - that may be different than the other study. The town has been trying to get a light at Rocks Road, because it is a dangerous intersection. This would bring in more activity, along with the 3-unit retail on the other side. Board told 3-unit retail that there would probably be a traffic light and that they would have to coordinate and share the burden of this. B. Campea - suggests that the Town could petition NHDOT for one. B. Glidden III - asks if he took into account how long a car sits at the intersection, waiting to get out. B. Campea - did do analysis and evaluation of that. Lengthy discussion ensued on process of analysis and evaluation of an unsignalised intersection.

S. Foote - suggests board write letter to NHDOT requesting installation of a traffic light at that site. H. Boyd, Jr. - states there is no illusion that there is a problem at Rocks Road. Refers to light at Seabrook Station North access. The possibility of Seabrook Station eliminating that light and possibly negotiating to have it moved to the Rocks Road area. Rt. 1 southbound traffic has no left turn in from

Rt. 1, the must use Rocks Road. S. Foote - asks how left turn will be prevented. B. Campea - with signage and physically making it difficult with triangular island and "do not enter" signs. S. Foote - asks if they have considered no entrance for the restaurant onto Lafayette Road, all the access to the restaurant off Rocks Road. B. Campea - states that was not discussed -that would make worse situation on Rocks Road. Discussion ensued about this traffic concern. H. Boyd, Jr. - adds that State liked configuration. S. Foote - states the people of Rocks Road are looking for a light. H. Boyd, Jr. - states data doesn't warrant a light, without some activity from the board, or a higher power, they can't do it. S. Foote - questions if NHDOT is aware of 3-unit retail building across from this. H. Boyd, Jr. - if it required a curb cut, they would have to know. S. Foote - states it was a pre-existing.

M. Fowler - shares concerns residents have with traffic. Would like to take a look at sewer connection from a downstream basis - to look at the capacity of the Rocks Road sewer pumping station. If number, in fact, is 21,000 gallons a day - may indicate pump size upgrade. Have to look at water at 21,000 gal/day. - putting town in tough situation. At a minimum should force to put in well for irrigation. He questions significant flows for guests and laundry. H. Boyd, Jr. - states he hasn't talked with Warner Knowles concerning this data. B. Glidden III and M. Lowry both state concerns with traffic. A. Knowles - feels State made error by not making entrance a lot wider and deeper. Cites DPW trucks difficulties. H. Boyd, Jr. - questions State stopping widening of Route 1 at Rocks Road area - another 1/3 mile would have taken it to Hampton Falls line. P. Evans - states there needs to be sidewalks on Rocks Road - values the wetlands, but people's safety comes first. H. Boyd, Jr. - states no problem with spec of sidewalk - would like Conservation Commission concurrence. T. Morgan - questions if H. Boyd, Jr. has considered sidewalk on other side of Rocks Road in Town ROW. H. Boyd, Jr. - felt the "theme" was to keep everything on North and West. Would prefer to talk with John Starkey, DPW and selectman for their input, because if going to the south, then unnecessarily asking to fill wetlands. S. Foote - points out desire for continuity with sidewalks proposed in the whole area. Requests a document from Planning Board demonstrating a need to fill wetlands area for sidewalk. A. Knowles - states Towns asks new businesses to put in sidewalks.

## ABUTTERS

Teresa Rowe, Rocks Road - asks for H. Boyd, Jr's assistance in explaining plan. She states traffic on Rocks Road is bad especially on Saturday and Sunday morning. She walks dog and has been forced into the bushes by traffic. Not in favor of any of it. S. Foote - points out that it goes down 150 feet into

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Rocks Road. That it will cause traffic at the head of Rocks Road. Feels it will be a major problem, especially with no traffic light at the head of the street. States 90% people using transfer station take a left off of Rocks Road. H. Boyd, Jr. - points out widening for right hand turn. Addresses concerns for big trucks taking left turn and proposed widening at the head of the road.

Dave Baxter, 10 Rocks Road and Lafayette Road - concerning sidewalk installation, note that school bus presently stops on south side of Rocks Road. States his lot will be redeveloped some day and is willing to pay 25% of the cost of putting in traffic light, if Town or State mandates one. He questions the traffic count parameters of 150/hour and what was their count for Rocks Road. B. Campea - 25, 30, 40/hour. S. Foote - questions if traffic study was done when transfer station was open. B. Campea - typically the analysis is done at the street peak hour. D. Baxter - take you counts, add in counts for proposed retail across the street and counts of his future redevelopment, you may be nearing those limits. Also take into account there is one northbound lane at present, it will not always be that way.

