



Town of Seabrook Planning Board Minutes

August 2, 2005

Members Present: Sue Foote, Chair; Mark Preston, Vice Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans, Paul Himmer, Patricia Welch, Secretary.

Meeting called to order at 6:04 PM.

First item on agenda was minutes of the July 19, 2005 meeting.

Motion: Himmer To accept minutes of July 19, 2005

Second: Lowry Unanimous except Preston who was not in attendance at that meeting

Next we have closure of case #03-46 Proposal by GRA Real Estate Holdings, LLC for truck sales at 11 Stard Road, Tax Map 4, Lot 9-11. Chair Foote read letter from Rusty Lavin requesting closure of case as all conditions have been met. There has been an inspection. Board members reviewed an as-built plan. Chair Foote polled the board for questions, comments, and concerns.

Evans: what status does the site have when we close this plan and until they submit the new plan?

Foote: as you know we already have the new plan in the queue and this is also running concurrent with a Zoning Board of Adjustment's cease and desist from the Code Enforcement Office because they had expanded the site without an approved site permit. This is doing the paper work after the fact and helping to clear up the cease and desist from Code Enforcement the case that's now sitting in front of the ZBA. Theoretically they should have asked to close this case before they started moving more vehicles there and have approval of the plan that's now in the queue. I believe ZBA decided that it would be counterproductive to have them move all those vehicles off site probably down to Route 1.

Evans: my question is, are they allowed to do business, can they do whatever they want because they don't have a plan?

Foote: they are allowed to do business because we approved this site plan many months, or a year or more ago

Evans: and now we're rescinding it.

Foote: no, we're not rescinding it; we're closing the case so they can open the new case.

Garand: we're closing this case so they can bring another case before us.

Foote: remember in our regulations you can't have two

Evans: I understand that. I failed to recognize the difference between closing and rescinding.

Foote: so this way we can write on this folder case closed on such and such a date and it will only be opened up for reference in the future. Any other questions? Tom?

Morgan: this looks consistent with the original approval as far as I can see

Evans: are we holding bonds, security against completion of this particular project?

Foote: I don't believe, there is?

Garand: there is security on this—for the fence and site work I believe.

Preston: he'd have to request that bond release anyway, right?

Garand: if he has another site plan before us

Evans: by closing this case do we inadvertently approve any changes that are not shown on this plan?

Morgan: no

Foote: by closing the case, this plan has already been approved. This is showing it as-built to the plan we approved.

Evans: so everything that we see on this plan...



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Foote: it will come in under the next plan. Reads from notice of decision: "maximum of two trucks; eight-foot stockade fence from Stard to wetlands; \$45000 bond for fence, utilities, erosion control and construction entrance." And there was a bond in place, which was due to expire, and we sent them a letter and they said that rather than renewing the bond that they would have everything wrapped up shortly. And with site plans we don't hold a percentage of the security.

Evans: we will be essentially flying without a bond until they get around to coming before the planning board.

Preston: the bond is for this project.

Evans: so there'll be another bond posted

Preston: after they come in front of us

Evans: but meanwhile, the work has already been done and there is no bond posted for that work.

Garand: There is no requirement for the posting of the bond because the work is already completed.

Foote: the bond is to insure that the work is done. If the work is not done, then the Town takes the bond and does the work.

Lowry: but the work is already done so you can't take the bond

Evans: what's the point of us listening to it? They are all done.

Foote: but we have to formally close the case so they can open a new case. That's something that we've been negligent about in most all of our cases. When someone is done building their project, they are supposed to come back to the Planning Board and say, I'm done, could you please release it and close the case. And no one has been doing that.

Evans: my question is, that the case that they are going to bring before us is also already done; therefore, they'll be no need for us to insure that the work gets done because it's already done.

Garand: we won't know that until we review the case fully if it's in the requirements, then there will be a bond required.

Evans: so we will be unbonded. There will be no security because we don't know what, we haven't seen the plan that's coming up. There may be things that need to be fixed or changed that will cost money.

Lowry: we can put a bond into place when we see those plans.

Evans: okay, but until such time, after we close this, there is no money.

Garand: essentially you can't do anything on the site because there is a cease and desist placed on it at this time

Evans: so that's our safeguard.

Foote: and that bond was specific in the items it was to cover. If something else outside of the scope of this plan should happen on site, we can't use that security money to resolve that issue.

Evans: I understand that. That was the crux of my question about the status of this property.

Foote: and I believe in our next meeting they'll come forward with phase II of this site.

And at that time we'll review and I believe there is supposed to be additional erosion control and storm water control and that probably will require a bond to insure that it's built.

Evans: addressing question to Henry Boyd in audience: do you know if that erosion control necessary stuff is in place at this time?

Boyd: Right now he has gone over what this Board approved. Therefore, it's incumbent upon him to produce for the Board another site plan with the work that he's done to be fully compliant with the Town's regulations. The hearing tonight is simply to show, demonstrate, and prove that he is compliant with the first approval that the Board granted.

Evans: somewhere I missed did you answer my question were there erosion controls in place?

Boyd: we're not finished. At that time, the Board hasn't even accepted jurisdiction over the application yet. The plans at this point are incomplete.



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Morgan: Henry, these are hay bales depicted way out here in the west, right? So there's erosion control there, Peter.

Boyd: what ever is on the plan is out there.

Evans: that answers my question.

Garand: in the north there was actually erosion control all the way to the road.

Evans: I just want to make sure that in this nether meantime, that we're doing the right thing, that's all.

Foote: If you're concerned, you can walk the site. I'm sure that Rusty and Arleigh Greene wouldn't mind.

Evans: I trust Henry's testimony.

Motion: Lowry To close case #03-46.

Second: Preston Unanimous

Public Hearing opened at 6:20PM.

05-37 Proposal by Thomas Dieter for a minor subdivision at 33 Weare Road, Tax Map 1, Lot 18-1.

Henry Harrison Boyd, Jr from Millennium Engineering. I would beg your indulgence on **case#05-39**, we would like to ask for a continuance on that case. There are some abutters in the audience and at a late date, they have come forward and they would like to talk to Mr. Gould about possibly making a happier neighborhood in the situation down there so there may be a revision to the plan that will benefit not only Mr. Gould, but the kind neighbors who are seated in the audience this evening.

Foote: so you would like to continue that to September 6, 2005 at 6:00 PM. **On to 5-37.** Plans are distributed.

Boyd: this is a piece that was cut off the Merriman piece if you remember. Miss Merriman, I think she's hopefully going to allow a lot of that to stay in conservation land and there was a two-acre piece that was cut off and she had sold that to Mr. Dieter and it is his desire to sub-divide it in the fashion you see before you. I guess first you accept the application before I go into these (referring to the checklist in his hand) is your procedure.

Preston: is that posted right being a minor subdivision?

Foote: due to our last meeting we changed the definition of Minor Subdivision because now minors no longer create a road.

Preston: it's two building lots that you're doing

Boyd: dividing one into two

Foote: so if we want to go down through the checklist. Needs stamp and seal of soil scientist

Boyd: Sue, if I may could I address that? Until the plans are approved, we'd really like to get the mylar stamped, because it's hard to pay for these guys to stamp plans if they are not approved. My suggestion is that there is a thirty-day appeal period on everything and on some of these cases if we know there is an approval pending that a soil scientist is allowed to come to the Town hall to stamp the mylar if that's a possibility. I know the mylar can't leave the hands of the Town. But it's hard to get them to stamp it if they are not going to be approved the first time.

Foote: I understand if there are going to be revisions. Another outstanding thing is the PSNH easement. They were not listed in the abutter notification list.

Boyd: I think that was brought to Karen's attention immediately because Karen was handling this. I suggested that Karen hand deliver an abutter's notice to them and have them sign off on it well before the meeting. I haven't received anything back from her so I don't know how she made out with that. Has anything been delivered to you, Patricia on that end?



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Secretary: no

Boyd: that was her job and I don't know how she's made out.

Foote: we have no indication that PSNH was notified.

Preston: just looking at this piece of property, do you really have to notify them to cut off a piece of property off one chunk?

Morgan: that's the law

Foote: they maintain an easement across the property

Preston: how wide is that easement?

Boyd: it's wide. It takes the whole thing.

Morgan: even if it was skinny, the legislature amended the law about five years ago.

Boyd: they are what is referred to as the dominant tenant in easement. They don't own the parcel but they own rights over and above the parcel and I agree with Tom and that's why I told Karen she needed to get up there and bring something. They never send a representative but they do need to be notified.

Foote: going on to page three. The lot width and depth rectangles lie within PSNH easement which is unbuildable; it should remain single family; also if the rectangle is supposed to be 125 x 125 and while there is nothing specific in our regulations we've sort of said that if you plan on doing a duplex you double the rectangle.

