



## Town of Seabrook Planning Board DRAFT

Meeting called to order at 6:09 PM. Members present: Sue Foote, Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans, Paul Himmer, Keith Sanborn, Patricia Welch, Secretary.

**Motion: Sanborn Accept minutes of June 7, 2005 as written.**

**Second: Himmer Unanimous**

Security Reductions: First a letter from Corydon & Alice Perkins requesting security be reduced to zero that all work has been completed. We have a report from Warner Knowles, Water/Sewer Superintendent that all water and sewer services on Bowley have been installed and inspected satisfactorily. Report from John Starkey is that only discrepancy found on left side of road. Typical roadway section plan calls for a stone-lined ditch beyond the shoulder of the road. That wasn't done and it looks to me for good reason, i.e., all wetlands on that side of the road and the brook are basically parallel to the roadway. The typical section on the plan was in my opinion boilerplate that someone took off a shelf. The builder did a reasonable job and did everything else in accordance with the plan. We are currently holding a \$5,000 bond. We can reduce that to \$4,500. But we will have to hold \$500.00 for the two-year maintenance. I would like to take action on this first before we go to the others.

**Motion: Evans To grant Corydon & Alice Perkins Bowley Way Subdivision request for security reduction to zero with \$500.00 being retained for maintenance for a period of two years. The amount returned is \$4500.**

**Second: Lowry Unanimous**

Next is a request for bond reduction from Thomas & Lynn Willwerth, basically they say the same thing. \$5000.00 bond be reduced to zero. All work has been completed. John Starkey's comments are pursuant to the above referenced location, I did this morning in the field inspection and found it substantially complete and built according to the approved plan. Warner Knowles states please be advised that all water and sewer services on Linda Lane Extension have been installed and inspected satisfactorily. And the funding on this is the same as the last. The original bond was \$5000.00 and we can reduce up to \$4,500 and must maintain the other \$500.00 for the two-year maintenance. Any members have any questions or comments?

**Motion: Evans To grant Thomas & Lynn Willwerth Linda Lane Subdivision request for security reduction to zero with \$500.00 being retained for maintenance for a period of two years. The amount returned is \$4500.**

**Second: Himmer Unanimous**

Request by Stan's Way for setting a site security. This project was originally started by Stan Saracy Sr. He has since passed away, and his son Stan Jr has taken over the project. About nine months ago, Stan and Bruce Felch were in and were discussing continuing the project. We have gone back and forth between attorneys trying to set up an equitable



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bond. They at one time put up the deed to one of the lots that was approved. At this time, he wants to release that obligation and is requesting for items that have been completed and that would reduce our original bond money and at the same time he wants to put up a cash security for the remainder of it. Are you interested in all the numbers and calculations or just the bottom line?

**Garand:** what's the bottom line?

**Foote:** the bottom line is \$22,275.00.

**Garand:** and all the department heads agree with that number?

Secretary: they were based on the engineer's original 2004 calculations

**Foote:** as far as Warner Knowles, he estimates that \$350.00 for tie cards and adjusting shutoffs to final grades is sufficient. John Starkey has listed the items not complete so take that from the rest and that's what totals up to \$22,275.00. The top sheet is John Starkey's calculations of items that still need to be completed and he used Mike Fowler's estimate as to the cost.

**Motion:** **Garand** To set site security at \$22,275.00 for one year to be followed by a two year maintenance bond to be determined.

**Second:** **Himmer** Unanimous

**Evans:** What is the time limit for the performance of this work?

**Foote:** I would recommend no more than one year. He is virtually complete and he should be complete within a year.

**Garand:** basically a topcoat and some final grading on the swales. It's not a big issue so a year should be fine. If it's not, he can always ask for an extension.

On to **Public Hearings:**

**#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.** And Henry, I don't know if you were here when we decided to enforce the regulation that we have in our by-laws that initial presentations are twenty minutes and then you ask for a continuance. Any presentation thereafter is fifteen minutes. And you get to be the first.

