

**PLANNING BOARD MEMBERS PRESENT:** Chairman Susan Foote, Paul Himmer, Peter Evans, Asa Knowles, Selectman's Rep. Alternate: Michael Lowry  
Others Present: Paul Garand, CEO, Michael Fowler, Town Engineer

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

**MOTION:** Asa Knowles For Paul Garand to act as alternate this evening.  
**SECOND:** Susan Foote UNANIMOUS

Susan Foote announces to audience that the Board is meeting with four members instead of full seven members. States that if anyone feels they would rather reschedule to when there is a full board, please speak up now.

**MINUTES:**

**MOTION:** Paul Garand To accept the minutes of June 29, 2004.  
**SECOND:** Michael Lowry UNANIMOUS

**ROCKS ROAD AND LAFAYETTE ROAD:** Meeting with NHDOT - Doug DePorter NHDOT, District 6 present.

T. Morgan refers Board to letters from both Fire Chief and Police Chief of Seabrook indicating their wish to have traffic lights at the above-mentioned area. S. Foote describes history of area and new project to date, and states the almost unanimous opinion of board and abutters that traffic lights should be present at Rocks Road/Lafayette Rd. area. Indicates that Rocks Road is the town's Transfer Station access, that 80% of traffic turning out of Rocks Road turns South on Route 1. Further indicates that with the new \$2.00 toll going north on 95 has created more traffic on Route 1 going north from Route 107 as they try to avoid this toll. Further indicates that the new Holiday Inn traffic will most often be turning south on Route 1 heading for Rte. 95 or Rte. 286 to the beach. Additionally points out that a 3-unit retail mall is going across the street from Rocks Road.

Doug DePorter states they have been working on this area. Came in for scoping meeting earlier this year and got comments back and are at the point of "concept approval". Finally agree on what the road geometrics are going to be and will be working on some final design plans. Agrees that left hand turns onto Route 1 are difficult. Acquired copies of study done by Kimball Chase in 1980's and are trying to hold to the guidelines included in it. That coupled with review of new traffic numbers, indicates this area does not warrant traffic signals. P. Garand - indicates that the study did not take place during the busiest times for Rocks Road, when the Transfer Station is open in the morning. D. DePorter points out that Route 1 hours would be lower in the morning. He further states that Seabrook Station did not agree with removal of traffic lights at North Access to Seabrook Station for reasons of evacuation. A. Knowles asks D. DePorter is he is/isn't in favor of lights at Rocks Road and Route 1. D. DePorter answers that he is not in favor of them. T. Morgan - asks DePorter if the nuclear station was the only thing

keeping the lights at the North Access. D. DePorter - yes, he believes that the retail area across from North Access was approached about signal heads, given a price for them and declined. T. Morgan questions if their rationale for saving lights for evacuation - not going to evacuate very often. Fire Chief Jeff Brown questions whether traffic lights would be used in the event of an evacuation. S. Foote - states that there are barricades/jersey barriers blocking this access further down. That she talked with John Giarrusso and he indicated that the only time he foresees there being traffic on North Access Road is in the afternoons during refueling, for them to turn North onto Route 1. Questions if they could be convinced that they could turn north without a traffic signal - it is not really necessary. If we can only have one traffic light in that area, it would be far more beneficial to have it at Rocks Road. D. DePorter - indicates that the fewer traffic signals on Route 1, the better for the corridor. P. Garand asks about if the "Ames" shopping area requested a traffic signal, would they be eligible with North Access lights in place. D. DePorter states they would be considered, if traffic studies indicated one. P. Garand further states that property owner south of Rocks Road indicated willingness to pay for percentage of lights being installed. D. DePorter states that, during construction if conduits are placed in ahead of time, it's pretty "short money" for everybody and the road doesn't need to be disturbed. Putting money in escrow or bonding for future signals is another possibility. He reiterates that, looking at the corridor, it is not a spot they recommend signals adding that the numbers did not indicate a need.

A. Knowles asks D. DePorter for reason why they did not recommend lights at Rocks Road. D. DePorter indicates poor placement, poor proximity to other signals and the proposal at hand didn't generate numbers indicating need for traffic signal. A. Knowles adds poor design presently at Rocks Road, that trucks run up onto sidewalks, hazardous conditions.