Boyd: that's not what was said at the meetings. 125 x 250 is actually larger than the size of a duplex lot and what my understanding was that we had determined that in the 2R zone, it would be double, 100 x 100 essentially 100 x 200 and in that zone it was going to be 125 x 200. That's why it's shown that way on there. There was never anything firm but that was the procedure and policy and how that came about is that 125 x 250 is actually larger than 30,000 square feet, which is the requirement for a duplex. In this zone, they are not allowed to have detached dwellings anyhow. So the only thing that could fit on here is a duplex. This is a very large scale, so there is actually quite a bit of room in here. The intent I believe is to have it be a duplex lot. I'm not going to say that it's not. I think that is the intent and they do comply as far as I can read in the regulations.

Preston: to create two duplex lots?

Boyd: it would create two duplex lots.

Foote: I believe Tom's comment was that it would be tough to fit a duplex in this area

Evans: the actual buildable area is somewhere around 14,000 square feet

Foote: on this lot that has the Public Service in it?

Garand: but essentially they could build, if they meet the setbacks and the easement setbacks, they can build in here. They can utilize this lot as well. This is still open area.

Boyd: only certain things. They can use it for upland calculations. But they can't build anything in there. PSNH is pretty liberal as to what they let people do under those easements. But they can't build anything, absolutely.

Garand: so permanent structures, no sheds, no trees.

Preston: bring sheep in to clear out

Foote: the assessor assigned the lot numbers?

Boyd: yes, ma'am

Foote: I don't see where there's any need for the Army Corps or DES permits.

Boyd: I think you skipped by something Sue on the bottom of Page 3, the wetland boundary, and the permanent markers. Where this is out in the Public Service easement, I'm not setting anything out there. They're going to mow it down. They mow it frequently and anything that's placed there is going to be wiped out. I think the fact that you have the easement itself will be well maintained by PSNH. This is one of the areas that you don't have to worry about a wetland boundary or anybody doing things out there. I'm going to recommend on this one that we don't have to set them there.



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Boyd: I'm going to actually show the existing utilities on there and if they are going to be staying in place, I'll show an easement. Chances are we'll re-route new ones.

Foote: and we do have a letter here that we received from Nancy and Bob Merriman. It came in via e-mail yesterday. Chair Foote read letter:

Since we will be unable to attend the meeting on August 2nd and we are abutters to the Dieter property (Proposal 05-37), we would like to offer the following comments:

1. We are concerned about multiple-family dwellings, should they continue to be allowed in this area of Seabrook, and specifically on the property in question. We believe such a decision would create a series of complex problems for Seabrook.
2. We also believe such a decision in this hearing would establish a precedent that the Board may find difficult when reviewing future requests of this nature.

Preston: what's the detriment if under regulations they are allowed to put two duplexes there?

Boyd: that's what they are allowed to do. If they're worried about multi-family, I think there's 300 units right next door, so.

Foote: I think that goes to the request for sidewalks. Because there is a duplex there, across the street.

In hindsight, I wish we'd gotten more sidewalks in the past. So we will continue **case 05-37** to September 6, 2005 at 6:00 PM. Do you have other cases tonight or do you want to enlighten us on your wetland signage.

Foote: Next, case **05-38** Proposal by Wildwood Real Estate Holdings LLC for a lot line adjustment at 18 & 20 and 24 & 26 Pineo Farms Road, Tax Map 4, Lots 14-105 & 14-106.

Wayne Morrill, Jones and Beach Engineers:

Foote: we didn't go through Tech Review on this because we decided it was minor, there were no utilities involved, it was just a lot line adjustment

Morrill: what happened is we submitted a condo conversion on both of these lots. We came in to the assessing office and Scott Bartlett (appraiser) informed us that one of our lots did not meet the criteria for a duplex even though there was a building permit and a building out for it. What we did is that when we originally had the lot lines gong into Hampton Falls, the lot met the 30,000 square feet and when we brought it all back on to the other side of the line, we ended up with 24,000 of uplands, so what we're here tonight is to do a minor lot line revision that takes both duplexes that are currently out there and allows them to stay on the lots that they're on. They both meet the setbacks on these properties. We did not change the lot line on Pineo Farms' Road at all. All it is is that little small revision at the back. The original lot 106 had 37,000 square feet, now it's down to about 31,000, and that 6000 square feet got shifted over to lot 105 to make it conform to the regulations that this town has for a duplex lot.

Preston: great looking lots again.

Morrill: I have houses on both lots and I can't make them non-conforming.

Preston: you could rip it down and do a single family

Board laughs and makes other humorous comments.

Morrill: it is a minor change. It was a mistake that we had at the very beginning. It was an honest mistake. I'm here to ask if we can go ahead with this lot line revision so that both lots are compliant.

Morgan: I wouldn't characterize it as a minor change because you've taken two lots that were normally shaped and you're changing one into something that's pretty strange.

Morrill: well.

Preston: who gets that common corner lot?

Foote: thanks to the computer not recognizing Town property lines.



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Morrill: all this land is common land so it's just another part that looks like common land out there. All the lots, the buildings themselves are only forty feet off the right-of-way so that's all back land that goes open all the way to the old stone wall that is actually the property line, not the Town line.

Morgan: this is a recipe for neighbors not getting along

Preston: it's all common, right?

Morrill: all the Hampton Falls land is all common land.

Morgan: but this bowling alley back here, I could see the guy treating it like it's his own property.

Morrill: that's the beauty of having the owner of both lots be the same; so that's the provision he has to make to the new owners moving into the units.

Foote: would there be in the future any, while this proposed area, the bowling alley, while it technically would belong to lot 14-105, an easement for the use by these people? Of course, then you've got property taxes that you're paying for someone else to use. I'm trying to help, but no that's not a good idea.

Morrill: on all these lots what they do is cut out an area 50 feet behind each one of the units and that's basically their usable land. And then the rest of it is treed or high grass, which is...

Preston: 50 by 3

Morrill: that's what I'm saying. The units are already in and they are right up close to the road and if you go out there that was the best spot for them. It wasn't a good joke when we came in that day and found out it was too small. And I think at that time the lots were shut down.

Morgan: I can think of all kinds of obnoxious things 105 could do with the bowling alley that would really irritate 106.

Board then proceeds to mention a number of irritating activities in a joking manner.

Foote: there was no way you could adjust the lot line in 14-104

Morrill: 104 is exactly 30,000 square feet

Foote: better make sure those pins are in the right place otherwise it's not conforming.

Morrill: we've been monumenting as we go. Wetland markers are already up throughout the whole entire project.

Foote: so we just hope that the two people that move into 106 get along with the people in 105

Preston: Personally, I don't think it's really our problem to fix what they've got right now because it is a problem because the structures are there.

Garand: they had this avenue or to go to the Board of adjustment and they chose going to the Planning Board because of that

Morrill: they had the lot area on the lot next door and I'm sure if we went to the Zoning Board, they'd say get it from next door, you've got enough area on that lot. So we figured coming to this Board would be the right thing to do.

Preston: under the regulations for duplexes up there you've got the amount of square feet you need, right?

Morrill: correct. that's why it was 24,000 square feet of uplands

Preston: and you just know how much we love those odd shaped lots

Foote: so do we have any more questions or comments on this or do we want to... Oh, I have to ask the audience if they have any questions or comments.

Motion: Preston **To accept case #05-38 as administratively complete for deliberations**

Second: Lowry **Unanimous**

Evans: what's on the other side of 14-104?



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Morrill: 103. Every lot until you get to lot 106 is exactly 30,000 not one square foot over until you get to 106.

Footo: so if the frost heaves move a pin, the lot is no longer compliant.

Evans: are there structures on those other lots?

Morrill: yes

Preston: how many duplexes are down there now?

Morrill: a lot. We just located the 7th one I think today. They're going up quickly.

Preston: I'm sure when it's all done it'll look really nice.

Garand: it's actually starting to take shape already. It's starting to really dress up nicely.

Morrill: we need some really big trees.

Motion: Preston To approve case #05-38.

Second: Lowry Unanimous

Morrill: Madam Chair, in the next case, since I've got the next five after, if I could just move the last one in front of me so I can just spend the rest of the night here.

Footo: okay.

Preston: do you want to continue these London Lane ones first before he goes on to the next one?

Footo: let's handle some of the ones first. The London Lane ones, until we get the proper road in and Stormwater, because our subdivision regulations state that roads and Stormwater have to be done prior to lot development or you have to provide us with a site specific permit, we're going to continue 04-59, which is 7 London Lane, 4-60 which is 8 London Lane.

Morrill: from what I understood from previous applications that we've had in front of this Board, as long as the application was in front of the state agency being reviewed, it was able to allow the site or subdivision to go forward and get comments and address those issues. The application has been in front of the Board for over three months at this point. I know that we've gone in front of this Board and had DOT permits

Footo: the problem is the concern, we've already got Port Lighting out there that is in a mess. We're concerned if we go forward and possibly approve any of the other lots on London Lane, there is going to be construction out there, and there's going to be more than 100,000 square feet open without a permit. We already know that London Lane's got problems. We already know that London Lane's problems do not address proper treatment of Stormwater and our concern is potentially approving other parcels that the owner is going to go ahead and start developing it when it shouldn't be developed until London Lane is straightened out.

