

Town of Seabrook      PLANNING BOARD      February 10, 2004

**PLANNING BOARD MEMBERS PRESENT:** Chairman Robert Brown, Vice Chair Susan Foote, Keith Fowler, Peter Evans, Mark Preston, Karen Knight Selectman's Representative. Alternate Richard Dodge. Other Present: Thomas Morgan Town Planner, Paul Garand CEO, Michael Fowler Town Engineer.

**MEETING OPENED:** Chairman Brown opened the meeting at 7:05 p.m.

**MINUTES:**

**MOTION:**      *Susan Foote*      *To accept minutes of January 20, 2004 with the following amendments:*

1. *Page 2 - "this well would be used for the Hampton Falls Diversion plan", should be "this well area would be used..."*
2. *Page 5, 2<sup>nd</sup> Para - "that" not "hat"*
3. *Page 7 - "fertilizer to be only pot ash of lime", should read "potash or lime"*

**SECOND:**      *Keith Fowler*      **PASSED - UNANIMOUSLY**

Tom Morgan will finish minutes from December 16, 2003.

**INFORMAL DISCUSSION:** Proposal by Port Lighting Systems to locate at Lot #4 on Ledge Road, just east on Chase Drive. President Todd Gerrish does lighting for the entertainment industry looking for clarification from the Planning Board on third lot on Scott Mitchell property on Ledge Road. Scott Mitchell announced that he will be coming to the board for future subdivision of these properties. His business would be operative mostly in daylight, but three to five events per week would require sometimes occasional unloading of 24' box trucks and sometimes bringing in a trailer at night. His concern is night ordinances. This lot is furthest away from residential properties M. Fowler - because size of building will be 10,000-12,000 sq. ft., it will have to have sprinkler system. Tom Morgan suggested that the Board might want to address night unloading. Unloading will be done at dock with forklift. There will be no light shows in this area, demonstrations will be done inside and no pyrotechnics. Chairman Brown said he could work with that.

**PUBLIC HEARINGS:**

**#3-38 - Proposal by Carroll & Faye Pineo.** Scott Mitchell asked Mr. Pineo if he would switch places on Agenda with #3-43 Lowe's Home Improvement Warehouse because of large attendance of abutters. Mr. Pineo agreed, Chairman Brown agreed.

**#3-43 - Mark Investments, Inc. to construct Lowes Home Improvement Warehouse store at 403 Lafayette Road, Tax Map 8, Lots 44, 45 & 46 and Tax Map 9, Lots 62, 231, 238, 238-1, 238-3, 239 & 240.** Present for hearing: Scott Mitchell - Scott Mitchell & Associates, Wayne Morrill, Eric Saari - Jones & Beach Engineers, Inc., Robert Korff -

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developer, Stephen Pernaw - Stephen G. Pernaw & Co., Robert B. Jess, Sr. Site Development Manager - Lowes Companies, Inc., Attorney John Daly.

Wayne Morrill - Jones & Beach Engineers, Inc. met with abutters. We have addressed issues from the Planning Board and the Abutters.

- The traffic lane on the north side of the building used to be 35' in width, now down to 30' creating 5' more of greenspace.
- Sound wall 6 inches off property line moved to 6  $\frac{1}{2}$  feet of greenspace from back wall to abutter's property
- Entire sound wall is now 10 feet high; original was 8 foot segmented wall
- Now provided a 24 foot access to Midas, because of increased traffic - proposed
- 8 ft sound wall along the back of the Midas property to shield the abutting residential properties, which will tie in to 10-foot sound wall at the rear
- The sound wall at the back of the building that runs the entire length, is 10 feet, with ground being raised 2 feet from the original ground, so that wall height will actually be 12 feet
- from the residential properties.
- Because ground is raised in this area Field drainage installed. - will bring drainage to the detention pond. C4
- The original sound wall now runs the entire length of the property Map 8, Lot 41-7 owned by the Harvey's

