



Town of Seabrook Planning Board

Minutes for April 5, 2005

Planning Board Members Present: Susan Foote (Chairman), Keith Sanborn, Mike Lowry, Paul Himmer (arrived at 6:15), Paul Garand (CEO and alternate), Tom Morgan (Town Planner),

Meeting opened at: 6:00PM

Election of Officers:

Foote: I would like to postpone the election of officers until the next meeting when we have more of the elected members present.

Garand: Do you need a motion for that?

Foote: I don't believe so, I think we just need to do them in April.

Morgan: Your bylaws just say April.

Garand: So we won't need to public notice.

Foote: We've never public noticed election of officers anyhow.

Sanborn: Carry it over to April 19th?

Foote: Yes. The election of officers will be carried over to April 19th. As was announced at the previous meeting Mark Preston is on vacation this week. I received an e-mail from Peter Evans that stating that he wasn't going to be here tonight because one way or another Kiki was having her baby today.

(Group laughter)

Minutes of March 15, 2005 meeting:

Foote: Next on the agenda is the minutes of March 15th 2005. Has everyone had the opportunity to cure their insomnia?

Motion: Garand I'll make a motion to approve the minutes of March 15th, 2005

Second: Mike All in favor

Correspondence:

Foote: If you'll notice in your package right after the agenda we've received a letter from the Baker Wells Animal Hospital notifying us of their intentions to open a Veterinary Clinic in Seabrook. To be located at the old Parkman Clinic, just across the street on Walton Road. I've asked Dr. Baker to come here tonight just in case we have any other questions that are not answered in his letter. I've talked this item over with both Paul and Fred, before he left, as to whether it would require a site plan review or not. Pretty much the consensus between the three of us was that Mr. Baker has no intent to do any alterations to the outside of the building, he may do a bit of rearranging inside the building. It was my belief because there were to be no changes to the site, that a site plan review would not be necessary. It is commercial zoned and it was a business in the past.

Garand: Is Mr. Baker coming in today?

Foote: Yes, Dr. Baker is right here. (she points to a member of the audience, who raised his hand.)

Garand: I just wanted some clarifications to ask about the hours of operation, the dumpster, hours of operation of the dumpster, and if there are any complaints as to regards



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to the smell of animal waste and so forth, or will there be any animals outside? Just so I have that in the minutes for protection of the board.

Foote: Paul did you read the letter?

Garand: I did, but I just wanted get it into the minutes.

Dr. Baker: I don't know right now the exact hours, but they will be close to what was written in the letter. I usually have varied morning hours. Sunday I may stop in to check. Sometimes I will have an emergency that I attend to myself. There won't be any outside runs or anything like that. Dogs may be walked outside to relieve themselves and the attendant will police the area for any deposits. There may be a small fenced area where smaller dogs can walk. As to the pick up of the dumpster. I don't usually ask for certain hours. At my other office they come mid morning. I guess you can request when they do a pick-up.

Foote: Generally our requirements are that it has to be picked up between 7AM and 7PM. I think sometimes some of the dumpster companies, if you don't specify, they could be there as early as four in the morning.

Garand: We just need to put it in the minutes that dumpster hours are between 7AM and 7PM

Foote: Keith do you have any questions or comments?

Sanborn: I just wonder, the laboratory samples, are they picked up every afternoon?

Dr. Baker: They come by and check, if there is noting in there, they just leave. If something is in there they take it with them. It is a little lock box near the back door, that most people wouldn't even notice.

Foote: Mike do you have any questions?

Lowry: I don't have questions.

Foote: Tom any questions?

Morgan: No questions

Foote: Do any member of the audience have any questions or comments?

(no response)

Dr. Baker: Am I supposed to see someone about signs?

Foote: That would be Paul.

Dr. Baker: I'll get in touch with you, it will be awhile before we will need signs.

Foote: What Tom has suggested is that we motion to waive jurisdiction on this business coming into town with the conditions that if at any time in the future there should be an expansion of the site or alterations to the outside, then he would have come in for a site review.

Motion: Foote To waive jurisdiction on this business with the condition that if there is an expansion of the site, or alterations to the outside in the future, it will require a site review. Dumpster pick-up hours are between 7AM and 7PM.

Second: Garand All in favor

Garand: Could I add that if I should receive a complaint about the dumpster, then there will have to be a full review.

Foote: Well Dr. Baker, looks like your ready to go into business.