**Boyd:** I believe this is a fantastic plan and you can approve it without a presentation. I know that the last time we were here with accepting applications and those things, I don't know how you want me to go into this procedure because I'm still a little bit confused by that. I'll give you an overview. It's a site that Lloyd owns up on Ledge Road, very close and abutting the famous what's going on with our brothers at Jones & Beach right now. I understand that there was some discomfort with how Jones & Beach has done that drainage, although I don't disagree with it. I think they've been through site specific and done all the things that were required of them, and I think they're quality engineers. However, we have actually chosen not to involve ourselves in that because of time expediency number one and because we have the ability to treat on-site run-off here. We have two detention ponds. There is essentially pavement that comes in one entrance. The site does have a significant amount of wetlands on it. We're looking for four units. Basically parking spaces of two per unit. These will be industrial condominiums such as those for plumbers, those types of things that have gone on up there in the past. There was some comment about why there were four water lines instead of one. That's because we're always told you need one for each if it's going to be a condominium. I have had Chris add a six-inch



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water line simply for fire suppression for the building as a whole, but I noticed he's left off the gate valve to it. In a nutshell, that is what we are doing. I have talked to the Fire Chief about getting around the back; there was a comment about how far the building was from the wetland. We did show the wetland offset, but because of the amount of lines that are on the sheet we've chosen to show a tie that is 16 feet from the wetlands edge. You may remember that we went before the Zoning Board to try and get a five-foot reduction in the building setback to 45 feet and why we wanted to do that.

**Foote:** excuse me, I don't think that was a building setback, I think it's a 50-foot no-cut zone

**Boyd:** it's also the building setback and that's why we were there

**Garand:** can I ask a question also while you're bringing this up? You still need clear access on three sides of the building. If you have a no-cut 50-foot zone with trees, how do they have access to the building if they can't cut the trees?

**Boyd:** well, this design that we're providing for, we are going to be asking for a little bit of relief on the 50-foot no cut. As I understand it having been involved with what is going on up there, the major reason for that is because there is so much approach and so much residential traffic that went by, it was for screening more than anything. We really would prefer if we could fill this in with some vegetation to make sure the screening was in place we would prefer to have this not only for the turning of trucks but for the ability to safely access three sides of the building.

**Garand:** I agree with what you're saying, but at the same time, the 50-foot no-cut zone was a stipulation of the whole subdivision and at the same time there was only allowed a cut-zone for the driveway access only. You're proposing four water lines and water main going in for the fire other than the driveway, and if we're condoing a building, this building hasn't been approved on this lot at this time correct? Why are we looking a condoing?

**Boyd:** we're not looking at condoing

**Garand:** why are we allowing cutting other than what was approved in the prior approval.

**Foote:** let him finish his presentation and then we have to decide whether we're going to accept the plan or not

**Boyd:** I'd like five of those minutes back. I think it's a great point. We have no problem in putting the water lines down here to minimize that cut on the front. I think that's a great solution. I do favor, however, the Board seeing some grace in granting the ability simply to have grass pavers here so that a fire truck or semi can turn out if necessary. Now I've talked to the future buyer and he says on a rare occasion there may a large truck come down in here and have to turn. Generally it will be one-tons or panel trucks, so there won't be much need for it. But I would prefer that the Board would see some grace in this. I do understand what the purpose of it was and I think we can accomplish that purpose and at the same time allow the site, because it is impacted by the amount of wetlands in the back, we're not asking for any wetland fill or anything like that, I would just like to be able to see the site to highest and best use by allowing the reduction in the no-cut. And we will augment that as I said. We will absolutely make sure that that is screened.

**Foote:** any other initial presentation that you want to make?

**Boyd:** I don't think so other than saying that we have addressed all of the concerns, there are some more, and I think that Paul brings up a great point about putting it through here because that's the natural cut and I think that it's a great use for the site.



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**Morgan:** how do you distinguish this proposal from the neighboring ones that have been delayed for several months?

**Boyd:** as I understand it and maybe Mr. Morrill can help me if I misspeak, but as I understand it all that they are doing is having their drainage going into a master scenario and that some of the lots individually may rely on some of the abutting lots to take care of the run-off. What's different about this site is that we aren't putting anything off. We are totally contained in it. In fact, we really can't shed water off this site other than into the wetlands without our drainage request on Mr. Bagley's lot over here. We're taking care of it within our own house. The ponds are sized appropriately, sized for the 50-year event as Seabrook does. So it's all set.