Wayne Morrill distributed Mitigation Package

- Wood wall changed to vinyl-coated wall. To make more appealing to abutters
- Installed Four foot chain link fence around pond area with 2 gates
- 12 x 150 loading areas with two trailers, one for old appliances, one for pallets. This creates less handling of pallets and appliances. They will be stored in Tractor-trailers - no cabs. Abutters were informed that trailers might be higher than sound wall but they felt that this was a better solution.
- Compactor now will have 10-foot high concrete wall
- Propane cylinder area has been moved to "fence receiving area"
- Transformer located behind the building will be in Level 2 noise enclosure
- Rear of the building to be gated
- Roof top units air intakes turned away from abutters and the stacks to vent up
- Truck route signage at north entrance, which will help minimize tractor-trailer activity along the northerly and westerly drive aisles of the building
- Crosswalk added along south access of the urban entrance
- 4 copies of Operation Manual presented to the board submitted as part of the mitigation package
- Sheet C2, added Notes #14, #15, #16 and #17
- Future restaurant pad is integral part of the site development as part of the original site plan package

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- Revised the parking count on future restaurant mislabeled 83 changed to 53
- No overnight tractor-trailer parking
- No extended idling for tractor trailers - no truck horn blowing except for safety
- No PA system speakers allowed on the exterior of the building, PA speakers for garden center pointed to the south and east
- No outside deliveries and/or operations shall be allowed in the area between the traffic control gates between the hours 9 pm and 7 a.m. Mon thru Sat and 8 pm to 8 am on Sunday
- Keeping existing ROW on Route 1, giving DOT 12 foot easement for highway widening.
- Existing ROW is the actual 30-foot setback and 20 foot greenbelt
- Sheet C3 erosion control added Note #15

**Permit Package**

- Letter from Mike Fowler OK on drainage
- Received NHDES Site Specific Permit
- Dam Permit response
- Mike Fowler letter on drainage and other concerns.
- Bayside Engineering letter on traffic
- NHDOT Review of traffic analysis
- Dam permit plan and corrections
- Utility Plan (relocated a hydrant at entrance to Southgate Plaza
- Change Siamese connection to 4" Stortz in the building
- Sewer inverts added to plans
- Grease trap within 10 feet of restaurant building
- Certified Landscape plan
- Donation to abutters for landscaping on the perimeter of their lot. This being accomplished prior to the sound wall being placed.
- Removed plants from proposed restaurant deck area as per Fire Dept request
- Sheet C8 is Lighting Plan - certain poles 35 ft high reduced 20 ft with single fixture with a back shield, Wall mounts casting their light down, shoebox style, along the building, need to be at least 20 feet high so trucks won't hit them. Lights shining against the building some poles to stay at 35 ft out front others drop to 20.
- Pavement markings - request from DOT for sidewalk all the way to the Seabrook Recreation Center.
- Updated drainage schedule and drainage details to reflect DPW and Mike Fowler comments.
- All State Permits have been applied for and package distributed to show progress of this.
- The loading zone language in front of building is 12 ft striped area is OK with Fire Chief Brown
- Requested waiver from the planning boards for sidewalk material from concrete to vertical granite curb with bituminous sidewalk.

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Scot Mitchell as far as traffic, Bayside Engineer reviewed traffic study and commented and concur with Steve Pernaw traffic study. DOT told Steve Pernaw to go ahead to design Wetland Board has issued a work number. Seabrook ConCom endorses the plan.

Chairman Brown asked to go through Michael Fowler comments. Wayne Morrill addressed this letter.

## Sanitary Sewer:

1. Sheet C6 - rim elevations now provided
2. All utilities will be cut and capped at the property line
3. Sewer cleanout on 8" sewer pipe is requirement of Lowes
4. Note #27 on Plan concerning grease trap

## Details of Water Usage:

Warner Knowles has no problem with water service to inside of building. Jones and Beach will be meeting with Warner to discuss possibilities for outside water usage. S Foote suggested that a well might be in their best interest for watering plants and seedlings.