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Dr. Baker: (to Paul) I'll get together with you about the building permit and signs. (to the board) Thank You, Good night.

Foote: Next in correspondence we have a letter from Millennium Engineering, which I need to talk to Henry a bit, my name is not Susan Foote Brown.

Garand: But think of the discounts down at the lobster pound.

Foote: I guess it could have its benefits, I'll have to rethink that. The letter is for a bond reduction at Nicolas Way and Becky's Way. He has itemized the items he believes have been completed. I would recommend at this point we send letters to the department heads for inspection and review. See if they agree with Henry's assessment.

Motion: **Garand** I'll make a motion to notify the department heads for inspection and review for site security reduction of case # 02-18.

Second: **Keith** All in favor

Foote: Next we have a letter from Hanna foods informing us of their intent to begin producing sushi.

Garand: That would be manufacturing on site correct? My only stipulation would be another aroma. I don't want to go from the garlic to a fish odor. I am concerned about the neighbors. This would be an expansion of products and they are under a Board of Adjustment variance. Could I get the Planning Board to send someone down there to discuss it with them?

Foote: is it really expanding use? They are already manufacturing food products.

Garand: The gray area is that they are located in the industrial zone, which is allowed, but enter and exit the site via the residential zone.

Foote: I understand they are working a lot more diligently in gaining access from Provident Way.

Garand: Florida Power and Light is dragging its feet on that.

Foote: So you recommend that . . .

Garand: I'll take the first stage and go talk with them then come back to report to the board.

Foote: I thought when they did their addition and expansion, which they should be moving into soon, it included odor scrubbers or filters so there wouldn't be the problem.

Garand: I haven't given them an occupancy permit at this point until compliance with all parts of that plan.

Foote: Isn't there supposed to be odor control of some sort?

Garand: there is also supposed to be the sound wall and the other entrance.

Sanborn: Is this going to increase truck traffic?

Garand: What I am looking into right now isn't truck traffic, right now the issue is odor.

Sanborn: I just didn't know if this increase would also have more traffic.

Foote: They shouldn't be allowed to.

Garand: So if you would like me to go down there, I will

Foote: As chairman of the Planning Board I will direct the Code Enforcement Officer to initiate an investigation as to the impact of adding sushi to their product line.

Garand: Could you put that in writing for my files?



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Footnote: Yes. Next in correspondence we have a memorandum on inspection of 11 Stard Road. This was prompted by the treasurer bringing to my attention that the security for this site plan is about to expire. This is where GRA built the trailer storage facility next to Best Western. As you know our site plans are for two years and the site security is supposed to be for two years. It appears that when they put together the site security, it was for only one year. We sent a letter to GRA informing them that their site security was about to expire and they had two options to either A.) complete their project before their security expired, or B.) renew their security for the second year, which should have been a two year sequence anyhow. Just to cover us, not knowing how they were going to respond, the Town Manager requested the department heads to do a site inspection. The first page is John Starkey's response. He states there are over 200 hundred trailers on site. The site was approved with parking spots for 34 trailers. He also states that it appears that it is occupying a lot more space on the lot than the site plan ever approved.

Garand: My office issued a cease and desist for that property last week.

Footnote: OK, Next you will see a copy of the original notice of decision and next is the comment from the Water and Sewer Dept that there is neither water or sewer services on the site. They were supposed to be installed for the sales trailer. It was supposed to have a bathroom in it.

Next is a similar situation as to Site Security coming due. The treasure notified Fred Welch, actually from a conversation with Paul that he had a conversation with Mr. Ron Lemiure in regard to the bonds on the Chase property sites on Ledge Road. Both the residential and industrial subdivision area. We have looked into that and there is still a bit of confusion, but I think we have it cleared up a little bit more, however one on the bonds does say that the condition of it if there is any deficiency in the site we have to notify the property owner ninety days before their security comes due. We still haven't netted down as to whether it comes due in July or December. There were multiple bonds taken out for multiple projects and they weren't well documented as to what goes to what. So we decided to cover our butts in case it is July and not December to have the Department heads do an inspection of London Lane. You will notice from Warner's letter there is extensive deficiencies as far as the sewer and water go. Installed at too shallow a depth, leakage into pipes, etc. the Water Sewer Superintendent says that he will not allow any access to the sewer until the sewer main leak has been repaired. It appears that the second mini subdivision off London Lane that has Port Lighting, is ready to connect, but until the sewer line on London lane has been repaired, they will not be hooked into sewer.