Morrill: we were in here just two weeks ago and told the Board that we'd be fixing the very end of the roadway. A lot of roads in town have been under construction while buildings have been being built on them. Also, back when the original review was done, Mike Fowler reviewed all the drainage for all these lots, and signed off saying it conformed to the Town's regulations. So basically what we're waiting for is the site-specific permit, we know we have to fix the road and at the last meeting with the Border Winds works session, every lot on the industrial side was approved to move forward. So I'm kind of confused as to why ...

Footo: I leave it up to the Board, but I strongly recommend that if we should consider and approve that there be a firm condition that there will be no activity on lot until site specific permit is in hand because the site specific is for London Lane and the adjoining lots.

Preston: what's the problem with the road right now?

Footo: the sewer is a foot too high and the road is a foot too low. And the Stormwater drainage does not function because of the grading.



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Preston: my personal opinion is that we shouldn't even hear them until that is at least corrected.

Morrill: we're not talking about the whole road here. We're talking about 100 feet of the road, which is the cul-de-sac at the very end. We're talking about the last section of sewer on the cul-de-sac, which is on the very end. These two lots are right as you come in the roadway which meets at the right elevation, the sewer's at the right elevation, everything is what the plan shows. I agree they can't do anything anyway until the site specific's in, they can't do any land movement until that part. But they have waited since January on both applications to even be heard. We've done everything that we typically do on an application.

Foote: but it's not this Board's fault that things weren't built to plan, it's not this board's fault that things were submitted premature before site specifics were obtained.

Morrill: we're all learning as we go. I understand. But we're doing the right thing. We submitted the site specific. These comments from the Board are back in December of 2004. You know it's been a while for these two lots to be sitting there.

Foote: so I leave it up to the Board's decision whether or not they want to wait until London Lane's repaired and site specific is in hand or whether you want to review these applications tonight.

Lowry: when do they plan on fixing the road?

Morrill: they want to get it buttoned up before the fall. They don't want to go into another winter with an unfinished road. So that's what they told me. I can't tell you that they are going to be out there next week. I wish I could.

Lowry: I'd rather hear before fall.

Preston: got my comment.

Himmer: can we review these and leave them as not approved and have all the conditions met and just not give them the approval until the road is done.

Foote: we could review them because it could be that there are going to have to be changes made upon our review and it will give them the opportunity to make the changes.

Preston: they've had their tech review?

Foote: yes, ages ago.

Preston: was part of the tech review the road at that time?

Foote: no. The road was before we started doing tech reviews. The road was almost two years ago.

Preston: how long have they known about the road?

Morrill: when we did the as built and wanted to put in insulation on the sewer line and then we got told you can't put the insulation on when we did the as-built and came in.

Preston: right there, since April they've known; they've had five months to correct things; four months to start working on the road to correct it

Foote: I believe the developer that built the road was hoping that the Board would accept the sewer line being a foot too high and the elevation of the road being a foot too low and give him good grace to accept it as it was. It was pointed out that the road also ties in with the drainage swales that go around the edge of the cul-de-sac and if things are put too low the Stormwater drainage is not going to work properly.

Preston: I'm not really interested in looking at a plan until the initial road is fixed.

Morrill: this was just a decision two weeks ago to fix the road; it's not like we've know for five months that we were going to have to fix it, okay? The road, there are a lot of houses being built on roads that are under construction throughout Town. They get building permits, they go forward.

Preston: they've probably inspected each time, right

Morrill: well what's the difference between an industrial lot, I mean it's a bigger building. It's the same, subdivision, with lots on it with drainage

Preston: that's screwed up.



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Morrill: it's not screwed up; it's just.

Foote: Tom, would you like to give us your ten or fifteen cents worth.

Morgan: I was hoping someone could refresh my memory. What's the bond status for the road itself? It probably came up two weeks ago, but I can't recall what was said.

Foote: the bond status for the road. That's one of those items that is really sort of confusing because back then, the bonds weren't tracked and numbered and filed quite the same way they are now. And it's sort of confusing as to whether the bond is for Border Winds, Randall Drive, or London Lane.

Morgan: well, there's the answer to your question Wayne. What's the difference between London Lane and these residential subdivisions roads? Your bond is up.

Foote: we don't even know if a bond even exists. It's back when they used to do insurance bonds, not site security. So probably it's expired.

Morgan: then I would agree with Mark then, given the fact that they don't have a solid bond in hand.

Morrill: I'm going to refrain from comments. I mean what about Border Winds every single house that's already built with no bond.

Preston: and that's why there's a real big problem right now.

Morrill: how many—all the roads that started a couple years ago that don't have the same tracking.

Foote: Border Winds we do know that we have \$76,000 on there because it was renewed back about eight weeks ago.

Morrill: you'll need that tomorrow.

Foote: as far as the bond for London Lane, we don't know. At the time Border Winds, Randall Drive and London Lane, all of that paper work for all of those bonds was all put into that same folder and they're all Benoit, Colliander, LLC. And they don't specify what project they were for.

Preston: who's the owner of the road?

Morrill: Border Winds Development LLC

Preston: and who is that?

Morrill: John Colliander, et al. But he's not associated with Border Winds subdivision.

Preston: If I were you I'd be in touch with him.

Foote: you'll find some names on both et al's

Morgan: I think your client has two clear choices: one he can come in with a security

Foote: or assure us that there is a bond

Morgan: of sufficient funds

Foote: it has been suggested in the past and it hasn't been forth coming

Morgan: plan B would be to get out there and finish the road ASAP.

Morrill: finish the road and come back with a site specific? Or finish the road?

Morgan: or come in next week with a bond.

Foote: or a site specific

Morrill: either one you'll let the projects move forward.

Preston: we'll look at them.

Morrill: Just want to be able to talk and not waste time every night. That's all I want to do. If that's a clear decision from the Board one or the other and I can at least present it, then I'll get

Foote: either the road has to be built to the plans; there has to be a bond, or site specific

Lowry: all three you'd make us real happy

Morrill: that's not going to happen.

Preston: do you want to continue on?

Morrill: let everyone else go because I'm sure we'll need more fun later

Foote: continue 04-59 and 04-60 until September 6, 2005. at 6:00 PM



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Morrill: that sounds great. Thank you. I'll let my colleagues Garrett and Henry go forward and push the rest to the end so I can take a rest.

Foote: next, case **05-24** Proposal by Lloyd & Joan Perkins for site plan review for 7,140 square foot industrial condominium building and parking lot, Tax Map 5, Lot 8-80.

Boyd: two weeks ago I wasn't here but I witnessed a bloody employee come back the next morning. And

Foote: you didn't prep him well

Boyd: I couldn't go. I wanted to be here, I should have been here and I had to be in Kingston and I was the only one who could do it. I have to say that I'm really disappointed with Lloyd's situation because when we were here the first time, I presented this and the Board felt that there were too many units. Which you'll notice that we lost one. The Board felt that the fifty foot no cut should be honored, you'll notice that we honored that. And we also noted that the Board and I think it was Paul had a good idea about putting all the water services in the driveway and I thoroughly agreed with him. We did all of those things and yet I had heard from a couple of people that Brad who kind of filled in for me and he did the best he could, had a rough time. I really don't want to get into this.

Foote: We weren't rough with him. He's too sensitive.

Boyd: I believe we've addressed everything that we should have. What I wanted to say about the permanent wetland markers is that we have affixed them to this site. Sue, at some time I'd like to walk through the sites that I've done recently and show you what my spin on it is. There are three that we've done this week. Lloyd's being one of them. We've done everything else. I hope that this can be approved in short order this evening.

Morgan: Henry, can you tell us what is different on this plan compared to the last one?

Boyd: nothing essentially. This one has the wetland stamp on it. We have added the wetland delineation markers. There were four things that Brad had brought back from the Board. (reads): want something on plan regarding parking spaces and number of employees. Now we don't even know what businesses are going to be in these yet and what I tried to do is go through all of the applications that had been approved by this Board for these industrial condos. I didn't see any of them with more than three for them. Some of them that the Board approved were two. We had three on each of these and we lost a unit. We've got three for each unit here. These are going to be privately owned. The buildings are big enough to park vehicles inside if they needed to. I don't know how many employees are going to be here. We don't have a buyer. And the thing that really bothered me the most is that I heard that Lloyd lost his buyer on this lot. And I felt really bad because I thought that we had done everything that the Board wanted. It was a lot to swallow to loose the fourth unit, but we did it. We also have the lighting sheet, I realized we had the wrong one before it showed four units, we have three now. I just think that we've done everything and Lloyd is a good man and he's been in this Town a long time and I really think that this should be approved so that he can move forward.

Secretary: I think if you read the minutes Henry, it wasn't the number of employees that the Board asked for, in the minutes the board asked for the number of parking spaces to be noted as limited to nine.

Boyd: supposedly that was driven by the number of employees is how I understood it.

Foote: no. it's because what we are encountering is that while we are approving these as job shops, they are not being marketed as job shops. We have several now in Town that have been sold and set up as manufacturing plant that has 15 to 20 employees. They only have three parking spaces assigned to that one unit. The people are parking on the berms to the detention pond, along the edge Ledge Road, along the driveway into it. They are parking anywhere and everywhere they can.