Some day there will be two northbound lanes. State has plan that dictates two lanes north. Now is the time to install traffic light. Willing to offer help in putting light there and working with town and developer on sidewalks

Aaron Small, 27 Rocks Road - questions the height of the building. H. Boyd, Jr. - doesn't actually know, it is three-story building. Asks what is proposed for buffer zone. H. Boyd, Jr. - states anything near stream won't be touched, trees down there will remain and leave as many as possible on the slope. Can put something just to the edge of the parking - arborvitaes or something. Parking lot is 90 feet from property line, 50 feet from stream.

Dorianne Small, 27 Rocks Road - states would like vegetation or fence on property line. H. Boyd, Jr. asks which she would like. D. Small - answers both.

Ray Mace, 19 Rocks Road - states he has no problem with project. Would like to see trees on his abutting property line. States he would like traffic light installed. Requests that board push State to get traffic light.

S. Foote - asks T. Morgan if there was a promise made to him by State to keep him informed on road cuts and improvements on Lafayette Road. T. Morgan - Doug DePorter told us that. S. Foote - asks T. Morgan to send letter to Doug DePorter NHDOT reminding him about this. H. Boyd, Jr. - states that they have been working with Doug DePorter.

Furmer Souther, 15 Rocks Road - states he has lived on Rocks Road his whole life. He has concerns about Lafayette Road. States there is a need for a traffic light and a walkway signal for crossing Lafayette Road. He further states that he has no problem with the project itself.

S. Foote - states that, in her opinion, there is town wide consensus in favor of traffic light. H. Boyd, Jr. - states would like to move forward with some of the planning issues, would pledge to petition the others for the support that D. Baxter offered and approach the State with what they would have us do.

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A. Small - questions light at North access to Seabrook Station. S. Foote - heard that the Seabrook Station was abandoning North entrance. A. Chiaramida - offers that she often sees cars at this light that have gone into access road and turned around because of barriers. S. Foote - states board will write letter to Seabrook Station to bring barricades closer to entrance.

T. Rowe - questions proximity of project to Seabrook Station and how this might be a concern for Homeland Security.

**MOTION:**        *Peter Evans*                      *To continue #4-28 - Proposal by Fred Attalla to erect a restaurant and a 75 room hotel at the corner of Rocks Road and Lafayette Road, Tax Map 7, Lots 98 & 99 until July 20, 2004 Planning Board meeting.*

**SECOND:**        *Michael Lowry*                      **UNANIMOUS**

H. Boyd, Jr. - requests board draft thoughts, in letter form, for the State.  
T. Morgan - will be calling. - inviting them to next meeting. He reminds abutters that they will not get another notice - that next meeting on this will be held on July 20.

**#4-29 - Proposal by Allen & Cathy Felch for a lot line removal and a 5-lot subdivision at 7-19 Farm Lane, Tax Map 12, Lots 19 & 20.** Allen Felch representing.

A. Felch states his intentions for lot line removal and subdivision.

Discussion of T. Morgan's comments:

1.        Need to be stamped by professional engineer - A. Felch - engineer ready to stamp - only problem is there is road to nowhere. Would like to know what board recommends. S. Foote - states engineering plans would be for the roadway infrastructure. M. Fowler - states need to show the sewer lines and water lines on the profile. He has the road profile showing. Should delineate 2-inch water line, proposed 6-inch sewer extension. Needs to fill in some minor details and change the grade to 1% as opposed to  $\frac{1}{2}\%$ .
2.        Board to ensure that Fire Chief has adequate turn-around - A. Felch states that other projects have used hammerhead. S. Foote - reiterates that Fire Department does not like hammerheads, prefers cul-de-sacs. This Board's preference is for continuity of streets. S. Foote would like the applicant to consider connecting the end of Felch Lane to the end of this proposed street and make it a horseshoe road that connects to Farm Lane on both ends. Suggests communicating with the Fire Chief. States that Post Office will not deliver mail to road with a hammerhead. States if he intends to make this road a town road with full services, should consider changing hammerhead to cul-de-sac. M. Fowler questions intent to keep private road, not to turn over to the Town. A. Felch - states hopefully not - does not want to turn over to town. Name for the road will have to be coordinated with Fire Chief for 911 purposes.