A discussion ensued on varying methods of taking traffic count, the concerns of Town trucks turning onto Rocks Road, the fact that the widening of Route 1 ended at Rocks Road thus creating a bottleneck, the added burden of traffic created by Route 95 tolls increase, and the success of the Home Depot lights through to Railroad Ave. It was pointed out that both the Fire Chief and Police Chief highly recommend these lights.

Fire Chief Brown - questions the necessity of traffic light at North Access Road. When it was first installed it was flashing yellow 90% of the time and they used a traffic cop. He questions traffic count not factoring in a 150 seat restaurant that will bring in at least 3 sizeable seatings/7 days a week, and the traffic concerning the 75 room hotel. He also indicates that, if the traffic light does go in, that the Fire Department would like it to be a controlled light (Opticon). States he feels the light needs to be there now and feels that Seabrook Station would not protest a lot if the State told them the light had to go and would be replaced by one at Rocks Road. Offers that, according to Town emergency plan, north gate of Seabrook Station is not a manned traffic control point for purposes of evacuation - Route 107 is, and Rocks Road is, north gate of Seabrook Station is not. He questioned evacuation concerns when Jersey barriers are in place and the time it would take to move them should the need arise, rendering the signal rather useless. His recommendation from the Fire Department is dismantle the North Access traffic signal and replace it at Rocks Road. D. DePorter states from corridor standpoint - it would definitely work better at Rocks Road.

S. Foote - indicates that Dave Baxter/Windjammer has indicated his willingness to contribute to the cost of traffic signals at Rocks Road, the 3-unit retail site across will contribute as part of the

conditions of their approval, and the new project will contribute also. States that it can be well financed, now is the time during a new construction. Henry H. Boyd, Jr. Millenium Engineering concurs that Mr. Fred Attalla, applicant for hotel/restaurant, does feel responsibility to contribute to traffic lights. Further states that they need help at State level to authorize these lights. D. DePorter states that they end up building projects with money from all around. It is a definite approach talking escrows and bonding. States that Town, at some level, needs to voice their opinion to the plant about the signals at North Access Road, so that they will know it is not coming just from the State. S. Foote states that she will call John Giarrusso, who happens to be Chairman of the Economic Development Committee and an employee at the plant. D. DePorter asks to be sent a copy of letter. T. Morgan asks if NHDOT would change their position on these lights, how long would it take to get go ahead on this. D. DePorter discusses how the process would go, with a lot of small developments. Stating that it is quite expensive with construction management of such a project. It may be beyond what many of the smaller developments could take on. There are some limited funds available by Town road aid funding. H. Boyd, Jr. inquires if plan can be privately designed and approved by State. D. DePorter - yes, but can be a little more difficult.

**ABUTTERS**

Charlie Mabardy, 728 Lafayette Road - states he is in favor of lights. Offers that Venture property, just south of Rocks Road, is huge property most likely to be developed in the near future and how that is going to affect this area. S. Foote offers that their proposed main access will be off the South Access Road.

P. Evans inquires of D. DePorter about traffic issues going from Route 1 west on Route 107 bridge over 95. Issues with right hand lane traffic not always going north on 95 as it is intended and subsequent jockeying for position into the already existing left lane. Discussion ensues concerning lane assignment and where signage should be positioned for optimum effect.

Angel Chiaramida, Newburyport Daily News ask D. DePorter to reiterate states position on traffic lights on Route 1 at Rocks Road. D. DePorter one of major considerations is positioning of that light, along with the fact that traffic numbers to not indicate need for light. What has been presented tonight, with other parties getting involved, will be considered. A. Chiaramida asks does light at North Access have to go away in order for Rocks Road to have a light. D. DePorter - no, but it would not be desirable to have lights in such close proximity. S. Foote states that in summary: 1) Communicate with Seabrook Station to come to agreement with North Access light. 2) Coordinate with other commercial endeavors in getting commitment for financial support. D. DePorter states will work with applicant for hotel for percentage of financial support. P. Garand questions cost of traffic light with Opticon. M. Fowler offers that it cost approximately \$150,000 for Lowes traffic light. D. DePorter states that two thru lanes in each direction would change the numbers.