Boyd: I understand that. I think that's a change of use. And the regulations requires them to come back before this Board. That's a change of use.



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Garand: see, that's another point. When you come here you're not telling what the use is going to be. You're just having a building approved on that location. That's why when you come in here you're not stating what the use is going to be

Boyd: because we don't know

Garand: if you're not stating what the use is going to be, that's why we're asking for the limitation on the site for the nine cars so that we have an enforcement tool stating that if they have more than that, we can actually go in there and say you have too many cars, get them off the site.

Boyd: I don't mind that there's a condition of approval that there is only to be nine cars parked outside; but they could park cars inside.

Garand: there was no limitation on the inside. We asked for it to be stated on the plan nine cars total on site.

Boyd: nine cars on site and nine cars outside is not the same thing.

Garand: nine cars outside in the delineated parking areas and that's what was stated in the minutes. Did you read the minutes from the last meeting?

Boyd: I tried to but I thought that it was driven by the number of employees. It didn't say outside it said on site.

Lowry: we don't care how many employees there are

Footo: as a matter of fact, there was a gentleman here who is the new manager of Poland Springs and we recommended he could probably have a lucrative business of a park and ride.

Boyd: I don't mind adding that note to the plan. It's something I can do by hand or I can produce you a new sheet. I just want to get

Footo: or it could be a condition of approval.

Boyd: I don't have a problem with that. We never wanted more than what is here anyhow. And Lloyd doesn't want to mislead anybody. That's what this is truly going to be sold for is job shops. I just would like to see this, I mean I thought we had met everything. I didn't argue about keeping a unit, I told them specifically we've got to lose a unit, it's got to be smaller and we did that.

Footo: I think the primary thing that kept it from last time being approved was the sheet that showed the four units still on it.

Boyd: all right.

Footo: I think that if that hadn't been part of the package, we might have been able to work out part of the conditions of approval. Limiting it to there shall be nor more than nine cars parked in the paved area outside of the building. There shall be no parking on the lawn, there shall be no parking on the edge of the roadway.

Boyd: that's fine absolutely fine he never had an issue with that.

Footo: if and when these units go condo, we're going to expect when you come in with condo plans that note about parking incorporated into the condo plans because that's when you really run into problems.

Boyd: that they'll be designated as such. And I've even tried to do that so that there is no confusion even though it's one jointly owned thing. I've numbered them 1-1, 1-2 etc. to try to cut down on the chaos. But that's sensible.

Footo: I'm sure you understand that if it's not on the site plan and not part of a condition in the approval, when it does get abused, we can't send Code Enforcement or Police out to do anything about it because nothing says they can't do it.

Boyd: I understand. I have no objection to it. I think it makes sense.

Footo polled the Board:

Evans: I'd like to comment that I appreciate the efforts that the applicant has gone to accommodate the Board's requests. I think that the applicant should also understand that we have to take into account the recent precedents set by other places like Focused Technology and that's at the root of



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our concern over parking. Where we don't know what the final use is going to be, it's incumbent upon us in my opinion to consider the worst possible case. I think that more parking would be desirable but I understand that the applicant has the right to do with his property as he sees fit. I would also like to point out that it's too bad that a great opportunity for further commerce in the Town is probably not going to take shape due to the lack of infrastructure, that being the sidewalk, to allow people to walk from Poland Springs down Ledge Road to their place of business. That's my comments.

Garand: I'm just looking at the lighting and the lighting needs to be reduced on the west side. It's above the allowed spilling over off the lot. You've got some 1.2's

Boyd: it doesn't have to be zero at the property line does it?

Garand checks the regulations:

Boyd: I can resubmit a new lighting plan. I don't think that's an issue. Maybe redo some of the lights in the back. I hope that could be done before the building permit.

Garand: .08 Henry.

Boyd: yes, they're over. There are four of them right here.

Garand: they can just look at the candlepower on those backlights.

Footte: just put in a smaller bulb.

Morgan: it's creating light pollution on Randall Drive

Boyd: only those looking through telescopes will be able to see it.

Himmer, Lowry and Preston all said no comment.

Morgan: I think you could put this to bed tonight simply by having a stipulation saying no parking other than in designated parking spaces as shown on this plan. The second stipulation would be for Henry to fix the lighting plan. No reason to continue this any more.

Footte: any neighbors, abutters, have any questions or comments?

Motion: Evans

To approve case #05-24 on the conditions that only the parking spaces shown on the plan are used and that the applicant resubmits the lighting plan demonstrating compliance with the Seabrook regulations.

Second: Himmer

Unanimous

Footte: you'll have to tell the gentleman you sent last time that he's too sensitive. We thought we were being very gentle with him as he wasn't used to us. Then don't ever send him to Hampton.

Next we have case #05-28 Proposal by Samantha Real Estate Development LLC for a condominium conversion at 48 Belgian Drive, Tax Map 9, Lot 36-10. (plans distributed and re-collated)

Boyd: I'm Henry Harrison Boyd Jr, from Millennium Engineering. This was here two weeks ago and I guess Paul Lepere represented himself on my behalf and there were two major things the Board felt they wanted. Number one the permanent monumentation defining the boundary lines even though that's above and beyond what the condominium regulations say for the State. We did go ahead and set them. I think it was important to have them delineated. Also, we monumented the wetlands with permanent markers. I think those were the major concerns that there were and that's been done so we're hoping to get approval. I know they were set because I set them myself.

Footte: this water service serving unit two is going across limited common area for unit one is there going to be easements in the condo docs?



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Evans: this is a nice looking building and I'm generally in favor of it. There is one question I have regarding the drainage calculations which appear to show a net increase in flow off the site which is in violation of Article IX , paragraph E of the site plan review standards which says it has to be less.

Crabendam: it is.

Evans: can you explain how the existing conditions is

Crabendam: this is existing conditions are now so you subtract one from the other and that's what we had to make up. That's why we put in the leaching basins. Now you come into the proposed, developed, which is more, the increase in volume is this, leaching basin capacity, plus the pipe, plus the stone to make up for all this before it goes off the site.

Evans: so where is the bottom line? What is the net decrease in flow?

Crabendam: in conclusion the runoff will be decreased from the proposed development of the site by a system of leaching basins and pipes, storing the runoff on the site and then releasing at predevelopment rate into the existing catch basins.

Evans: so the net increase is zero.

Crabendam: that's right. That's at 50-year storm rates.

Evans: and the only other question I had that wasn't answered was the width of the travel lanes. However, it's my understanding that since it's a one-way, that half of the travel lane width specified in the Zoning Ordinance is acceptable.

Footte: I believe so, yes. And primarily the travel lanes are for parking areas?

Morgan: I can attest to when that zoning provision was adopted the intent was to measure the space between two rows of parking.

Footte: so if you have a place like Wal-Mart you have room to back out without backing into the guy behind you.

Preston: you have 16 feet around it

Evans: and it looks like the parking out front meets that so I have no further comments

Footte continued to poll Board.

Himmer: looks fine

Lowry: no comment

Preston: hopefully improve the area

Morgan: fine

Footte polled neighbors, abutters that have questions or comments?

Chase: I have one question, when this plan gets approved, it's calling for an eight-foot fence in the rear. Can you clarify for me if I put two feet of earth and a six-foot fence is that satisfactory or do I need an eight-foot fence?

Preston: what's behind it?

Crabendam: there is a berm planned there.

Preston: but what's behind that?

Chase: a mobile home

Preston: I would suggest sticking to the plan of an eight-foot fence.

Secretary: I would too only because a neighbor came in today and asked to see the plan and specifically asked if the eight foot fence was going to be there.

Crabendam: so your berm will be inside the fence.

Footte: I would definitely go along with the eight-foot fence.

Crabendam: I think Fran was just thinking that we had a berm there anyway and that would raise it up.

Preston: no, he was thinking about cost



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Chase: you're absolutely right.

Foote: so we're ready to take action on this. There are going to be some conditions with it.

To approve case #05-30 with conditions previously read by secretary (incorporated here): 1) The waiver for proposed fixtures is for current plan only; any new lights require site plan review by Planning Board. 2) A copy of monthly inspection report of storm drains be sent to Town of Seabrook Department of Public Works. 3) Any change of use in units from office use requires Site Plan review. 4) Lighting standards apply to approved plan only; changes to lighting require site plan review. 5) Escrow **\$20,350** (\$15,000 for curbing; \$2,500 for riprap outlet; \$1,000 for as-built and \$1,850 maintenance.) 6) Waiver for wetlands granted.

Motion: Preston

Second: Lowry Unanimous

Paperwork signed by Chair and owner.

Plan set on tripod for next case.

Foote: case #04-61 Proposal by Border Winds Development LLC to erect a 24,000 square foot industrial building 103 Ledge Road, Tax Map 5, Lot 8-120.

Wayne Morrill, Jones & Beech Engineers: I don't think this project ever went through on the checklist because it was reviewed back some time ago. But the revisions that were asked for back in those days, we did revise the plans and we recently revised them again per the chairman and the technical review committee. If you are not familiar where the site is, this is just east of Poland Springs. Poland Springs is a little bit further down here. This is just as you are starting to go over the crest of the hill. Looking at the contours of the existing

Preston: same side of the road? On the slope?