**Foote:** one of the enlightenments I've had with site specific recently, I had a phone conversation, with someone up in Concord about site specific and their philosophy behind that and basically what it boiled down to after a bit of description and a bit of discussion was that in essence the whole industrial area of the Chase land really should have had a Master Plan for build-out and projected build-out on each individual lot and that the run-off and impact for each of the new lots that are being built should all be encompassed together in a site specific. Because if you were to take it back to, if these were second and third generation development change of hands, different minor additions to something that had already been built, they would have been considered all individual lots. But because this is really the first building impact to this area, the person I was talking with in Concord said they would presume that you go to a site specific for virtually each of those lots combined because you go back to the Chase parcel. And it should have had a Master Plan for build-out for each of the lots way back when we originally approved the subdivision of the industrial parcel.

**Garand:** you are correct Sue. The woman's name is Amy Clark that I spoke with also. And she stated that she wasn't aware that the road had been put in yet and she was not aware of the development on the subdivision and she was actually going to send someone down to do an inspection of what was on all the sites at this time and that it did require a site specific and she would look further into it. I spoke with her Monday morning (6/20/05).

**Foote:** I don't know how that factors in with all the new owners of the different parcels and the different engineering firms working on it. It helps to muddy the waters even more.

**Boyd:** the whole intent of what we're trying to do is make sure we don't have net run-off. That's what we're ensuring on this lot. I don't see how Lloyd Perkins should be hand-cuffed to something, and I'm not trying to be crude here or disrespectful, but it seems like the cow's out of the barn here. This man has owned the lot individually, he's hired a reputable company to design it, and he's well within his right to develop his property. What should have been done and what this man should have to pay because it wasn't done, I really disagree with that. I sympathize with what everybody is saying. But this meets the standard not only of the State but also of the Town, which is far more stringent as far as Stormwater calculations than the State is. So I really see it as a hardship to this man to do this.

**Foote:** I guess where it comes in. It appears that throughout the state, developers and contractors are sort of end-running around the site specific by submitting individual lots that abut each other and ultimately you have the whole area impacted, but because it was piecemeal, it never showed up as the total bit impact. For instance, that's why you say,



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when you're doing a subdivision, that if the road is over x amount of length, you have to do the entire road and seal it up and get the storm drainage in before you do anything, even grubbing of lots and they said that's very similar in scope to this area of industrial subdivision that there should have been a site specific with projected build-out.

**Boyd:** correct me if I'm wrong, but I think what Jones & Beach did is they tried to map the thing as part of a master drainage scenario. That's why I have no objection to it and I think Wayne or at least some of his employees have dealt specifically and intensively with the site-specific department in Concord. I don't know. I'm not responsible for getting permits on that lot. This man has hired me and he's within his right to be able to do this. We have based this on good science and good regulations and I don't see how he can be handcuffed to something that, I mean he bought this, how long has he owned this lot, Paul (speaking to an audience member believed to be Paul LePere who answers three years). I don't see this as right.

**Garand:** back to the no-cut zone and so forth. I still believe that those initial approval stipulations should be respected and I think they should respect them and not be allowed to cut into them except for what the original approval was. The approval for the wetlands stipulated there wouldn't be any further wetlands filling anyway and we don't have to worry about that. I think the building's a little bit large for that site to be honest with you. I think the parking's undersized, I think the snow storage is questionable...

**Foote:** before we get much more ripping it apart, we have to decide whether or not to accept the plan

**Boyd:** If I could say one more thing. This Town had an economic development committee and they were interested in building out the industrial zone. This 50-foot no cut zone was set forth for screening. We can remedy the screening and we're not asking to invade too far into that. We really aren't. Why would we take taxes away from the Town out of the industrial zone simply to hold to a standard that we can achieve by some other method. We're not asking to obliterate the whole 50-foot thing. This Town is interested in building out the industrial zone. I don't think it helps anybody, certainly it doesn't help Lloyd and it doesn't help the buyer of this lot or the Town in my opinion, to just for the sake of honoring that when we have a way to remedy it and probably a better situation by planting specifically to create screening. It doesn't make any sense to me.

**Evans:** I'd like to point out that

**Foote:** before we discuss we have to decide if this complete or not

**Evans:** I'm getting to that. Because there is no over-arching site specific permit which I believe is necessary in this case, I respect the applicant's opinion that he may very well take care of the drainage on his own lot, however, he's part of a much larger system and may end-up hamstringing his neighbor's lots making them unable to be developed and we need to take into account the big picture and because that site specific permit is missing, I feel that we do not have enough information to consider this application complete. I move we deny acceptance of this application.