Garand: I have notified them that they will not receive and occupancy permit until this is resolved.

Footnote: Next page down is John Starkey's comment that he inspected it almost two years ago and nothing has changed, if anything things have degraded a bit due to lack of use and maintenance. So we will have to combine the comments and add any comments that Paul might have and notify the property owners of all these deficiencies. The next several pages are the letter that I initiated for these inspections, you'll notice that London Lane had already received a bond reduction back in 2002. That is when the town manager and Selectmen were doing it. The \$46,352.50 that is left, I highly doubt are sufficient to repair all the deficiencies noted by the department head letters. Hopefully the owner of London Lane will do the right thing and repair the deficiencies.



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Last in our correspondence package is a fax that came to us today that is a FYI heads up. Fudgit LLC which has several plans in front of us right now under the name of Fudgit LLC, as you can see according to the State of NH that corporation has been dissolved, it no longer exists. It appears we are going to have to contact Ronald Fudge and notify him of this discrepancy in his applications and he will have to resubmit a correct application and also resubmit the funds to re-notify everyone because the certified mail notification of his project incorrectly attribute it to a corporation that doesn't exist.

As far as other mail that has come in, at our last meeting we did our initial review for Rita Chase that wanted to do a 4 lot sub-division. Since then, on March 24th, she has decided to withdraw her application and not proceed with the subdivision.

Garand: Sue can I suggest that we continue that. Because at this time she is still a little confused about what she is doing. She is still coming in asking the same questions, bringing the same plan in. She needs some guidance and I want to give her as much time as we can. She has limited funds and instead of making her pay for a reapplication fee, can we just continue this?

Motion: **Garand** **I make a motion to not accept withdrawal of case #05-05 at this time, and instead continue to April 19th to reconsider it at that time.**

Second: **Foote** **All in favor**

Foote: There has been multiple e-mails, phone calls and correspondence between myself, Tom, and Paul from Wal-Mart. It seems they have they, somehow or other, have the opinion that Seabrook doesn't like them and they want to find out how they can make us like them.

Morgan: At the same time they say nothing is going to happen with a Super Wal-Mart.

Foote: A representative from Wal-Mart had me on the phone for almost 45 minutes today wanting to know how they could make the Town of Seabrook like them. And I had someone in the office just before that wanting to know the same thing and review our recent files for site review. Looking for letters of discontent.

Garand: This is why I had several messages from the manager today.

Foote: I pretty much told them that the Planning Board's main objection with them is that they have come to us 3 times, that I know of, since 1996. Promised us all sorts of things, finally got their plan approved and then only carried out the parts of the plan that they wanted, not the whole plan. And that the site was a mess they needed to do more clean-up of garbage. And that they had to be more communicative with CBL that they lease from as far as maintaining the roadway and the pavement over there. There are some potholes over in the main access road that literally will break an axel.

Sanborn: Yes, it's pretty bad in some spots.

Morgan: I referred them to former Planning Board member Stockbridge. I figured he would put in kind words.

Foote: There is a notification of video release preserving open space with conservation subdivisions. They only want to charge us \$55.95 with a \$3.00 shipping charge. If we are interested in viewing the video. Anyone interested? (no response) And lastly we have the



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minutes from the ZBA meeting. If anyone's interested in reviewing them. It appears the one case we're interested in is Cabral. They continued.

Morgan: It looks like Henry did a strategic retreat.

Garand: he motioned to rehear.

Foote: I think that is the only case we were really interested in. Oh, they did approve the variance for the cell phone antennas on the water tank.

Garand: There will be a plan coming forward from Nextel in the next few days.

Foote: That's it for correspondence. We have received an e-mail for Turtle Creek security reduction. If you remember back in December they wrote us a letter and said all the different items that were completed and we decided at that time to let it go through the winter and that we would do an inspection in the spring. Ed Reusch asked the status of it and I replied that we would discuss it at tonight's meeting and most likely go forward with requesting the department heads to report on the progress.

Garand: do you want a motion on that also?

Motion: Garand I'll motion to send the department heads for an inspection for Turtle Creek case #04-11.

Second: Mike All in favor

Public Hearings

Foote: On to the public hearings. I'll open the public hearing at 6:17 first up is:

#05-06 - Proposal by Garrett B. Dolan for site plan review to construct a 12,600 square foot, 55'x230' industrial building at 18 Stard Road, Tax Map 4, Lot 17.