Morrill: you can see all the slope of the land right here and then it just drops right in. It's the one closest to Cimmarron Apartments.

Foote: question before you proceed any further. A month or so ago, the Conservation Commission reviewed a dredge and fill application for this site that included units in that section out back? Have you decided not to go forward with those units?

Morrill: at this point this is the only proposal that we're moving forward with. If the developer decides to go for the rear, we'll be back in front of the Planning Board to go for a building out back but at this point, this is all we want to do.

Morgan: where is out back? (Morrill points to another section on the plan)

Garand: one thing I have to point out, when this subdivision was approved, it was stated that London Lane would be the only impact to wetlands and that there would be no future or further impact to wetlands.

Morrill: I understand. That's why it's not part of this proposal.

Garand: at the same time, I personally, or the Town, doesn't feel that your impact on this site past the original subdivision that was approved and that was part of the conditions. You're looking for more than what was approved at that point.

Morrill: I'm not asking for that tonight.

Preston: but you will be

Morrill: not tonight.

Preston: we've got to think about future development if we're...

Lowry: in the future how would they access the back?

Morrill: they would have to do a roadway that would come off here and go into this back land and an access easement through this lot to get out to the back. There's enough frontage on this lot that it could be split into two lots similar to what was done for Carbone & Karpenko. Like Sue and Paul just said, it's all about a wetland permit and if it can't be done then we won't be here. That's why we're not here tonight



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with any impacts because this is the only thing we can do by right that the Board is allowing us to go forward on.

Preston: is this one single unit or is this a condo type?

Morrill: this is one building that will be leased out individual units for the whole thing.

Preston: how many units are in there?

Morrill: twelve units. Basically it's a step-building. Every time that you go four units, you can see on this plan it steps down two feet in elevation so what we tried to do is step it down to save some fill and it actually makes the sewer work by gravity from the back. One of the comments from the tech review was to get all the utilities into the driveway so we modified the utilities so that everything is in the driveway now. So there won't be anything but what's going on to get into the entrance. The reason we're so far down with the entrance here is this is all slope so we had to bring that driveway down so we're not filling the entire site out. You'd never make it.

Lowry: so is this like one big job shop?

Morrill: it's the same type of things, you know your electricians, I think he's gotten some interest from municipal people also that have vehicles stored there and stuff like that.

Foote: I notice that it does have additional parking.

Morrill: we have 74 parking spaces for 12 units. So what our goal always has been for these things is have a minimum of three, because you've got one worker, one office person and one person that might come to the shop. So that's always been our goal to have at least three per unit.

Preston: I understand that area's all zoned industrial and everything, and I think it's great that it's being developed because it's going to help the tax base, but as you drive up Ledge Road now, it seems that all the developers that are coming in there, or property owners, and putting these buildings up are putting up the cheapest junk they can, metal buildings, to make the quick return buck, and condo them out and get rid of them. I don't think, we should be looking for good clean businesses with nice looking buildings.

Lowry: like a Poland Springs

Preston: Poland Springs did a beautiful job on theirs. You wouldn't even know it's there unless you know it's there.

Morrill: this building is going to have a split-block four-foot high wall around the entire thing. You're right, the buildings out back there are shipped in from Kentucky, they're the cheapest models you can make, and they slap a refrigeration unit on the side of it and walk away. This building is a little bit different because he's trying to put a little bit of flair to it to attract a little different customer.

Preston: it's still going to be a metal building?

Foote: didn't you just say this is a step down building?

Morrill: yes. This is not a true depiction. This actually steps as you come down. We didn't modify the architectural but it's going to step every two doors.

Garand: are you planning on condoing it?

Morrill: in the future I believe that we will. That's why. I'm not quite sure how the developer is planning on doing it whether he's going to do individual ones. I know my next applicant has already talked about coming in with a condo plan, that's why we had to go back so that all the utilities are shown exactly for that condo type of thing.

Garand: the reason I'm asking is I notice it has one water main going in which loops around the structure. So if they were to condo, they'd have to dig up the whole site and put individual feed lines going into each unit because it would be individually owned at that point with individual water bills.

Morrill: basically what happens Paul on this one is the water line, this is the sewer so the sewer goes to each individual unit but the water and electric go into the utility building and then it would go underneath the floor of the building.



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Morrill: I think that's more for like the address of the actual business like 103 Ledge Road so the Fire Department and people that are coming, not many of these businesses have people that are coming as customers, they're more like where's my business and where do I get my services from the municipality.

Evans: do you recall what size building was used to block out the traffic study for this particular lot?

Morrill: I don't know. I know that all the lots, what we did on that traffic study is we did all the maximum amount to the wetlands so if we did ever come back, and went out back, we'd have to get a letter from our traffic study consultant saying that it wouldn't impact any further traffic.

Evans: can you tell me where does the driveway sit in terms of the crest of the hill there?

Morrill: on the grading sheet you can see it a little bit better. The crest of the hill is right here (pointing to plan) so it's just as you are starting to come down. See the grading here, this is where it starts getting pretty steep coming down. So it's just as you are starting to come down the hill.

Preston: I'll tell you when the time changes and it's seven in the morning, driving up there, that's a dead blind spot going up that hill you're driving blind into the sun.

Morrill: because of the sun rising right there at the edge

Preston: I don't think there's much you can do about it, but it's a dangerous spot.

Foote: I have a question about the entrance. I notice where you have your topo lines, you don't intend to cut but anything where the driveway is correct? Are those grading lines?

Morrill: those are just grading lines. Not unless we put a retaining wall there and put a guardrail on that edge.

Foote: no-cut zone is no-cut zone except for the driveway

Morrill: this is part of the driveway to get the driveway in because this is on a slope so to get a driveway flat to come in, you know. We can't have a driveway that comes in like this (making a sharp sloping sign with his hand). It's up to the Board. If we need to do like a little architectural block right there.

Foote: so you are saying that you are going to clear cut to the driveway south to the property line to do grading in that fifty-foot no-cut zone.

Morrill: and what I'm saying is that if it's a recommendation of the board

Foote: that's what's proposed on this plan is to clear cut and grade for the driveway

Morrill: let me finish. If it's a recommendation of this Board to put in an architectural block wall at that section and put a guardrail at the top of that thing

Preston: that's another classy thing, a rusty guardrail. That looks nice.

Morrill: well, those are core 10, it comes in rusted already so that it never rusts. I mean that's my only two options because I am on a slope and I need to come in flat to be able to make sure the truck. I can't bottom out a truck when it comes into the thing. So either I have to clear a little bit more to make that flat or I have to put in a little guardrail.

Foote: so the answer to my question is yes.

Morrill: yes I am clearing more than what is recommended.

Garand: also one thing you might want to look at is the sidewalk in this area. As we pointed out last time there's been a lot of walking in this area. A lot of office impact. And they are all taking their afternoon coffee break walks on Ledge Road and there is a large amount of foot traffic.

Evans: if they want to run with the big dogs

Garand: if we had the case on Weare Road look at sidewalks, we should have this case look at it

Morgan: I've always been in favor of sidewalks on this road. I was a minority voice.

Preston: I'd love to see sidewalks. It would be a nice start.

Ron Fudge, abutter: could I make a comment on your sidewalks. I have my piece over on Whitaker and they made them put sidewalks in and it's an industrial and having people walk and their kids come into an industrial zone walking their kids is not a really safe thing.



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Garand: it may not be a safe thing, but at the same time it does happen.

Fudge: but nobody ever came down that road until those sidewalks were opened up because I was the only one there. So now you have people who come there. If they had no sidewalks to get there they'd go down the road

Garand: it's probably going to increase with the new housing across the street so it's better to have a place for people to go than not

Preston: are you the one that has all the equipment in the cul-de-sac down there on the t-bone at the end of Whitaker?

Garand: no he's on the right hand side as you go down the old boat shop

Preston: the big metal building?

Foote: let's get focused back to this. You guys said you wanted to get out of here early.

Morgan: is this plan in any change setting from the last time the board viewed it?

Morrill: yes. There were comments from the technical review that we adjusted the utilities so that they were in the roadway itself. Pretreatment of Stormwater. All the catch basins have sumps and grease hoods and inside the swale we've created stone check dams that will be permanently in the swale to remove all the sediments in through the swale. We've added a note above on sheet no. 2 that "parking is limited to the number of spaces on this plan. Any changes in the units require more than allotted spaces will require site plan review from the Town of Seabrook Planning Board."

Garand: excellent

Evans: you should make a note of that note to tell Henry.

Garand: is there a testing manhole for the sewer?

Morrill: there is a test manhole. There is actually right on the property line.

Morgan: back in December there was some questions about whether the Town had access to the drainage easements. I don't recall which drainage easements they were talking about. I can't see the plan very well from here.

Morrill: I've got about twenty things of comments so to which one are you referring?

Morgan: how many drainage easements are on your site?

Morrill: there's one drainage easement that's shared by this lot and the one next door that's owned by Mr. Fudge

Morgan: can you point it out?

Morrill: it's on the west

Morgan: and who is that easement in favor of?