**Motion:** **Evans** I move we deny acceptance of this application (case 05-24).

**Second:**



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**Footte:** the site specific says that you have to impact 100,000 square feet or 50,000 in the shoreline protection zone before it kicks in to requiring a site specific. And what we're running into is each one of these lots of the original Chase parcel industrial none of them individually except for maybe one, would kick it into the 100,000 square feet on one lot. But from talking with Concord, they're saying that you have to look at it as the original Chase parcel and that cumulatively the development of all the lots kicks it way over the 100,000 square feet threshold. One of the other things that really, I know I keep harping on this Board is EPA Phase II Stormwater. A lot of people used to presume that site specific just meant 100,000 square feet of ground open and not secure by vegetation or whatever.

That's only one aspect of site specific. It also is the treatment and control of stormwater. And that's why I bring this up, I have a question. I understand Henry's viewpoint and I understand Lloyd's viewpoint, but I'm very cautious as to stepping into this when we know what's going on with all the rest and how we can consider this not part of the whole.

**Evans:** and because this is being considered right now and there is an end in site, I don't think we're imposing an unreasonable hardship on the development of this plot to be considered in the entire development of the area.

**Boyd:** I believe that you are, Peter. I believe that you are. There is nothing more that we are required to do by the State anyway. This is twice the State's, possibly three times the State's criteria. This is unfair treatment. I will say it. It is unfair treatment. It is not proper. This is 15,000 square feet of sealed surface when this is done and this man has been out of that source of title for three years. This man is being harmed. I know you're trying to do a good job, but this is wrong. Absolutely wrong.

**Garand:** were all the comments from the Tech Review...

**Boyd:** they were all addressed.

**Footte:** I think before we start going through the site review, because there are a lot of things I'm going to ask to confirm that they are on the plan now, we have to decide whether we're going to accept as a complete plan that we can deliberate on or not.

**Evans:** I have a motion on the table

**Footte:** to not accept at this time due to, fill me in again...

**Evans:** due to the impending decision on the entire Chase subdivision drainage plan we don't know if the new plan of all the surrounding property is going to have any impact on this particular, if it's going to require that there be some sort of easement for drainage on this particular piece of property for example, and that we need to take into account all of the factors that relate to the site specific permit.

**Lowry:** I don't think you could do an easement on that for drainage.

**Footte:** I don't believe that any of the other abutters have a right to take an easement on this without the property owner agreeing to it

**Boyd:** where's it going to go?

**Footte:** Tom, do you have any enlightenment on this?

**Morgan:** you mean whether it's complete or not?

**Footte:** yes, whether we can accept it to begin deliberation on due to the...

**Morgan:** just before Peter spoke I was about to say that it looks pretty complete to me and then I thought Peter had a good point. I would suggest you accept the plan for consideration and then pay close attention to Peter's issues during deliberations.

**Footte:** okay. So we have a motion on the table. Do we have a second on Peter's motion?



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No second. Do we have any other motions to come forward as far as addressing this as a complete plan for deliberations?

**Motion:** Lowry                      **Accept case 05-24 as complete for deliberations**

**Second:** Sanborn                      **All in favor except Evans**

**Footnote:** so now we can begin deliberations. You have stated your opening statement. Keith do you have any questions, comments, observations?

**Sanborn:** no

**Footnote:** Paul (Garand)?

**Garand:** I still don't like the cutting of the no-cut zone. I think the water main should be relocated, snow storage is an issue, parking is an issue and even though some of the issues have been addressed I don't think they've been addressed properly.

**Footnote:** Peter?

**Evans:** I agree with Paul that parking does appear to be an issue. I drive by an abutting property that has a lot more parking and I always see cars parked up on the verge because there is not adequate parking at the facility. Furthermore, I wonder what would happen if a semi-trailer did go in there? I think it would be he would have to back out onto Ledge Road and that's a bad situation. I think we want to plan this property for successful businesses that have a place to grow and I don't see this particular plan satisfying that.