## Storm Drainage and Grading:

1. Eric Saari from Jones and Beach explained that this retention pond is very similar in design to the Home Depot retention pond and they experience very little to almost no problems with mosquitoes. The reason being that the water levels fluctuate and flush out mosquito larvae. It also maintains its water level, it is not just a pocket of water to dry up and breed mosquitoes. Its depth also hinders mosquito breeding. S. Foote added that Home Depot's retention pond is full of frogs, turtles, ducks and a "cloud" of dragonflies, indicating that it is a good "working" pond.
2. Retention pond warrants fence. Abutters want the four-foot fence to go the length of the pond, and to the ground. The Conservation Commission requested that an area be lifted in this fence for animals to get through. Jones and Beach acknowledge that this is a safety factor for them and looks to the board on this concern. Chairman Brown indicates that the suggestion was made to plant certain type of bushes undesirable for humans to encroach upon. S. Foote said Conservation Commission just wanted access somewhere. So if fence was all the way to the ground on the north side and leave it elevated on the south side. Jones & Beach will come up with an area along Mary's Brook to allow animals to come in and out of Mary's Brook.
3. Details of test pits have not been provided. Eric Saari has geotechnical boring information he can provide.
4. Steps were deleted on inside of drain manholes.
5. Silt fencing noted.

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6. Stormwater Management/Drainage Calculations. M. Fowler was looking at the net volume of what was going to be created by a pond that was 450,000 cu. Ft. of water and the 20,000 cu. Ft of material that was going to be dredged from Cains Pond. So he wanted to do a detailed analysis on what the runoff from the detention pond was going to be and what the impact of the additional volume would be. The analysis concludes that there is more than enough capacity provided in both of those operations.

**Other Issues:**

1. Sound barrier issues addressed earlier in meeting.
2. All been changed to sloped granite curbing being used.
3. Plans meet NHDOT Standards.

**Traffic/Off-Site Improvements:**

1. Cross-section details of Route 1 Upgrades not provided. Working on this for final design plans with NHDOT, will be installing VGC and Bituminous sidewalk to the Recreation Center and across the street at Demoulas/Market Basket.

**Bonding**

1. Jones and Beach provided M. Fowler with offsite numbers that they have produced so that he can produce a bond amount.

**REVIEW SHEET FROM SEABROOK DPW - John Starkey**

1. Direction of Drainage Flow on C5 - Flow arrows have been added to C5.
2. Drain Manhole Detail - Steps have been removed. None of the drain manholes are less than 6.5 inches.
3. Catchbasin frame and grate. This has been upgraded on detail sheet as per John Starkey's requirements.
4. Snow Storage - Snow storage area has been modified.

**REVIEW SHEET FROM SEABROOK CEO - Paul Garand**

1. Outdoor Sales - Variance application to board specifies no parking lot sales, just sidewalk area displays.
2. Wetland permit has been submitted and have work number.
3. Sound wall - Continued along length of property 41-7.
4. Chain link fence - 4-foot chain link fence around pond with opening and plants.
5. Delivery hours - In mitigation package. No outside delivers and/or operations between 9:00 p.m. - 7:00 a.m. Monday through Saturday and 8:00 p.m. to 8:00 a.m. on Sunday. Dumpster/Compactor hours - not allowed use/pickup from 7:00 p.m. to 7:00 a.m.
6. Crosswalk has been added to South driveway.
7. Lighting. Met with Bill Cox and reduced a lot of the candlepower.
8. Loading area to limit noise - Created sound wall along the side and another wall being proposed around the compactor.
9. Sound wall detail and type- previously discussed.

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W. Morrill - Has met with the abutters several times. Items that have been addressed are a lot of the items brought forth by the abutters. The plan has come a long way from what they originally presented to the board and feel that they did a good job on the mitigation package for the abutters.

Mr. Steve Pernaw - Traffic Study

1. Should there be left turns out of the driveway? YES...
  - a. Plenty of capacity for such turn.
  - b. Convenience
  - c. Better to give choice of two access routes.

This plan lets traffic seek equilibrium. NHDOT has reviewed mitigation package and are "on board" with it.

S. Mitchell offers that Irving has full access drive and developers cannot take that right from them. S. Mitchell has spoken to them and they are not willing to give that access up. Tom Morgan asked how far are we from NHDOT permit. Wayne Morrill says we need to submit final engineering plans to the board. One set has been submitted. S. Mitchell says NHDOT reviewed and agreed with the traffic study - they were told to go into full design.

M. Fowler - From the onsite utilities, they have addressed the comments he had, he's looked at the drainage study extensively and they have addressed those comments. So from utility/engineering standpoint, they are looking pretty good. He will review bonding.