Morrill: Good Evening for the record my name is Wayne Morrill from Jones and Beach. I'm here tonight for Gary Dolan. We did receive quite a few comments the last time we were in front of the board so, what we have done is modify all the plans to try to address all the comments in all the letters. If you would like I can go through every single item on the punch list. As far as I know the Water and Sewer Dept. all the hydrants and connections for utility have been changed. There is not going to be a pylon sign, the sign will be on the building. The changes have been incorporated into all the cutsheets, all the photometric are on sheet L-1. Sheet EL-1 is the view of the building from every side. We have a block wall construction building and if you like I will go through each comment. The silt fence detail got modified to reflect the 24 month placement. Approval block has been modified for just the chairman of the board now. The details on sheet two show a screened dumpster enclosure. All the curbing is labeled as vertical granite curb. Sheet D-1 show the detail of the vertical granite curb on the site. There is a second screened dumpster that is near Stard Rd. if two businesses go in the second dumpster would go there. Sheet C-2 does not show a sign, like I said the existing sign is for D.G. O'Brian and will remain in place. Chase Way had an extra "s" on it, that was removed. Note 23 was added to the plan for water usage of the building. Note 24 was added for the fire suppression system. I think that was about it.

Morgan: Back to the dumpsters, Wayne. What are they being screened with?

Morrill: There will be a dog-eared fence surround.

Morgan: OK. I had trouble identifying the granite curb.



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Morrill: they have all been labeled as VGC. In the legend is vertical granite curb and on sheet D-1 is the detail.

Morgan: You said you have the elevations out there?

Morrill: Yes they are on the plan. The hydrant detail and note are also added to the plan. There was a special "T" that was requested by Warner Knowles. We ran down today and got that into the plan set. So we would have the right plans in front of this board tonight.

Foote: Yes, I want to thank you for coming along to actually reassemble the plans yourself.

Morrill: Well I didn't think it was right for you to have to do yourself. At this point I feel that every item has been handled from all the reviews. The tech review, the Planning board checklist and Tom Morgan's memo. One thing the board needs to act on tonight is to insure that 33 parking spaces are adequate for this use. The note about the noise is added as note 16. You did receive the stormwater maintenance manual. That is going to our boilerplate from now on. So we developed a system, that is basically what Lowe's looked like. Did you ever get a copy of Lowe's?

Foote: Yes we did eventually.

Morrill: It's one of those things we are going to follow through on from now on. Surprising, we went up to Maine, they didn't even know what a swift inspection was. So it was kind of unique. Seabrook's ahead of the times from the Maine guys.

Foote: EPA hasn't made it to Maine yet. Paul do you have any questions or comments?

Himmer: no

Foote: Paul

Garand: None at all.

Foote: Keith

Sanborn: none

Foote: Mike

Lowry: No

Foote: Tom do you have any other comments?

Morgan: Don't forget the bond if you think its appropriate and should probably have a motion on the 33 parking spaces.

Foote: OK. Any abutters have any questions or comments? (no response)

Motion: Garand I'll make a motion to accept this application (case #05-06) as complete

Second: Lowry All in favor

Motion: Garand I'll motion to waive the parking requirements and allow the 33 parking spaces as depicted on the plan (case #05-06).

Second: Lowry All in favor

Foote: Site Security, I don't remember seeing anything from Mike Fowler.

Morgan: I don't either. You need to decide if there is anything that warrants a security in this particular plan too.

Garand: Was there anything on the old plans for a bond at all?



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Foote: No

Garand: We do have a minimum of \$5,000.00 for site security. At the same time we do have the granite curbing, the fire hydrant, the digitals, and the plantings.

Foote: I should think that \$5,000.00 should cover it. Wouldn't you?

Motion: **Garand** I'll motion for a \$5,000.00 site security for a term of two years (case #05-06).

Second: **Mike** All in favor

Motion: **Garand** I'll motion to approve case #05-06 as drawn and allow the chairman to sign

Second: **Mike** All in favor

Foote: Congratulations.

Dolan: Thank you.

Foote: I'll sign these Thursday when I'm back in the office.

Morrill: When you get the fifth copy back from the department heads is there a way we might be able to pick up a copy?

Morgan: Bring a copy in would probably be faster.

Foote: I'll be in the office from noontime on Thursday and from around 10 o'clock on Friday.

Morrill: OK, I'll have Mr. Dolan give your secretary a call to make sure she is there.

Foote: That's me, our secretary is in Italy right now. I'll have a signed copy for you on Thursday. I'll also have a typed up notice of decision for you.