**CORRESPONDENCE**

Delayed until later time.

**DRIVEWAY PERMITS**

- 15A Railroad Avenue
- 267 Portsmouth Avenue
- 16 Washington Street
- 5 Becky's Way

**MOTION:**     *Asa Knowles*                    *To accept driveway permits stated above.*  
**SECOND:**    *Paul Himmer*                    *UNANIMOUS*

### PLANNING BOARD APPLICATION FEES

S. Foote distributes and explains spreadsheet comparing other New Hampshire town's application fees and proposed application fees for Seabrook. This is based on Office of State Planning's criteria of Towns that are similar to Seabrook in character. Further explains that, at this time, application fees for this town cover only 20% of the cost of applications, the rest is absorbed by the taxpayers. Fees would have to almost double from suggested increases to have budget come close to breaking even. Suggests that the board make decisions on fees in order to get them in Public Notice for next Planning Board meeting in August. P. Evans states it is great idea and taxpayers should not bear the burden. There was a discussion concerning different variables for the fees presented. S. Foote states that she, T. Morgan, and F. Welch met to discuss budget for next year. S. Foote explains that, in the past, Planning Board's majority of expenses had no line item, they were picked up through the Building and Health Department's budget, so there is no firm budget to go by. She has worked on budget for two months to get some clarity. P. Evans calls for better accounting of income and costs, to show justification for the fees. Board can review them in a year and make adjustments as necessary. A. Knowles feels everything looks good but questions the costs for single-family dwellings, feels it is too much. After lengthy discussion, T. Morgan suggests compromise for Subdivision Fees-Minor cost; change from \$200 to \$100. It is agreed upon by the Board. Planning Board fees will be in Public Notice for August 17 meeting.

### ZONING AMENDMENTS

**IMPACT FEES** - S. Foote asking board to consider doing Impact Fees and charging T. Morgan to come up with some ideas on Impact Fees.

**INTENT TO CUT** - S. Foote explains that Town Manager would like Planning Board, Conservation Commission and Code Enforcement to review all "Intents to Cut". S. Foote discusses difficulty in time frame for all boards to review Intents to Cut, especially when there is only one meeting a month during the summer months. Board discusses that determination should be made by Code Enforcement and he seek other advice if he is not sure of an area.

### PUBLIC HEARINGS

Henry H. Boyd, Jr. - offers change in Public Hearing lineup to accommodate Jones & Beach Engineers.

**#4-36 - Proposal by Jean K. Gove 1987 Trust for a lot line adjustment and a 2-lot subdivision off Foggs Lane.** Wayne Morrill, Jones and Beach Engineers presenting.

W. Morrill explains that this proposal moves the 15 ft. access easement to the mausoleum and eliminates a lot line giving said mausoleum more property for protection. Also created are two lots, one for single unit, one for duplex.

W. Morrill addresses T. Morgan's comments:

1. Lot 51-2 is buildable lot.
2. Silt fence detail on Sheet C1.
3. Plan depicts existing contour line. Standard notes on plans about lots being graded away from the buildings - wetlands have to be marked prior to construction of lots.

W. Morrill states that it is not the intent of the family to turn mausoleum site over to the town. S. Foote questions if there are covenants on mausoleum's new lot designating that it will always be for cemetery-type land and not for future residential development. Scott Mitchell states that there are covenants that this land has to stay as a cemetery. Further states that Ken Gove does not want someone, in the future, trying to build any more on it. S. Foote states concern that lot with no frontage in essence is grandfathered. By removing the lot line and changing the lot configuration, the "grandfathered" lot goes away. So it cannot be a buildable lot, as it has no road frontage. S. Mitchell states that they are fine with that. S. Foote states there needs to be restrictions to the deed, that land is not ever to be anything other than cemetery/hallowed ground. S. Mitchell states not a problem.

**ABUTTERS** - None

**MOTION:** *Peter Evans* ***To accept #4-36 - Proposal by Jean K. Gove 1987 Trust for a lot line adjustment and a 2-lot subdivision off Foggs Lane with deed restrictions stating that Tax Map 7, Lot 51 shall never be anything more than its intended mausoleum-cemetery.***

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

**#4-28 - Proposal by Fred Attalla to erect a restaurant and a 75 room hotel at the corner of Rocks Road and Lafayette Road. Tax Map 7, Lots 98 & 99.** Henry H. Boyd, Jr., Millennium Engineering presenting. Attallas and DiMambros are present.