Peter Evans - Easement on greenbelt. Setback is based on as it is today and that you are giving the State of New Hampshire an easement for widening the road. W. Morrill said no. Easement is for grading and sidewalk installation. P. Evans concern is that the State is going to shrink the buffer. W. Morrill - The number of lanes has already reached capacity. So there would not be any more taking of land. P. Evans opinion is that he feels strongly that sidewalks should be cement, as they are all around town. What color are the walls of the building (especially on the north of the building). His concern is for their reflective properties. W. Morrill - walls are gray tones. P. Evans questioned texture of walls. S. Foote offers that stucco is less reflective than a glossy wall. P. Evans was concerned with recycled tires as filler in sound wall. W. Morrill - the tire material is fully encased and is fire rated to be used inside a building.

Paul Garand - Questioned how many trailers will there be and how long will they be there. W. Morrill/Scott Mitchell both stated not more than two trailers; one for pallets and one for used appliances. P. Garand - What is the total square footage for front road sign...S. Mitchell - it cannot exceed 150 feet. There is a Note on plan that all signs will be in conformance with Town of Seabrook regulations.

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Richard Dodge - Question on greenbelt, the fence along there will be 10 feet high and from that elevation on North side of the building ...how high up on the building will that come. R. Jess, Lowes - it steps down, that makes the building height a little less than 28 feet.

Mark Preston - Commented on the fact that Mitigation Package seems to address about 90% of the abutters concerns. Glad to see it.

Tom Morgan -

1. State & Federal Permits - Previously discussed.
2. Robert Korff - developer. There is no Phase II. Nothing planned.
3. Future access - Atty. Daly gave you the language on that
4. Regional Impact - S. Mitchell talked to Hampton Falls. No concerns.
5. Traffic study forwarded to Bayside Engineering.
6. Not discussed
7. 65 day Planning Board review ends February 18, 2004.
8. Trailers with used pallets and old appliances - Previously discussed
9. Areas of sidewalk sales and displays - changed to just "sidewalk displays"  
T. Morgan advises board to require some clear direction on what they expect or require in terms of outdoor sales. Chairman Brown reiterated that they will be required to maintain a five foot sidewalk at all times - so the configuration is: Parking lot, 5 foot sidewalk and then whatever you have on display. This is addressed as Note #14 on Sheet C2.
10. Island east of customer loading - previously discussed.
11. Loading zone/Fire lane incompatibility - W. Morrill - This has been discussed with Fire Chief Brown and he is OK with loading zone designation. What has been approved on previous developments is what he is going to approve on this one also. This is stated in Chief Brown's Planning Board Review Worksheet.
12. Professional Landscape Architect was hired for this project.
13. Uninterrupted swath of hot top design - typical lumber loading business, makes for easy mobility. Did add more crosswalks. Chairman Brown asked if there was any signage regarding "yield to pedestrians". Signs could be put on islands.
14. Regarding "future restaurant" separate site plan review - this restaurant is nothing new and has always been incorporated as part of this plan.
15. Synchronization of traffic signals - noted on site plans.
16. Compliance with Lafayette Greenbelt - setbacks previously discussed.
17. Stabilized Construction Entrance - Noted on Sheet C3, Note #15.
18. "Permanent Pool" - previously discussed.
19. Proposed light pole heights - Formal request made with town for higher poles, but are still working with Bill Cox for the best lighting scheme for the site development.

20. Trucks, outside operations, hours of operation - Mitigation package submitted tonight states the hours of operation. T. Morgan questioned if they were going to require a waiver from the regulations on hours of operation, concerning "truck traffic, the unloading of dumpsters, and the operation of refrigeration trucks will not occur in residential areas between the hours of 11:00 p.m. and 7:00 a.m." W. Morrill states that #2 of the Mitigation package states that no outside deliveries... shall be allowed in the area between the traffic control gates shown on the attached sound barrier plan between the hours of 9:00 p.m. and 7:00 a.m. - which is more restrictive than the regulations Monday thru Saturday, and additionally 8 pm to 8 am on Sunday, which is more restrictive. Note #2 on first page of first application for submittal - Compactor pickup shall not be allowed between the hours of 7 p.m. and 7 a.m. T. Morgan's concern is for entire site within a residential area. W. Morrill stated, based on interpretation, believes that he will not need a waiver, that they will meet the regulations and are more stringent than what the regulations are. The restrictions within the gates are a result of abutter's requests, therefore they are more stringent, the restrictions outside the gates meet regulations.