Morrill: it's in favor of Mr. Fudge on Mr. Mitchell's BorderWinds LLC

Morgan: so we don't have a situation in which the Town would need to gain access to it?

Foote: the Town should not be responsible for maintaining any of this Stormwater drainage. That would be the owner of the site's responsibility.

Morrill: I think the comments you are referring to Tom were in response to the unit of the site plan that's on London Lane that has a drainage easement that comes through Mr. Evans' property.

Morgan: okay. Other note I had from way back when was that Mike Fowler recommended a bond of \$24,500.

Preston: is that with or without sidewalks?

Morgan: I don't have a copy of Mike's. That's without we didn't have sidewalks back then.

Preston: what would we add for sidewalks then? What's the frontage?

Foote: also comments from way back, fire department will require sprinkler and fire alarm system underground conduit for fire alarm

Morrill: those notes were added to the utility plan



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Footo: (reading from prior comments on site) DPW concerned about how this proposal might impact the entrance to Poland Spring's facility, the existing poles shown on this plan should have the numbers called out to facilitate locating this proposed building in the field; comments by the ConCom is already mentioned about the no-cut zone and the driveway expanding and cutting the no-cut zone for the grading. Sewer needs sample manhole, what's the depth of the sewer service; note sewer service exit from SMH #10.408

Morrill: that original proposal we had a force main in the entire thing and I think it was some of the comments from both Paul and Warner that we could gravity if we really tried hard and that's what we did. So we added the sample manhole and everything.

Footo: (continuing to read): Warner said use the existing 6" water main already on the lot?

Morrill: yes.

Footo: and, what's the gallons of water use per day?

Morrill: it's listed on the plan; 495 gallons per day, which is 15 gallons per day per 3 employees comes out to 495 gallons per day [actually, it comes out to 540 gallons if there are 12 units; the 495 must have been for 11 units!]. I was pretty sure we had it listed on the plan, but I don't see it. Something I can add to the plans, if the Board would like.

Evans: is there going to be any landscaping on this site?

Morrill: no.

Preston: the fifty-foot cut zone is landscaping.

Evans: don't have to worry about watering that.

Lowry: can you move the snow storage?

Morrill: are you serious? Why?

Lowry: because what are they going to do with the snow when they access the back?

Footo: if and when you should access the back, is there an alternative on this site to be able to move the snow storage to?

Morrill: we'll have to depict that

Morgan: yeah, the fifty-foot cut zone

Garand: one thing about the snow storage being in that location is that it impacts the wetlands too with sand and salt

Morrill: the snow storage is in this area that's not wetlands here

Garand: it abuts wetlands; wetlands surround it

Lowry: and then when you put the road through

Preston: that salt kills wetlands

Evans: things change over time

Preston: salt and sand run down, fills them in and then you can develop it

Footo: the proposed bond of \$24,500 does not include sidewalks. It does include granite curbing. 800 linear feet of granite curbing

Preston: that's inside, what's the frontage Wayne?

Morrill: 254 feet

Garand: what's the granite curb cost for the project?

Preston: 20,000 for 800 linear feet date almost a year ago

Morrill: can I just make one comment about the sidewalk out on Ledge Road before we go any further just so I get it out. If you do decide to put a sidewalk there that the trees do go in and out through that area if you add more level spot off the edge of the gravel shoulder that's currently there, you are going to change the hydrology of Ledge Road because now the fill is going to go in further and you're potentially going to take out some of that trees



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Foote: that was one of the discussions several years ago when we first started discussing sidewalks on Ledge Road was that it would require a dredge and fill application because where the drainage runs down the side of Ledge Road, that entire area is wetlands.

Garand: not this area Sue, this is at hill side, isn't it, which is level. You also have the proposed courthouse is going on Ledge Road for the next two or three years they're talking about. So it's a good thing to have the sidewalk going out there and if the Town can install it down hill

Foote: where's it going?

Garand: undisclosed

Foote: I read it in the paper that it's supposedly going on Ledge Road. Then we'll have a parking problem there also

Garand: no, the site can use that. But it's still a good thing to look into

Foote: so that's why a certain manager was in here introducing himself to us all last meeting.

Garand: I can't say.

Morrill: at this point you already have a couple of site plans, like 70 and a couple other ones that have been approved that don't have a sidewalk, so you're going to have pieces of sidewalk.

Garand: it's a good thing this plan ran out so we could fix that

Morrill: so you can have a sidewalk here and a sidewalk there

Foote: I'm not concerned about sidewalks. What I am concerned with is bits and pieces and segments of sidewalks. Sidewalks that may get built into what is now considered the breakdown lane. Areas that are going to need considerable fill to make enough room for a sidewalk that is going to move the drainage swale and is going to require the Town to apply for a dredge and fill permit to be able to put in those sidewalks and as he said, cutting further into the no-cut zone.

Garand: or do you want to have money applied to an escrow account for sidewalks for Ledge Road?

Morgan: plan B sounds attractive.

Garand: then when the Town does the whole of Ledge Road they can actually utilize that money

Preston: and start at the most appropriate place other than in the middle of nowhere

Foote: so it would be a non-typical account in that it would be an account dedicated towards sidewalk but it would not be like an offsite impact that if you don't do it in six years the money gets given back.

Garand: just dedicated to sidewalks only.

Foote: is that feasible?

Morgan: Sue brought up a good point. They might argue that it's subject to the six-year ruling, but if the Town and development going on on Ledge Road can't make something happen within six years then it probably doesn't deserve it. I think six years is enough to make some improvements out there.

Foote: we thought Border Winds wasn't going to last six years.

Morgan: I like Paul's idea and here's the reason why. You don't end up with the sidewalk that goes nowhere. Before the six years is up if you still have money in the escrow, you can simply start the sidewalk in a logical place and build it as far as the money will take you and then after that you're talking CIP or something.

Garand: don't limit it to just in front of this location. Just put it as Ledge Road sidewalks.

Morrill: get Henry back in here and make him do this too since he just got his approval?

Morgan: that was before.

Foote: that'll teach you to let him go before you

Garand: it was a smaller lot and there was a drainage swale down there; fewer people too

Foote: let's see if we can provide some instructions as to what we require or would like to see

Evans: I suggest we ask the Town Engineer to determine an appropriate amount to be held in escrow for the Ledge Road Sidewalk Construction Fund



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Motion: **Evans** To ask the Town Engineer to determine an appropriate amount to be held in escrow for the Ledge Road Sidewalk Construction Fund

Second: **Preston** **Unanimous**

Preston: can you make a conditional approval on receipt of that money?

Evans: we still have to resolve the water shut off

Preston: no, I'm just asking.

Morgan: yes you can. What was the other issue?

Evans: it doesn't make sense to have twelve lines; they're going to shut one off and see who yells

Morgan: you can resolve that because the condo regs are subject to waiver by the Planning Board. What you can decide tonight is to just have a policy for these large projects or something like the hotel or something with 12 units

Foote: right now we're considering it as a single owner therefore there only needs to be one shut off

Morgan: if Wayne were to draw in an easement from Ledge Road into where a logical place for a shut-off would be giving the Town employees' access to that site it would solve the problem.

Preston: that really doesn't affect us at this point until he comes in with condo docs but now he's got the heads up on it so there shouldn't be a problem

Foote: we still have to resolve the issue of the driveway and cutting and sculpting the earth in the no-cut zone

Evans: is a more easterly driveway entrance an option there or can you describe the technical issue?

Morrill: it drops on a 3:1 slope off the edge of the roadway so if we tried to put a roadway in there it would need more clearing than what is currently proposed because now we'd have to come out and really open it right up to get the slopes to come down into the site. We picked the spot that was low enough down on the site that we would try to minimize the grading required.

Foote: would you flip up to the next sheet please.

Morrill: if you came in here (pointing) then you really have to open this up to bring that road down in

Morgan: Sue, what would you like to see, how would you like to see them handle the no-cut issue?

Foote: I don't know. I know we just beat up Henry on trying to cut into the no-cut zone beyond driveway. I think it's only fair that we exercise the same standards on all of these lots. If it's no-cut except for driveway, it's no-cut except for driveway.

Morgan: but, the owner has the right to develop the lot and given that right, what's the most practical way of addressing access here?

Garand: retaining wall

Foote: if it requires a retaining wall, it requires a retaining wall as opposed to cutting the trees and sculpting and grading the land.

Preston: how much are you talking about cutting into it?

Morrill: well, let me just look back here to see. A twenty-four foot driveway coming out, that's twenty-four feet and I'm taking by twenty-feet

Foote: you're cutting on both sides?

Morrill: I've got twenty-four so max the total is fifty feet wide.

Morgan: I've heard this proposal for a retaining wall. Is that something you can engineer?

Morrill: it's going to require a guardrail that's going to stick out

Morgan: we've already heard that the guardrail is not attractive; do you have an alternative to it?

Morrill: no, because any time you go for a drop that's more than seven feet at a 3:1 slope or anything greater than that over three feet requires a guard rail so it automatically

Morgan: can we come up with something more attractive than a guardrail?