H. Boyd, Jr. states that this came before board in previous meeting to address concerns of the board and the abutters of this property. Acknowledges issue with traffic light at Rocks Road and Lafayette Road and Mr. Attalla's sense of responsibility in signaling this intersection. H. Boyd, Jr. restates

history and intent of this project. He would like to move this project forward; is here to discuss redesign that the State is going to allow in the front and the possibility of monies being set aside for traffic light expense.

M. Fowler discusses stormwater plan and presents board with letter with his review. H. Boyd, Jr. states that water usage is estimated at 22,000 gal/day for hotel and restaurant. There is need for hotel and the site to have its own well for irrigation, as a minimum, and possibly some domestic use, if possible. Further states that they are aware of the water situation in Seabrook. States that he discussed existing sewer pump station on Rocks Road with both Warner Knowles and Phil Maltais and it was determined that it could handle flow from hotel and restaurant.

There was question that building specs higher than 35 feet. H. Boyd, Jr. - plans will state building will be no higher than 35 feet. S. Foote reads letter from Archgrove Realty Inc. stating that they will keep building within maximum height restriction of 35 feet. H. Boyd, Jr. discusses abutter's requests for planting for screening. Further states that for purposes of fire suppression that the hotel will need 57.5 ppsi in their line; Warner Knowles assures that at that elevation, they will achieve nearly 80 ppsi. M. Fowler - Feels key number is volume, to be at least 1,000 gal/min. Further discusses the magnitude of water use, asking if 22,000 is daily average or peak average. H. Boyd, Jr. states daily average. M. Fowler discusses possibility of peak factor of 2 equaling 40,000 gal/day; thus total use in the town is in range of 3-3.5 million gallons during summer, which is potentially 5-7% of the output that you have for the Town right now. States that this is something to consider. S. Foote questions outsourcing the laundry. H. Boyd, Jr. has discussed with F. Attalla, states no definitive feedback on whether laundry in-house is an absolute need of theirs. Acknowledges that it could be a strain. M. Fowler states he has not calculated bond to date as he is waiting to see if proposal does/doesn't include traffic signal. P. Evans states need to establish their percentage of responsibility for the traffic light. T. Morgan reiterates that D. DePorter offered to help calculate percentages. S. Foote - concurs. H. Boyd, Jr. refers back to D. DePorter's comments that change in lane assignment, and making it wider, will help truck turning situation at intersection. H. Boyd, Jr. further discusses proposed plans for sidewalks in the area. M. Lowry questions proposed lighting for project. H. Boyd Jr. - states that it is provided for the restaurant, not yet for the hotel; they are waiting for hotel people to provide that. P. Garand reiterates request for no off-lot signage. H. Boyd, Jr. states that the new lot configuration keeps the hotel out back. Offers that Holiday Inn would like to share sign with restaurant. Further offers that point is well taken. P. Evans reiterates preference for sidewalk on north side of Rocks Road. A. Knowles would like to see the project get started.

#### **ABUTTERS**

Furmer Souther - questions numbers of traffic study. States that, on a Friday, he observed 382 cars in less than 15 minutes. Would like to see residents of Rocks Road access Route 1 via the South Access Road.

David Baxter - questioned someone affiliated with Seabrook Station and states that North Access used  $\frac{1}{2}$  hour day. Adds that there are plans to shut down fully because they can't secure it.

Maureen Perkins - asks all present to come to Rocks Road and try to get out onto Route 1 and experience the difficulty. Also has concerns with water situation in town and the impact of this proposal on residents.

H. Boyd, Jr. states that with the strong feelings of the Board, and with the money commitment, it might change DOT's mind.

A. Knowles offers that if plant gives South Access Road to town, the town will access Transfer Station from that road.

S. Foote - states concerns as to why deceleration lane has not been considered by either State or in proposal. H. Boyd, Jr. discusses "pinch point" on Route 1 at Rocks Road. States he will talk with State about possibility of a decel lane. S. Foote questions H. Boyd, Jr. if he had any input as to the times that the traffic study was done. H. Boyd, Jr. - he did not. But reiterates D. DePorter's comment that an earlier time of day would show less traffic on Route 1.