Dolan: But for now I can act on this as if it were passed already

Foote: It is passed; I just need some time to get the paperwork to you. By 2 PM on Thursday. I come into the office at noontime, give me an hour or so to type up the notice of decision.

Dolan: Ok I'll be there on Thursday at 2:15; I'll give you that little extra bit of time. (laughter)

Foote: Good just in case I have to answer the phone. Next . . .

Case number 04-59, 04-60, 04-61, and 04-63 are all projects in the industrial section of Ledge Road that are also part of the Chase site . . .

Garand: you also need to address case number 04-63 is the Fudgit LLC so that one right there needs to be taken on its own. Even though it needs to be continued, it needs a corrected application also.

Foote: All of these items are located in the area where Appledore is doing the peer review for drainage. So all of these items will have to be continued, I would say at least until our first meeting in May. Appledore is out in the field.

Morrill: They said it would be at least 6 weeks from the time they got the contract, so that would mean the second meeting minimum.

Garand: Do you want to go to the first meeting in June?

Morrill: I would say the first meeting in June, that way it gives them time to get it done.

Foote: That would be better than continue and continue. So, continue them until June 7th.



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Motion: **Garand** I'll motion to continue Case number 04-59, 04-60, 04-61, and 04-63, if they make a new application, until June 7, 2005 at 6 PM.

Second: **Lowry** All in favor

Morrill: Before you vote on 63 this is a document of Mr. Fudge's taxes of Fudgit LLC for 2003. He didn't have anything in his office today when I called him at 4 o'clock, but that is his recognition that he did file taxes in 2003 as Fudgit LLC. And he is going to try to get me the paperwork together for the last year and this year. Unless I can't get something, I would like to continue that one like the others.

Foote: Well he has between now and mid May. We just continued this until June 7th. So, he has to produce documentation to us proving that he is legally recognized in the state of NH as Fudgit LLC.

Morrill: Not a problem. I just wanted the board to know that he was legally Fudgit LLC when we began this plan.

Morgan: Looks to me, Wayne, that he forgot to send in his renewal.

Foote: Could be he failed to send in his annual report and fees.

Morgan: He may think he is still Fudgit, but he is not. Before you vote Sue, Wayne we will need some more extension waivers signed for all four of these. The review period expires in about a month's time.

Morrill: Another question I had for the board is where we sent in new plans for each one of these applications, are those going to with until June before the technical review even looks at those, or will we be able to handle everything else so by the time we get to June we will have a fighting chance of trying to get something in June sometime.

Foote: I don't see why we can't put them in the queue for tech review. The only thing that would be unanswerable at the time would be the stormwater drainage. So we'll put them in the queue so that hopefully everything except for the drainage will be resolved and if we come up with anything that needs changes, we will let you know in plenty of time so you can have it resolved by June 7th.

Morrill: That would be great. I'd like to be able to get rid of the other issues that the board has other than drainage. And I do have the old letter we signed for the extension want me to just make a copy of them and re-date them?

Morgan: whatever is easiest.

Foote: send them into the office or drop them off when you bring in other plans. The current waiver is good until May 1st.

J. Page: Sue when is the technical review scheduled for?

Foote: The technical review? I don't have one of the Planning Board calendars with us.

Garand: It's on every other Monday at 10 AM

Foote: We have a light load so we can add them. (Sanborn provides a copy of the calendar) It would be on April 18th. That is our next one.

J. Page: Is that a public hearing, public notice?

Foote: Public can attend. Basically, it is the department heads, Paul, and I sitting and reviewing the plans, finding defects within them. We usually hold it in this room, but



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occasionally this room is occupied, so then we hold it down in Paul's office. You're more than welcome to attend. They are 10AM on Monday.

Garand: No comments from the public. I know Mr. Page likes to talk. (laughter)

Foote: So that's it for our public hearing. I'll close the public hearing at 6:45

You'll notice at the bottom of our agenda we still other business with pending items. I've gone through and revised quite a bit of the pre-construction form that Paul provided to us. Basically everywhere it said engineer I changed to Town's Agent. There was also a section in it that referred to a one year winter maintenance of roads which I think is a good idea but right now we don't have the regulations.

Garand: we need to look into something like that so that people who live on those roadways with no granite curbing and stuff might get some services. That's something to look into and we can also talk this over at the next tech review, get the department head's input.