W. Morrill - Looking for flexibility in the Mitigation Plan for certain areas, still not to exceed the regulations. They would like to be able to deliver at 6:00 a.m. outside the gated area, one hour earlier, but not to go above the Town's regulations for night delivery. S. Foote said board needed to decide where the line is drawn on where is Residential area and where is commercial area, on this site. T. Morgan would like to see everything concerning the hours of operation, in black and white and in one place. W. Morrill would put note on plan to refer to the memorandum given to the board, to make sure it goes through every criterion that we're trying to have onsite. S. Mitchell wants to address concern of abutters that this is enforced and wants to make it a part of the approval process. Lowes would be able to hand this criteria to store operations to enforce. S. Foote feels that the area in question, south of building, is not considered residential area.

21. Waiver request for VGC with bituminous sidewalk on Route 1. Discussion of VGC/bituminous versus Portland cement in durability against salt and plows. M. Fowler feels it comes down to a matter of style. The board needs to make decision as to what they want. Bituminous holds up better to these elements, but concrete sidewalks have a better esthetic value. S. Foote offers that cement is more costly to put in and to maintain. Chairman Brown said board would come back to this.
22. Discernable noise - S. Foote asks if there is any easily identifiable discernable noise over and above the already existing noise of traffic and businesses in the area. S. Mitchell says no. Kroff says there is no easy answer. The mitigation package asking for a waiver.
23. Irving entrance - Note 15 on C3.
24. Left turns from Irving egress - S. Pernaw addressed this.
25. Abutter's issues of January 6 - will come back to this.

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26. Architectural elevations - meeting with Jones & Beach and P. Garand to review this. Two areas in front facade would go higher than regulations.
27. Paved area within 10 feet of wetlands. One area is 9 feet 8 inches - W. Morrill will correct this parking site.
28. Notes should be revised to adopt new floodplain maps.
29. Parking calculation typo changed from 83 to 53.
30. Planning Board should determine bond amount to ensure compliance.
31. Sheet C10 regarding public safety - in compliance.
32. Board should hire consulting engineer to oversee construction at applicant's expense. W. Morrill will have person overseeing project and will produce weekly report to the developer. W. Morrill can get a copy of that report to appropriate person. Chairman Brown suggested that Planning Board Engineer, Mike Fowler get the report and he can confirm compliance.
33. Written comments submitted to Board from different departments - previously discussed.

Peter Evans - If we were to have another similar sized commercial building on the abutting lot to the south of the proposed cross lot traffic system, are Rt 1 traffic lights sufficient to handle a similar activity type of building there and do the facilities that we have on Route 1 break down at all with the addition of a similar volume type of operation?

Steve Pernaw - Doesn't see an issue with first question and the design of the interior lot traffic flow and Rt. 1 amendments will suffice.

#### ABUTTERS

Abutter Margaret Hamilton - When will all packets that Board received tonight be available by the "Right to Know" law; and what parts. T. Morgan - available immediately except what we received from our attorney. M. Hamilton strongly urges that they keep lights at 20 ft and "let the lights do their work". W. Morrill and Bill Cox met and agreed with 35 foot poles would be agreeable in the center of the site and 20 foot poles around the perimeter, in the residential areas and along Route 1. A total of 52 light poles in the lot.

W. Morrill - Lighting plan complies with site plan regulations. T. Morgan the regulations are specific about light bleeding off site at the property line. W. Morrill - lighting plan complies - 00 around the entire perimeter. T. Morgan offers possibility that W. Morrill/Bill Cox meeting be held in public place. W Morrill will meet with B. Cox tomorrow and then will have public meeting at a later date.

S. Foote stated that it has been announced on more than one occasion that Bill Cox can only make it to the second Planning Board meeting of the month.

Abutter John Hamilton - 20-foot light pole is town ordinance, so they are asking for exception. The building is 28 feet, which makes 35-foot poles, 7 feet above the building.

Ken Murphy representing abutters the Harveys, Mr. Lang and Paul Antonellis.