Foote: you can do an attractive stonewall that has the name of the place dropped into it



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Morrill: I can put that in but I'm going to have to take out all those trees to put this in.

Preston: might not be able to put it in then, huh?

Morrill: if you want this attractive stone sculpture or something, we'll be clearing a lot of the land to be able to fit the stones. On a driveway you go two feet back and there's a guardrail and I can go another two feet and I could have an architectural block wall to try and minimize it

Foote: so it's high on the east side and low on the west side?

Morrill: that's correct.

Foote: so you could do a stone wall on the east side and not have to cut excessively into the trees?

Morrill: oh, yeah. On the east side, yes, I could put a little stonewall right here and get rid of that all together.

Lowry: then you wouldn't need the guardrail over there?

Morrill: that's going uphill so it warrants a guardrail. This is just grading a 3:1 slope for the driveway to go in. That's the only reason that it's shown like that. If you guys want a guardrail right on top of that thing, we'll put a guardrail and we'll put an architectural block wall behind it. We'll engineer it out.

Preston: I'd like to see something that looks decent that people have an investment in the community.

That you don't drive up there and say oh another crap metal building with a rusted guard rail out front that looks like junk. I think you can come up with something better than that and I think there is something out there without affecting the no-cut zone. There has to be.

Morrill: like what?

Preston: I don't know, you're the engineer.

Morrill: I could drive metal piles to support the road, you've got to clear some room to put those in and it's going to look like rusted metal; I could do architectural block but every time you come in going east you can see this architectural block wall with a retaining wall on top; I could do architectural block wall and stick big huge stones, but the minute a tractor trailer comes down and hits one of those rocks, he's going to pop right off that little slope. You guys already said there's some bad sun that comes that way. I think the best thing that we can try to do is have a gentle slope that goes back down to natural so that it isn't an eyesore.

Preston: but part of the regulations is that you don't cut, right?

Morrill: only for your driveway and our driveway is being graded to be able to go into the site

Evans: isn't it better to have the tractor-trailer go into the woods, though? Or down a gentle slope when he misses that turn?

Preston: Guardrail. I'm just thinking of esthetics on it.

Morrill: that's why we did it with that little area right there. It is a driveway, it is our access so we were just grading out our access. That's it. And to be able to make the grade because we are on the side of a slope like that, we had to cut a little bit. We could replant that whole area, but that doesn't get away from the no-cut. If you wanted landscaping we could throw a bunch of spruce right on that corner and fill it right back up.

Evans: hemlock?

Foote: we know it grows well up there. I'd feel a lot better about it, if the intent was to replant the area

Morrill: I'd rather have it this way. If that's the case, we'll spec out spruce, something that's going to stand up that will be green all year long right on that slope, right in through this whole pocket so you don't even see.

Evans: is the sign in that pocket Wayne?

Morrill: I've actually got some trees on that Peter. So we'll put some nice spruce around that and just clean it up.

Foote: they were going to put a sign in the no-cut zone anyhow

Morgan: and they're going to take the trees down so you could see the sign



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Lowry: and then replant them

Morrill: there are no trees there anyway

Lowry: so if you did the plantings with your sign on one side, could you do like a stonewall on the other side?

Morrill: we could.

Lowry: I'd be happy with that.

Preston: I understand the intent of the no-cut but if it comes down to realistic turning in and out and the slope

Garand: if you're going to make it so no one else puts another structures in the no-cut zone, and then relocate the sign out of the no-cut zone.

Morrill: that should be fine

Morgan: where would the sign go?

Garand: he has a fifty-foot cut in there. We made Henry do the same exact thing on the last site.

Morgan: put the sign fifty feet back?

Garand: no put the sign within that fifty-foot. We just made Henry move all the water lines and everything out of that no-cut zone.

Morgan: you've lost me Paul, where is the sign actually going?

Garand: the sign is actually on the slope going down, isn't it?

Morgan: and where are you proposing the sign to go?

Garand: out of the no-cut zone area. He has to replant it after he slopes it so you don't want the sign...

Foote: right on the edge of pavement of the driveway

Morrill: a little tight?

Garand: put it up on top of the rock wall you're going to build on the side there or something like that

Evans: it's right on the driveway there

Morrill: how about we put it as close as possible

Preston: build it into the wall

Morrill: we'll do something so that it's tucked up right against the driveway. Because I don't think that if you have a sign up against the building, fire and safety is going to be able to see that. You need something so they can actually find the building.

Evans: so on right there....

Morrill: right there (drawing in red on plan) and this will be a stonewall.

Lowry: you want to pick the stone?

Evans: I thought we agreed on ugly stone.

Foote: no this can be nice because it's going to be big enough no one will steal it hopefully

Evans: so we've got the sidewalk escrow,

Preston: we're going to have to wait for calculations on that

Foote: and he's got to redraw the plan as far as

Evans: the stonewall and replanting the trees and relocating the pylon sign and the access

Morgan: when can we continue it?

Foote: September 6?

Morrill: this is kind of a minor change isn't it? to go another whole month just to add in a couple trees?

Foote: want to squeeze him into the 16th? Because we have the Public Hearing on our subdivision regulations also. That's going to go I expect at least an hour unless we zip right through it and everyone agrees.

Preston: this is really dragging on now, over an hour.

Morrill: can we possibly do a conditional approval on those couple items?

Foote: cannot do conditional that are judgment calls.



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Morgan: somebody pick a date

Foote: I say September 6 because we're already crammed up on the 16th, plus we have a public hearing on our subdivision regulations.

Preston: sounds good to me, September 6th.

Foote: received a signed extension on 7/6/05 that's good for 65 days. No 90 days.

Preston: 10/6

Foote: so if we don't approve you on September 6th...

Morrill: we'll extend it; we're good like that.

Preston: that should be a pretty quick approval if everything's done

Foote: and as soon as we get the letter from Mike specing out the costs of sidewalks, we'll let you know so that you can add that in

Secretary: are we going to get something to give to Mike to spec out the cost or am I supposed to give him this plan here?

Morrill: he should be just specing out any linear foot of frontage for every single use down there, he should have a set number of what a linear foot of sidewalk per your frontage of every lot.

Foote: let's have him spec out cost per lot on Ledge Road so that when it comes up in all the future lots we'll have the information. Some of the lots are corner lots on Ledge Road and London Lane.

Morrill: but London Lane has a sidewalk

Foote: but the corner that butts on Ledge Road

Preston: let's move on

Foote: this is case #04-63 Proposal by Fudgit LLC for a proposed 14,400 square foot industrial building and condominium conversion at 99 Ledge Road, Tax Map 5, Lot 8-110. This is the one that the drainage easement goes up into the other one? They're side by side.

Preston: so this is next to Karpenko's building actually?

Morrill: yes.

Garand: have you guys ever thought about joining the driveways together?

Morrill: we did. It'd be great if both users went at the same time and just had one big sprawl of construction going at one time and just sealed it all off. But that would be quite a, then you'd have..

Foote: well, if you butted this driveway up against that driveway; even if you put a guard rail between the two of them to separate you go this way, you go that way because I see you've got the exact same cutting back into the no-cut zone on this as on the other one. This even appears that you're grading for the lot in the no-cut zone.

Morrill: I've got to find the no-cut zone.

Lowry: how much smaller is this building?

Preston: 10,000 square feet

Lowry: you've got more units in this one?

Morrill: this is 12 also

Lowry: same thing?

Morrill: smaller units

Foote: crank that up a little bit closer please

Morrill: you're correct Miss. That grading is there on that edge. I can't tell if it's

Preston: would regulations prohibit them from joining the driveways and putting something down the middle?

Foote: no, actually on Route 1 we encourage sharing driveways.

Preston: a small island?

Morgan: no regulations...

Evans: you wouldn't even need an island would you?



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Lowry: we don't want the rusty guardrail.

Garand: can you build to nice stonewalls out there?

Foote: a lot less impact

Preston: a lot less impact to everything.

Foote: hey, guys, it sounds like we're actually planning

Lowry: and then you can put the signs on the other side of the stonewall

Morgan: and you'd have one less curb cut on Ledge Road.

Garand: and more side walk

Lowry: they could share the expense of the sidewalk

Garand: comes out the same, same frontage

Preston: what do you think about that Wayne?

Morrill: it would take two different lot owners to get together and sit there and agree to do something like that

Foote: do these lot owners want their plans approved?

Morrill: I have one in the audience tonight who had it approved a while ago and we're back here because it expired so, we're in year three right now trying to get it back in order so we can go forward. To go through and change it all to one driveway, it could be done.

Preston: I'm just thinking it could alleviate a lot of problems for both. Because here you're into the no-cut zone again. It would alleviate the problems on both lots.

Ron Fudge, Fudgit LLC: it was approved, we had no problems with it, we met all the conditions all it was a technicality, we missed the date. It was an honest mistake.

Foote: it was an honest mistake of the Board three years ago that they didn't notice that you were cutting and grading in a no-cut zone.

Fudge: I think it was addressed because we came in a couple times and had to make a couple different changes and I met with Bob

Evans: the former chairman Brown?

Fudge: and then I came back in and it was approved right away. It was a mistake on my part not to have an extension done.