**Footnote:** Mike?

**Lowry:** can you cut the building back a little bit Henry?

**Boyd:** I'm not a real estate person; I don't understand what they need. What I understood is that five feet longer than this was the optimal thing and they've already cut it five feet. To me it sounds like a simple request. It's something I certainly will talk to them about. I know you can't act on this tonight anyway and I will talk to them about it. That's a huge concern that I have, Peter. I asked the applicant and they said they don't entertain trucks coming down here and you know and I know that there's going to be a truck coming down in here at some time and one of the reasons wasn't just for the fire truck, but in the inevitability that a semi did come in, they could turn in here and back out safely because I didn't want them backing out onto Ledge Road and I'm glad you brought that up.

**Footnote:** any other questions, Mike? Paul?

**Himmer:** I have the same concerns about the parking area, the turning radius, and the possibility of making it a smaller building if that would work to eliminate some of these issues.

**Garand:** is the Board going to allow him to cut into the no-cut zone?

**Evans:** I'm agin' it.

**Lowry:** I'm looking at a smaller building, so.

**Garand:** if we don't allow him to cut the no-cut zone, then he has to have clearance around the building on three sides for fire access.

**Boyd:** that's correct.

**Footnote:** so while you're pondering that, I'll go down through the checklist. Architectural elevations?

**Boyd:** that's something that we still need to work on

**Footnote:** signage? Design of all proposed signs and advertising devices? We don't have anything there. Cut sheets for lighting fixtures



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**Boyd:** we did send one in

**Foot:** location and description of every outdoor lighting fixture including hours of operation?

**Boyd:** I think we have a lighting grid here that shows. I haven't studied this so I'm going to have to look at it and let you know on that.

**Foot:** we need a note somewhere stating the hours of operation and that during the times of ...and dumpsters and trucks?

**Boyd:** hours of operation right here; lighting hours?

**Foot:** lighting hours when the businesses are closed

**Boyd:** well, these are industrial condos so they're not technically businesses. The guy owns it and he could go in there whenever he wants to. They're not open for business.

**Foot:** well, what it is is that we don't want the lights left on all night if no one is there; so they should be on timers to dim them down to a minimum level

**Boyd:** I just don't know how you set hours? If a guy wants to go in there at 2 o'clock in the morning, I think he has the ability to do that. I don't know how you set hours on private property. I don't know how you do that. If it were a business it would make sense.

**Evans:** I'd be surprised if businesses weren't in there.

**Garand:** what is the proposed use on this Henry?

**Boyd:** I stated that Paul. It will be for plumbers or electricians that have a shop or a guy that just needs to keep it, he's self-employed, and he can't keep it at his home.

**Garand:** so they're not going to be there at night anyway, it'll just be emergency situations so they could put that on timers at night and they could turn them off and on if they're there.

**Boyd:** I'll put a note on there that says that all lights on the building will be turned off if they are not there. As far as assigning hours to it, I don't want someone up there harassing the guy if he's up there at 2 in the morning.

**Garand:** it has to be clear on plan

**Boyd:** how do you want me to note it?

**Garand:** minimize lighting during off business hours so lights will be turned down.

**Foot:** outside lights. We don't care about inside lights, it's outside lights. Unless they plan on building glass walls all around.

**Boyd:** no.

**Foot:** does plan minimize annoyance to other land users? Because it's an unknown use, I guess we can't really decide on that. Sufficient off-street loading space and again it's not specified.

**Boyd:** there are bay doors on each of the garages up front so anything that comes in has the ability to load in front.

**Foot:** so you're generally figuring that this is going to be pick-up trucks and possibly panel trucks the size of a UPS truck, nothing bigger.

**Boyd:** and that's what Pammy said maybe a UPS truck making a delivery but no loading docks or bays that would be necessary at all

**Evans:** but there will be a car parked in front of the loading bay

**Boyd:** no there will not, Peter

**Evans:** there are no parking spots in front of the garage door?

**Boyd:** no, and that's the reason that there are two parking spaces instead of three.



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**Evans:** thank you for clarifying that.

**Foot:** sufficient maneuvering area for trucks and other vehicles; depends on size of trucks

**Boyd:** and I think that's a great observation to make

**Evans:** because we don't know what kinds of trucks or businesses will be in there, we can't rule out the fact 65 foot trailers might want to come down there.