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Where is location of retaining wall going to go relative to the boundary.    W. Morrill - Mr. Harvey asking for sound wall to run the entire length of property.

Time of deliveries - language does not clearly state what happens Saturday night to Sunday a.m. - Needs to be cleared up. Needs to clear up language meaning "outside deliveries". Physically outside or deliveries outside of Lowes deliveries. What permits have been granted - NHDES site-specific permit is only one granted. Others pending.

Abutters Mr. Davis, Autumn Way - Questioning traffic light synchronization between Lowes and Pine Street and its affect on Autumn Way. S. Pernaw states it will be no worse that what you have today. Intersections will be all inter-connected and synchronized.

Ken Murphy - Are trailers that hold pallets and old appliances within 30-foot setback? W. Morrill - that is correct. Truck travel lanes are within this 30-foot setback? W. Morrill - that is correct.

Abutter M. Hamilton - Asks that board recommend that Lowes dig well for watering plants. Will abutters know if restaurant being proposed will have liquor license issued and what type of restaurant will it be? Asks that board make them use concrete with granite curbing for sidewalks.

S. Mitchell addressed restaurant issue - no plans with a specific restaurant, NH State issues liquor licenses.

Abutter J. Hamilton - In reference to T. Morgan memo about questionable TM 9, Lot 238. T. Morgan - Applicant satisfied the boards concerns - they granted approval with a Lot Line Adjustment - Board has no basis to rescind. J. Hamilton - Phase II - concerned with crossing over swale, how can we be assured open space will be maintained in the future. S. Mitchell - town requires 25% open space, which must be maintained in any one development. There is additional space across Mary's Brook and at this time, there are no plans to do anything there. Will not deed it away to ConCom or the Town, the developer will own it.

Ken Murphy - Concerns with traffic issue reaching capacity. Could future development be handled? Left turn issue should be addressed...will it be safe? Possible? S. Foote addresses his concerns for "at capacity". Roads are graded from A to F in regards to waiting time/cueing time. The State admits that Route 1 is at a Grade F right now. So a failing road at maximum capacity, the best we can do is try to sequence that capacity through the lights.

K. Murphy - With respect to permitting - they don't have four of the permits required.

Questions about future development not fair to residents to remain unspecified.

30 foot issue still an issue - potentially in violation, whether two tractor-trailers or the truck traffic. 6 a.m. deliveries are a concern to Mr. Harvey. Noise issue concerning Mr. Harvey - not able to muffle the noise so that it is not discernable. Chairman Brown asks if Mr. Murphy has a solution for this.

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Abutter Steve Weare, Autumn Way - Noise ordinance encompass snow removal at night. (ie: backup alarms) Chairman Brown feels there is a way to plow without having to back up.

Joe Dureco, Greenleaf Drive - concerns about snow equipment running all the time. Where will equipment be parked? Needs to be stored near Route 1. W. Morrill - there is no designated area, will address at next meeting.

R. Jess, Lowes - will contract for snow removal, does not own snow removal vehicles, therefore they will not be parked in lot and taking up parking spaces.

Lawrence Harvey - solution is irradiant heat in parking lot.

Krystal Patsavos, Autumn Way - reduction of lighting during overnight hours. Concern with light poles higher than 20 feet. Concern that there will be no truck operation from 11p.m. to 6 a.m., even outside the gate. Concerned donation of vegetation buffers, not sure all abutter's demands are met on that issue.

Ken Murphy - sound barrier being constructed before or after the building. R. Jess stated that sound barrier would go up as soon as possible. Will draw up a proposed schedule.