Foote: Yes, I think if we just omit that section 9 that talks about the winter services, I think it's pretty much ready to go. I don't know the technicalities when it talks about compaction rate. I leave that up to you and John to review. It looks that the most of it is by State standards anyhow. If we can get that finalized then we can bring it to the board and make it another document that goes along with all the rest of our package.

Shoreline Protection Act, Has anyone read the thing about the shoreline protection act? Do you have any questions? Or are you just going to default to Sue's knowledge? (laughter) OK Private Road subdivisions amendment and individual applications. We haven't really gone very far on that. The three people that definitely want private roads have approached me in the past two or three weeks to ask what is going on with it. I told them that hopefully we will have it figured out before July.

Garand: People that are asking for these private roads have not brought the roads up to standards that they need to be brought up to. We need to come to an agreement on a situation where if they are going to have a private road and we are not going to make them build it to our standards, why go through all the planning stages. We're wasting our time, we're wasting everyone else's time, the staff's review time. If they are not going to change the water mains, or pave the road or do anything of that sort, then why even review it? If you are going to waive it in the end anyway. That's what you are looking at. Some of these subdivisions we have they are not even finished, people are writing it off and taking the power away from the boards.

Morgan: Are there houses back there?

Garand: They are all built out, and no way to force these people to finish the development.

Morgan: Isn't it one of the fundamentals of the zoning that you've got to have frontage on a public road?

Garand: That's where I'm going with this. It is a public way, but at the same time they want to maintain it as a private standard. We have people that have major subdivisions they have maintained the private ways for years. The roads are built exactly to Town specifications. Everything was done to a "T". And you have these people who come in for minor subdivisions that are granted all the waivers, they don't have to do the storm studies or anything. And they aren't even required to pave the road. And then people waive it. We need to come to common ground before we even look at turning these things over. Saying, Ya we'll waive it, it never has to be a public road. But they still have to maintain some standards. That's my personal feelings.



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Foot: It is something we definitely have to resolve. We do now have in our regulations right up front if you intend to keep it a private road it has to be part of the application and stated in the application. Unfortunately we are stuck with about half a dozen from past times that are sort of in limbo. And we've got to come to some sort of resolution as to how to deal with these. Part of the private road subdivision amendments in the application that does, I think, cover the Town as far as specifying what the town will and won't do and also make every property owner that abuts that private road sign an addendum that will be attached to their deed acknowledging that it is a private road and will for ever stay a private road. If the abutters to that road someday in the future wish to petition the Town to take over the road for maintenance then they have got to, at their cost, have it inspected and bring it up to the current standards of that day.

Garand: Exactly. At this time we have minor subdivisions that have been approved by the Planning Board that have never been finished. The original developer left, sold the property off, and looks to maintain the road as a private road. I don't think the Town should accept that. No one else is allowed to do that.

Foot: Then how do you propose we resolve it?

Garand: That's what we need to come to.

Morgan: Maybe you could write them a letter, all six of them or whatever, say hey look you have two choices, you either sign these private road covenants or you bring your road up to Town standards.

Foot: The three that approached me are more than willing to sign the private road covenants. They are just waiting for us to get the wording and phrase-ology out there so that they can do it.

Garand: At the same time when a developer comes in with a minor road subdivision standards for approval, we're already giving a lot of the requirements for stormwater drainage and everything else, giving them the minor standards. And then when they come in and don't finish it, we're wasting our time.

Foot: Yes and in the future, I don't believe it will happen. This is stuff that got caught in those limbo years of . . .

Garand: Russ Bailey (group laughter) did you get that on the tape?

Foot: Ya, So I think going forward with the documentation that Fred provided us with for the private road subdivision amendments, and getting the residents of these private roads to sign off that they acknowledge that it is a private road. They want to keep it a private road and will be responsible for it as a private road will help to solve at least 3 or 4 of the private roads we have in town. And as I sort of explained to one of them last week, we're going to try to work it out with the ones that have private roads that have sought out us to try to resolve this problem. Once we get it worked with them, then we probably should approach the other private roads in Town and request that they also sign a similar type of agreement. That way there will be a clear delineation in the road list as to what is private and what is a Town road.

Garand: What happens if you do have a minor subdivision that has sold those houses off down the road and those people don't want to sign off on that. What happens at that point? Is that a legal issue?

Foot: It probably could be a legal issue. You also come into the issue of the physical land that the road occupies, who owns it if it is private and who is responsible for the taxes on



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that piece. I mean it has an assessed value to it. Is it shared between all the people that about that road? Those are issues that are going to have to be worked out.