Foote: it was a mistake on the Board's part three years ago for approving allowing you to cut in a no-cut zone

Fudge: how do you want me to solve it without doing this common driveway because first of all you're talking, it's a money issue, it's going on three years, interest rates are rising, it's costing a fortune and I don't know. You're saying to go back to a common driveway. You're joining two pieces

Foote: common driveway or not, I personally am not going to vote in favor of this with the grading that you have along the side that grades and cuts into the no-cut zone the whole length of your lot where you're paving. And up on the other edge

Fudge: we'll just wall it in; we'll do a pre-manufactured wall.

Lowry: do you have a picture of the building Wayne?

Fudge: joining lots; that just turns into a whole legal nightmare. You're got to join two separate companies together, engineering costs...

Foote: we're not asking you to join lots; we're asking to share a driveway

Fudge: which would mean, technically would be

Preston: your driveway would be yours; his would be his, side by side

Foote: two side-by-side driveways

Morgan: how would that be different from the drainage easement you're sharing?

Fudge: you're doing the same access, we're using the same



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Foote: we're not saying the same access. This is your property, this is Mitchell's property, this is Ledge Road. Mitchell's driveway goes here, your driveway goes here. That way you only have to affect the no-cut zone here instead of here, here, here and here. (Foote draws on a piece of paper.) You're already sharing drainage easement into his property and he's sharing easement into your property. So you're already sharing easements across for drainage.

Fudge: right. Which has already been done.

Morrill: the only thing I would like to do is have a little separation between the two driveways as they come in just because they're at different elevations.

Foote: and that's where you could put the sign for both businesses because it's going to reduce the amount of cut that you're going to do because you're pulling them in closer.

Evans: it would appear to be that way.

Morrill: if we slid this driveway up a little bit right here in there then these two driveways would be right next to each other and there would be like an island in between.

Evans: we would have to waive the driveway regulation separation

Morgan: that we can do

Preston: put a small island in between them right on the line

Morrill: there will have to be a little bit of separation because there might be a few feet but then we can replant that and put in the sign and put it in the island

Preston: I think it will eliminate a lot of the Boards' concerns: Sue's concerns on the no-cut and just the ridiculousness of these walls and metal guardrails. I think this would do it for me anyway. I can't speak for anyone else.

Fudge: why weren't we told this before? I don't understand?

Lowry we haven't had any presentation of this since...

Preston: yours was developed prior to Mitchell's right?

Morrill: right, Mitchell just had his application submitted back in December of last year and this one was approved back

Preston: it was a lot different back then when it was the only piece of property being developed and that's when it was approved before Karpenko, right

Fudge: same night because I had to come back because they wanted something changed.

Preston: you snooze you loose, huh?

Fudge: big mistake

Foote: and the past Board made a mistake by not catching the no-cut intrusion for all that grading.

Preston: are there any other problems that you see with this?

Foote: outside of the same caution that if you plan on doing condo in the future, make provisions now when you lay the lines in, for

Morgan: clarification. We're not looking at a condo plan now are we?

Garand: it's labeled on the public notice as that isn't it?

Foote: it's labeled as a condominium conversion but we had to do site review before the condo conversion because you can't condo convert a site plan that has expired. So this is site plan review knowing that it is going to be backed up immediately with condo conversion

Morgan: the reason I want to get the record clear is because the initial application that came in was very confusing. It had site review and condo. So I want to make sure the minutes are clear tonight what's being proposed.

Morrill: we had two applications go in. This is site plan because we can't have a condo without a building.

Lowry: what do we have for parking?

Morrill: 62 units

Garand: same note?



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Morrill: that note was not put on but we can add that note from 120.

Garand: is there a lighting schedule also?

Morrill: I believe when the original application came in front of the board it was a waiver we requested to have just the sundowners on the actual building itself and we didn't propose any lights, but I'll look back at the original application and make sure.

Evans: I would like to see a photometric grid just because we caught Henry with a little hot spot on the last building.

Garand: on the last building is there a photometric grid also?

Morrill: yes there is.

Garand: what are the numbers at the parking lot? Anything over .5?

Morrill: 00 or 0.05

Foote: this is twelve units, you say?

Morrill: yes

Foote: the previous one says it's ten units so there has been a bit or redrawing

Fudge looks perplexed. Foote continues: "Mr. Fudge told the Board there would be ten units."

Morrill: so, it has been modified.

Foote: August 20, 2002.

Preston: we have the original plans so we can look at it right?

Fudge: I'm going to be retaining probably half that building for myself; the six units. The reason for the condo is to keep the mortgage down a little bit.

Foote: the approval motion to waive the photometric grid on the condition that only 250-watt sheltered or shielded lights. Foote continues to read from original notice of decision. Bond \$45,000 for lighting, as-built drawing and construction of (can't read). Typing errors to be corrected. 50-foot storm.

Preston: also we should get a calculation on sidewalk for his bond.

Fudge: are you going to require that from any other developer any place in town?

Preston: sidewalks are required.

Fudge: you're going to have to cut trees in the no-cut zone to put sidewalks in. It's a big problem for me to want to cut a few, but you want to cut a whole bunch to put a sidewalk in.

Preston: not necessarily

Morgan: sidewalk could be in the town right of way

Fudge: but there's trees there

Morgan: but it's not a no-cut zone; the no-cut zone is 50-feet from your property line in

Fudge: I'm saying there are trees in the way

Preston: also they aren't going to start with that money that's put up they're not going to start in front of your project putting in sidewalks. They are going to start at one end or the other.

Fudge: and then run out of money and not finish or is there a guarantee I'll get sidewalks?

Foote: well, hopefully they'll get to your frontage before they run out of money

Preston: you're going to have to, there's no guarantee

Fudge: if I'm paying for something it should be in front of my building shouldn't it?

Preston: well, maybe we'll make you put it in then

Fudge: that's what I'm saying. You're making me put the money up shouldn't I get some type

Evans: if you'd prefer to put the sidewalks in

Fudge: I'm just asking. I'm just asking a question. I'm a little bit frustrated.

Morrill: just do the escrow and eventually you'll have sidewalks, trust me it's better that way.

Foote: we need to continue this because it needs some redrawing.

Preston: the sixth the same as

Evans: I think it makes sense to do the two at the same time



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Preston: he's got to check with his other client also, I'm sure.

Foote: I think his other client will be agreeable.

Preston: I would think.

Lowry: seeing as he wants to go to the back someday.

Morrill: big sigh.

Foote: so continue to the 6th of September. You know what we need and want to see on this.

Morrill: I'm pretty sure.

Fudge: let's make sure.

Morrill: I'm all set.

Preston: if he wants to do sidewalks, we'll let him.

Morrill: I don't want to do sidewalks.

Foote: no because then the onus of paying for the dredge and fill permit from the Town and waiting for that permit to come in before this project can begin, I think you can enlighten him.

Foote: correspondence. Local grant program.

Preston: there's something from Jones & Beech, umm.

Morrill: I'm leaving.

Foote: we'll see you at the meeting tomorrow night at the fire station?

Morrill: yes. I look forward to it.

Foote: Letter from Jones & Beech Whitaker Way bond reduction. Foote reads letter requesting final draw down of \$51,000 cash bond except for 10% maintenance bond being held for two years.

Preston: has that been signed off from all the people that are supposed to sign off on it.

Secretary: no it has come here for the Board to request the Town manger to request the department heads to inspect.

Morgan: somebody make a motion

Motion: Preston **To request Town Manager to request the Department Heads to inspect Whitaker Way for a reduction in site security.**

Second: Lowry **Unanimous**

Preston: do you have to do that by motion every time? Where does the state law say that if I want my bond reduced that the PB has to do a motion. Why don't we cut out the middle guy here?

Morgan: good point. I'm not familiar with the law.

Preston: just have the people write a letter to you, the Planning Board and you hand it to the Town Manager and say, get this done for us and then have it come in front of us.

Secretary: we talked about doing that but we don't know what the regulations are governing that because it's a condition of approval that a bond be in place. So if it's a condition of approval, and they want to reduce that bond, do they have to come to the Board so that the board is aware that

Preston: I understand the final reduction of turning back the money for us to vote on it, but as far as the inspections, I don't think we should be taking a vote to send that to the Town Manager who then gives it to the department heads

Foote: you believe this is something the Chairman could handle as part of the administrative duties as chair?

Preston: and when those are all signed off by the department heads, then come back and

Secretary: is everyone in concurrence on that procedure?

Foote: do you want to add this to the chairman's administrative duties to initiate inspections for security reductions?

Preston: yes.



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Evans: I have a procedural question. Is there a difference between an inspection at 22 months or 24 months?

Secretary: 24 months is too late

Foote: the security has run out

Garand: we're trying to start the ball rolling before the security runs out and it may take two months to review everything.

Evans: the process takes two months. Fair enough.

Foote: if we do everything right by the time they get their money back it will be the right timing.

A letter from Pierce Atwood regarding an environmental law update scheduling three breakfasts.

Foote read dates and subject matter.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Patricia Welch, Secretary

| MYLARS RECORDED | | |
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