Abutter Paul Antonellis -Emergency generator being run after hours. R. Jess states that generator needs to run when building is closed, because it affects the store lighting, etc. Propane storage has been moved. Reduction of lighting during overnight hours. Concerned with noise being generated with RTU's - more needs to be done. North travel lane reduced to one lane. Concern with pallets area. W. Morrill pallets are within the 30-foot setback. Delivery time and unloading issues. T. Morgan - signage for truckers specifying the hours would help Paul Garand if it were posted. S. Mitchell - that's fine. S. Foote reiterated that Lowes stops delivery at 9:00 p.m., others in Seabrook at 11:00 p.m.. If a truck arrives late and unloading goes past the 9:00 p.m. limit, they are still going to be finished before the 11:00 p.m. noise ordinance. R. Jess, Lowes - would be willing to change hours on the loading dock as, off at 9:00 instead of 11:00 to get the 6:00 a.m. time. Chairman Brown this means that Lowes would shut down the whole site to deliveries at 9:00 p.m. to obtain the 6:00 a.m. delivery time on the South end of the non-gated area. P. Antonellis concerned where all this information will be documented. S. Mitchell - we want to document a document as part of the approval process to make things easier for enforcement, however the Board would like. S. Foote suggested noting it on the plan and as part of an Operation Manual. Chairman Brown suggested that the Operation Manual would be easier to look at. P. Antonellis - concerned about fencing around retention pond. S. Foote reiterated that it is 4-foot chain link fence with small rising of an area closest to Mary's Brook, planted with thorny bushes. P. Antonellis - who will maintain plants? W. Morrill - for five years all plantings and the pond are monitored by NH Soils. It is part of the approval. W. Morrill - showed on the plan that the area lifted up is a 70 ft foot section, 18 inches off the ground. P. Antonellis - PA system in Garden Center, remove speakers and use radios. K. Fowler - PA system is needed in case of emergencies. W. Morrill - the only area outside of the building that has speakers is the Garden center, they are small speakers and they are faced away from residential abutters and can be noise regulated.

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Abutton Kevin King, Prompto - looks like a good plan.

Ken Murphy - concerns with delivery, just keep in mind the proximity of the residential areas.

Abutton P. Antonellas - Concern about construction phase operating hours, parking of vehicles, etc. Chairman Brown states that that has to go before the Selectman. K. Knight states that if you have a problem with the construction, you have to call and be put on the Selectman's agenda.

Abutton M. Hamilton - Asks that Board not to approve this plan until abutters have had time to see Selectman. She was corrected that, you do not go to the Selectman until construction has started. K. Fowler - the construction phase has to conform to local regulations, if not, then you go to the Selectman.

**MOTION:**                      *Susan Foote*                      *To continue this until same time a week from now, February 17, 2004*  
**SECOND**                      *Keith Fowler*                      **PASSED - UNANIMOUS**

**#3-38 - Proposal by Carroll & Faye Pineo for a 27-lot subdivision between Stard Road and Mill Lane, alongside the Hampton Falls town line, Tax Map 4, Lot 14.** Present for hearing - Wayne Morrill, Eric Saari from Jones & Beach Engineers, Scott Mitchell from Scott Mitchell & Associates, Mr. Carroll Pineo. W. Morrill - addressed Boards concerns on lot configuration, dropping one lot and reworking plans. Lots 6 through 15 were revised. W. Morrill addressed question of garage being in middle of duplex. Reworked Lot 9 so that it has no driveway easement. Open spaces will be retained by developer, but with Conservation Commission easement. W. Morrill questioned what Board would like for sidewalks. P. Evans expressed a desire to have sidewalk on Stard Road be done by developers. Board said no to Mill Lane and yes to Stard Road. S. Foote asked not to use granite curbing on this sidewalk, create a sidewalk that is more country swale, drainage, and sidewalk setoff. E. Saari asked for clarification on sidewalk, with 3-foot grass swale and then the sidewalk, as per regulations.

**MOTION**                      *Keith Fowler*                      *To waive the sidewalk on Mill Lane.*  
**SECOND**                      *Susan Foote*                      **PASSED - UNANIMOUS**

W. Morrill to meet with lighting committee. He reiterated that electric is underground except streetlights. Discussion about wetland markers, flags and pins. Carroll Pineo expressed concern/desire that fields should be mowed, preferably late August. S. Foote will work with Carroll Pineo/Jones & Beach to determine and delineate wetland areas. Lot 8 configuration questioned as it has a wetland crossing but meets regulations. Chairman Brown let it pass. Pump station will house Barnes Pump. Bond amounts \$649,800 and \$394,500. Jones & Beach will submit weekly reports to Mike Fowler to give to John Starkey for compliance. No detached duplexes. Pineo Farms Road sidewalk will be SGC, three foot grass strip, bituminous sidewalk. Carroll Lane will be no curbing, three-foot grass strip, bituminous sidewalk. Copper