Garand: Exactly.

Foote: That is something I think that we definitely need to try to start working out instead of just putting it off and putting it off. It's not going to get any easier and right now we have at least three private road's that are willing to sign. Let's get them while they're still willing, before they sell to someone else.

Garand: That's true.

Foote: That's all I have for other business. Does anyone else have anything they would like to bring up at the meeting.

Morrill: The Two Guys Smoke Shop which is just south of Sullivan Tire, they are investigating right now of possibly doing a forced main underneath Route 1 and direct bore in. There is a lot of ledge over towards Sullivan Tire. Would that be a minor adjustment to a site plan? Could it come in under other business? Or would that have to be publicly notified?

Foote: Good question

Garand: I already spoke with the contractor today and I said that's not minor.

Morrill: He started to talk with Warner and I want to make sure that if we have to go to the public notice I want to make sure that we get it out soon.

Garand: I was directed, before the Town Manager left, that if there are any changes on any plans they better be changed through the Planning Board. So protect myself I want to say you need to public notice those people around there. It is a minor change to some people but it may be a major change along the way. It is a good thing to document.

Morrill: OK

Foote: We've been lenient in the past and it has come back to bite us.

Morrill: I just want to make sure, because he is investigating both ways. We're just not sure, Brad from our office is the only one who really knows what sort of ledge dominates Rt. 1 right there. We have to try and figure out where it is.

Foote: You might find as much ledge under Rt. 1 trying to bore through there as trying to go up through to connect into Sullivan.

Morrill: That's what we're concerned about. We're going to figure it out in the next couple of days. We'll do a public notification. Second thing, so that the board knows, is we had a construction meeting with DOT today at Lowe's and they are doing their road cone plants right now. They are possibly going to start road work as early as the beginning of next week.

Garand: So they pushed it up another week?

Morrill: They will leave the poles where they are, fire department's going to be pulling their lines off the poles either the end of this week or the beginning of next. They will work around the poles until everything gets done. As far as the plans go at this point there is no sidewalk in front of the Rec. center because it didn't make it to the Town Warrant articles. The developer is ready to do that but the whole issue about the funds that have to come from the Town, the Town had to hire a contractor. So I'm letting the board know the contractor is going to be down there in about a month digging that up and it might be a good time to rattle some cages if you want to try and get a sidewalk there.

Foote: I thought that . . .

Garand: Could the Town put an application in for the Rec. and just do a public notice for the abutters and get it done that way?



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Foote: I don't see why not.

Garand: it would still need site plan approval. Then they could just hire the contractor. That might be a way to do it. Want me to look into that and ask Fred.

Foote: Yes, because if they are going to be . . ., is Fred going to be back in time? We could just go ahead and do it. (group laughter)

Garand: I thought the selectmen could accept donations. If they could donate the sidewalk for a safer place.

Morrill: I think that all it was that the money had to come from somewhere to give to the developer and the developer. The Developer couldn't give the Town the money to pay the contractor because it is on town land. So, just letting you know now it is coming so if you have any way to do it, now is the time.

Unidentified board member: Sue it that true?

Foote: I don't know.

Unidentified board member: I'm not familiar with that rule.

Morrill: When we were going through the final documents that are about ready to . . .

Garand: Who told you that Wayne?

Morrill: That was from Fred Welch. That unless it went to a town warrant article and the voters voted to allow our contractor to put the sidewalk on town land, it couldn't be done. And it had to be authorized through the Town. I don't think it made it to a warrant article.

Foote: No, there was no warrant article.

J. Page: Does that fall under the state law that says like not funding the police details in Hampton, even though the money's there they can't take it into an account that doesn't exist.

A. Chiaramida: They have to vote to approve to accept the money?

Garand: Didn't they vote to allow them to accept donations? So if they made it a donation just for that end-line fund, that may be a way around it also.

Foote: Also the Rec. and accept donations.

Morrill: I'm just giving you a head's up. The contractor has it on his bid items to do but he can't do it because he doesn't have authorization to work on town land. So it's basically at this point, it is not going to be done.

Foote: OK, now Robert Korff had agreed to fund it, it's just a matter of they can't figure out how to accept his money to fund it. There is a Rec. Committee meeting on Thursday night, which I attend. I'll bring it up to the Rec. and see if we can circumvent it by having the directors of the Rec. accept the donation in favor of the Rec. We had our own funds for paving our parking lot. So I don't see why the Rec. can't accept funds. If the Rec. could pave a parking lot, why can't they put down a sidewalk?