M. Fowler - believes there are 8 warrants that you generally have to meet to be able to put signal in. The difference of the ratio between what Route 1 is vs what Rocks Road plus the new hotel is may never meet that warrant.

MOTION: Peter Evans Specify sidewalk to run on north side of Rocks Road. We provide letter stating reason for that and wetlands permit.

SECOND: Asa Knowles

MOTION: Paul Himmer Tom Morgan to contact Doug DePorter for estimates on percentage of responsibility this developer will have on potential traffic light and estimate...

SECOND: Asa Knowles

To continue NHDOT process of approving conceptual plan. H. Boyd, Jr. states promise to discuss deceleration lane in front of property.

**MOTION: Susan Foote To continue #4-28 - Proposal by Fred Attalla to erect a restaurant and a 75 room hotel at the corner of Rocks Road and Lafayette Road. Tax Map 7, Lots 98 & 99 until August 17, 2004.**

**SECOND: Peter Evans UNANIMOUS**

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

T. Morgan refers Board to Warner Knowles comments. States that W. Knowles reviewed plans at 5:00 p.m. today and was not happy with utility plan. Moving sewer line easement dedicating to Seabrook in front lot. States if these revisions agreeable with other members of the Board, then they could grant conditional approval.

Ernest Cote - states that changes have been made according to comments on June 1 meeting.

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Diameter of sewer line. P. Evans states he has problem with hammerhead and questions where zoning box is on Lot #1. E. Cote - states Lot #1 needs waiver on zoning box. Boundary will be on trees, erosion control plans are on Sheet 2, stormwater calculations are included.

P. Himmer questions any hydrant issues. A. Felch - hydrant is across the street.

**ABUTTERS**

Brian Felch - asks Board to take into consideration screening around cul-de-sac. Board points out that it is hammerhead. B. Felch -

P. Evans - notes that mailboxes will be on Farm Lane.

M. Fowler states he will set bond based on new plans.

MOTION:        Peter Evans                      To waive zoning box requirement for Lot #1.

SECOND:        Michael Lowry                      UNANIMOUS

MOTION:        Asa Knowles                      To conditionally approve #4-29 - Proposal by Allen & Cathy Felch for a lot line removal and a 5-lot subdivision at 7-19 Farm Lane, Tax Map 12, Lots 19 & 20, road name to be known as Acorn Drive, pending

SECOND:        Peter Evans                      UNANIMOUS

T. Morgan requests that once changes are made to Sheets 1 and 2, revised plans should be directed to S. Foote, Chairman for signature.

Bond amounts to be determined by Michael Fowler, Town Engineer. With Construction Bond in place, to last for the term of two years, and that it shall be an irrevocable, self-calling letter of credit, or cash, or passbook in a New Hampshire Bank or FDIC bank that has offices in New Hampshire. To set Maintenance Bond in the amount of 10% of original bond amount to start when Construction Bond is released, and shall remain in effect for two years.

#4-31 - Proposal by Kevin Karpenko and Robert Carbone to amend site plan approval for industrial facilities off of Ledge Road, Tax Map 5, Lot 8-90. Robert Carbone presenting.

R. Carbone presenting revision to approved plan to accommodate need for increased parking space. States change provides more greenspace and increased area for on-site snow storage.

M. Fowler states it does not change

Note: 8:50 p.m. Asa Knowles leaves meeting.

MOTION:        Peter Evans                      To approve #4-31 - Proposal by Kevin Karpenko and Robert Carbone to amend site plan approval for industrial facilities off of Ledge Road, Tax Map 5, Lot 8-90, as amended.

SECOND:        Michael Lowry                      UNANIMOUS

**Town of Seabrook                      PLANNING BOARD                      July 20, 2004**

#4-32 - Proposal by B.J. Alan Company for lot line adjustments, proposed easements, and reconfiguration of their fireworks store near the corner of Lafayette Road & Chevy Chase Road, Tax Map 8, Lots 90, 90-3 & 54-3.