- 3. 100' Zoning Boxes - Need 100 ft. x 100 ft. in each lot to show that there is a buildable area within that lot. A. Felch - points out that one lot does not meet that requirement. T. Morgan - suggests that he do his best to squeeze it in and the Board will have to deal with it. Obviously it cannot fit. S. Foote - states that it is not uncommon to waive a zoning box requirement under certain circumstances.
- 4. Permanent Wetland Boundary Markers - Town requires permanent wetland boundary markers posted on either trees in the area or on locust posts.
- 5. Erosion control measures, construction stabilization entrance. S. Foote - The project must comply with the EPA Phase II Stormwater regulations. The run-off from the road must be treated and there must be some form of drainage infrastructure. The rain is has to go somewhere. It can't run back out onto Farm Lane, it must be dealt with on-site. A. Felch - states that Engineer was designing this, but his problem was what we were going to build for houses up there. His comment was, whatever the town will allow, one single family home. So it would be based on two single-family homes plus this lot. To calculate his figures for what

water will be running out of there. A. Felch - states his intentions are for one home. S. Foote - the house lots themselves have to contain their own run-off and the roadway has to have it's own drainage calculations. T. Morgan - states don't worry about the houses, just calculate the roadway.

- 6. Storm water calculations - comes in with erosion control and drainage from engineer.
- 7. Diameter of water line - previously addressed.
- 8. Flood hazard zone - A. Felch states this is not in flood hazard zone.
- 9. Positive drainage from dwellings requirement - Need to depict positive drainage away from structure - no set distance. S. Foote - states we don't require that you show precisely where the house is going to be, but that is something that you are going to have to bring into consideration for your building permit, as far as grading is concerned.
- 10. Bond amount - to be determined by M. Fowler.

A. Felch - Questions Granite curbs on corners. M. Fowler - states not much of ROW - no sidewalks in front of property. No granite curb - in keeping with character of the road

**MOTION:** A. Knowles To waive requirement for granite curb.  
**SECOND:** Michael Lowry UNANIMOUS

Addressed Department Head comments - Warner Knowles and John Starkey  
 Needs a Soils Scientists stamp for wetland delineations.

P. Evans - questions project being minor subdivision P. Garand - notes that it is substandard - nonconforming.

**ABUTTERS**

Brian Felch, Felch Lane, Lot 19-2 - states concerns with runoff from property, and where wetlands are and runoff from the road. S. Foote - states that that is why engineer is needed for drainage

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calculations. P. Evans - states it can't be worse than what it is now. B. Felch - questioned lot in backyard, pool, trees for buffer zone. S. Foote - points out wetlands and the fact that they cannot be cut - that gives some buffer. She offers to B. Felch that if he is concerned with trees, he needs to own the view. B. Felch - states his objection to the development. Lengthy discussion on buffer zones and privacy issues, issues with maintenance of Felch Lane. B. Felch notes that A. Felch currently owns Felch Lane and does not maintain it properly, should he be allowed to build another road? S. Foote - adds that it is troubling situation that cannot be resolved by the Planning Board.

**MOTION:**     *P. Evans*                                 *To continue #4-29 - Proposal by Allen & Cathy Felch for a lot Line removal and a 5-lot subdivision at 7-19 Farm Lane, Tax Map 12, Lots 19 & 20 to July 20, 2004 Planning Board meeting.*

**SECOND:**     *Michael Lowry*                             **UNANIMOUS**

Ella Brown - questions 30 foot ROW vs. road. Questions if it requires 50-foot road. P. Evans - states for minor subdivision, it is 30 foot road - 3 lots or less. Questions 100 ft. frontage, if lot can be duplex lot, 100 ft. x 100 ft. box. S. Foote - states one of the stipulations, if and when approved, that they will all remain single-family dwellings.

A. Felch - questions if his utilities and a driveway can come off Felch Lane for the new lot. S. Foote - states Felch Lane considered minor subdivision - 3 units off that road. If you run your utilities off Felch Lane, you will have service for more than 3 units. S. Foote - Driveway has to come off new road. Cannot have access off Felch Lane without bringing road up to code for a major subdivision. S. Foote - suggests Felch Lane and new road interconnect into horseshoe style road.

S. Foote - reminds abutters that they will not get another notice - that next meeting on this will be held on July 20.

**MEETING ADJOURNED** at 10:35 p.m.

Respectfully submitted,

Melanie J. Locke-Huddell

24.25.26