Garand: It will keep the kids off Rt. 1

Morrill: That was the whole deal trying to do the whole project. I'd hate to see you miss it.

Morgan: There is a crossing at Wal-Mart, but there is no sidewalk leading to the Rec.

Lowry: How is the detention pond coming out?

Morrill: It got de-watered, then all this rain put the water back in it. It went down quite a ways.

Garand: How are things going with the dam bureau?

Morrill: We are fighting with the dam bureau every single day. They want a gradation test. I mean it is a fight all the way.



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Foote: Have you started driving sheeting yet?

Morrill: No. Everyday they want something new.

Garand: Did you order the sheeting yet?

Morrill: We've ordered it twice and had to stop production on it.

Garand: They didn't accept the knuckle one now?

Morrill: They did accept the knuckle one but now the gradation of the side slope is too coarse a material so they are saying they need a cross section of the anti-seep collar to make sure that it is. . . I mean we have a structural engineer that stamped the thing that says it's water tight. And they are still saying that they have a problem with the material that is on the side-bank. So we're working it back and forth, everyday there is a new adventure.

Foote: By the time you get it in it will be the dry period in August.

Morrill: We'll have the clay compacted by then. I don't know, one way or the other we'll get it done. It's frustrating. On a good point the soundwall is almost done.

Garand: the soundwall is coming along really nice.

Morrill: I think we're getting there. I just wanted everybody to know Rt. 1 is going to start. They are going to do the sides first. They are going to rip it right on the white line and they are going to extend it with gravel on the sides. The all of a sudden they will have 3 cops out there when it is ready to pave and the whole are will be paved. We're hoping before Memorial Day. That's the goal to get everything done before Memorial Day. You never know what they are going to find digging under Rt. 1

Garand: Did Ben make it back alright? Ben's OK?

Morrill: Ben's back, he'll be out there non stop. By the DOT permit he has to be there every day, every minute that they are out in the road. It's a perfect job for him, he likes it. So, I just want to give the board time to work out the sidewalk issue.

Foote: Thank you

A. Chiaramida: Ah, The animal clinic. Where will that be?

Foote: Parkman's Chiropractic Clinic, right here on the corner of Walton Rd.

A. Chiaramida: Corner of Lafayette?

Foote: Not the exact corner, it's like two houses down.

A. Chiaramida: So it's actually on Walton Rd.?

Foote: Yes

Morgan: They are going to specialize on dogs with bad backs. (laughter)

A. Chiaramida: Do you have, in the letter, did he give you an estimated date of when he thought he would be ready to open?

Foote: No

Garand: I think in a little while, once he gets the build done and the sign.

Foote: I think it's going to be a great benefit for the town to have a vet. We don't have any vets in town.

A. Chiaramida: And evidently this is the vet that has historically has worked with your animal control officer and does your rabies clinic every year.

Foote: From talking with him, he said easy 60% of his clients are residents of Seabrook, and the majority of them are from the central portion of Seabrook and Seabrook Beach. He's been looking for the past year or so for an available location on the south side of Seabrook



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so that his clients from south of Walton Rd, or Seabrook beach complain about having to deal with Rt. 1 to go to Hampton Falls.

A. Chiaramida: His comment was he didn't have a name, he was thinking of Seabrook Animal Clinic. He actually wanted to call it Smithtown, but he is not sure if how many people from other areas know it as Smithtown. Does anybody know if it is known outside of town as Smithtown?

Foote: It's on the USGS maps as Smithtown.

Garand: The post office is known as Smithtown for ever.

Foote: The Federal Government recognizes it. (laughter)

A. Chiaramida: Give him a call if you think Smithtown is a good name.

Foote: Smithtown Circle Vets

Morrill: One last quick question. Last time I talked with you, you'd like to have the checklist as part of the application. Is that something that you require?

Foote: It's not mandatory, but it would be really helpful.

Morrill: OK

Foote: Anything you can do that makes our life easier, makes your life easier.

Garand: Also it allows a second check all the way down. If they have everything there checked off, or not applicable then they know they have a complete application. Speeds thing up a little. If you noticed how quickly it went tonight, even though it was 'oh it's not a complete application because this is missing', once we checked it over it went real quick.

Morrill: OK

Foote: So this meeting is officially adjourned at 7:10

Meeting closed 7:10 PM

Minutes respectfully submitted by:

Susan Foote, Chairman