MOTION:     Peter Evans                      To continue Proposal #4-32 by B. J. Alan Company until August 17, 2004.  
SECOND:     Michael Lowry                      UNANIMOUS

#4-33 - Proposal by Wil-Mor Engineering to expand their machine shop at 153 Batchelder Road, Tax Map 6, Lot 34-1.

T. Morgan's comments were addressed.

1.     Adequacy of proposed parking - large gravel area, parking need should not be a problem.
2.     Building elevations not submitted - Mr. Robie said steel company states continue with same pitch of roof - when he receives

MOTION:     Michael Lowry                      To conditionally approve #4-33 - Proposal by Wil-Mor Engineering to expand their machine shop at 153 Batchelder Road, Tax Map 6, Lot 34-1 pending submission of  
SECOND:     Peter Evans                      UNANIMOUS

MOTION:     Peter Evans                      To waive building elevations  
SECOND:     Michael Lowry                      UNANIMOUS

#4-34 - Proposal by Karen Knight for a condominium conversion at 32 & 34 Weare Road, Tax Map 4, Lot 2-1.

#4-35 - Proposal by Karen Knight for a condominium conversion at 28 & 30 Weare Road, Tax Map 4, Lot 2-3.

T. Morgan - to date mylars have not been submitted. Note that W. Knowles comments on using existing sewer service for one of proposed Lots.

MOTION:     Peter Evans                      To approve #4-34 - Proposal by Karen Knight for a condominium conversion at 32 & 34 Weare Road, Tax Map 4, Lot 2-1 and for Susan Foote, Chairman to sign mylars.  
SECOND:     Paul Himmer                      UNANIMOUS

MOTION:     Peter Evans                      To approve #4-35 - Proposal by Karen Knight for a condominium conversion at 28 & 30 Weare Road, Tax Map 4, Lot 2-3 and for Susan Foote Chairman to sign mylars.  
SECOND:     Michael Lowry                      UNANIMOUS

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#3-40 - proposal by Ivan Q. Eaton, Jr. for a lot line adjustment at 1 & 6 Eaton Lane, Tax Map 7, Lots 34-4 & 34-5. P. Garand notes driveway stonewall in Town ROW. S. Foote states need to move wall or ROW.

MOTION:        Peter Evans                      To continue #3-40 - proposal by Ivan Q. Eaton, Jr. for a lot line adjustment at 1 & 6 Eaton Lane, Tax Map 7, Lots 34-4 & 34-5 until August 17, 2004.  
SECOND:        Michael Lowry                      UNANIMOUS

**INFORMAL DISCUSSIONS**

Atty. Mary Ganz presenting proposed minor subdivision at 41 Railroad Ave. She notes that there will be a need for waiver of the 100 foot zoning box. S. Foote - advises that unless there is cul-de-sac, mailboxes will be on Farm Lane. M. Fowler - states need for profile showing utilities and slope of the road.

**OTHER BUSINESS**

Peter Evans approached by Borderwinds, Lenny Demaris, to inform Planning Board and Board of Selectman that they tried to go through mediation, but will be going to Court. T. Morgan - reiterates that there is no role for Planning Board in this matter.

Letter dated 7/19/04 from Lynne and Kevin Borges, 101 Railroad Avenue. Discussion from Board resolves in contacting Zoning Board of Adjustment to meet in conjunction with Planning Board, Lynn and Kevin Borges and Hannah International.

Atty. Peter Saari representing Patrick Carey. S. Foote asks Atty. Saari if he received forwarded email from Atty. Walter Mitchell. Atty. Saari states he did.

Outstanding application for restaurant approved, but bond has expired. Asks if intent is for restaurant, must renew bond and act on plan in two years. If not intended, then send letter in order for Board to close case. Motel plans never got signed - tentative approval pending DES approval. DES stated extensive landscaping, no decks on North side of building, rip rap edge. Plan does not comply with DES approved permit.

No motel - segway into condominium conversion. Approved site plan for motel before it can be converted. sign it and then

Two site plan approvals for one site.

Atty. Saari - P. Carey landscaping plans

MOTION:        Peter Evans  
SECOND:        P. Himmer

**MEETING ADJOURNED at 9:50 p.m.**

**Town of Seabrook**

**PLANNING BOARD**

**July 20, 2004**

Respectfully submitted,

Melanie J. Locke-Huddell