**Garand:** I think we should have something in writing on this. Right now I have delivery trucks in residential neighborhoods because of vagueness at what's a business or home business. I think in the industrial zone, if you don't take into account the worst scenario, meaning tractor trailer trucks, and you build it to turn around in the lot, you're going to compromise the area.

**Evans:** we've already got tractor-trailers turning around

**Foot:** it's going to be a nightmare if a tractor-trailer backs out of there onto Ledge Road.

**Boyd:** that's why I'll say it again, that's why one of the reasons that we have this here (pointing to the ingress into the 50-foot no-cut zone) so that in the inevitability that a truck does come in, it can back out safely without jeopardizing anybody on Ledge Road.

**Garand:** isn't that within the 50-foot no-cut zone?

**Boyd:** I think you know that it is Paul

**Garand:** Personally I'm not for that.

**Foot:** and they're going to be able to make the swing without cutting this corner?

**Boyd:** I believe they can. This is a 24-foot width; we could round that a little bit

**Foot:** cutting further into the no-cut zone

**Boyd:** but you're allowed to for the driveway; it's part of the driveway.

**Foot:** moving on. Drainage design. Groundwork installed in such a way to prevent erosion or sedimentation of streams or damage to abutting properties. One of the things we are requesting and probably will be adding to our regulations fairly soon, is that the rip-rap rocks that are used in spillways, we are finding the ones that are being laid into spillways over the top of landscape fabric within weeks or months are missing. So we are now requesting that spillways be some sort of concrete with the rocks set into them.

**Boyd:** it won't work; I've had this comment before. The purpose of the spillway is so that it can break up the velocity and also settle out anything else that is trapped within the stormwater. They have to be loose, that is the point of them. You might as well just pave a spillway that you would have on top of a dam for clear water to find an easy path to the wetlands. That's not the purpose of it. I understand the rocks being removed, and the whole point of cementing the rocks would obliterate the purpose and intent of the spillway.

**Evans:** I think as part of the operation and maintenance manual for the site, you would have to make sure that part of the inspection was that the rocks in the spillway would be replaced if they were taken away.

**Boyd:** that's something that could be done.

**Foot:** hay bales and silt fences to be left in place 24 months, has that been added?

**Boyd:** yes it has

**Foot:** oil/water separators?

**Boyd:** I don't know if he addressed that or not, I'll have to look it up

**Foot:** fire and safety codes and sprinkler system

**Boyd:** right



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**Foote:** sanitary waste facilities it's unlikely that the sewer stub will be at the elevation noted on sheet 2; the engineer may want to review grades for mh 10.41e in the event the stub is shallower than anticipated.

**Boyd:** we don't know what the stub height is. We're basing it on the information on the actual main here. What we are saying is that if it is less than four feet of cover is that it is to be insulated. I suppose they could cut into the road again and tap the main if it wasn't, but we believe that we could insulate if it's less than four feet.

**Foote:** okay.

**Boyd:** and there's a note that says that on the plan.

**Foote:** and you received all the comments as far as the lighting standards>

**Boyd:** I believe that we have. I have not received Mr. Morgan's comments, however.

**Morgan:** Mr. Morgan doesn't have any comments.

**Secretary:** they are incorporated into the technical review sheet. You get one TRS that incorporates the engineer's, the planner's, and the department head's comments.

**Boyd:** so Mike Fowler's stuff is in here then?

**Foote:** yes.

**Secretary:** everything is in there

**Boyd:** I wondered why it was a bit dry Tom. I guess what I'm hearing is that you're looking for us to try to pursue a smaller building. I will talk to them about it and see what the thought is.

**Foote:** I personally am reluctant to set precedent of reducing that 50-foot no-cut zone. That was part of the original subdivision. That was one of the conditions that was set on the plan. I would like to see you try to make every effort to try to not impact that area. Even if your units must be that size by what realtors say, go to three units instead of four.

**Boyd:** I've heard the Board loud and clear?

**Foote:** and where is the dumpster going to be located?

**Boyd:** I don't believe they are going to have a dumpster. They are going to have internal trash pick-up.

**Morgan:** can we revisit Peter's views for a moment? I thought it was a very good point he made initially. It kind of works into my primary concern and that is that all the applicants in this neighborhood are subject to the same criteria which brings me to the next question. What kind of time frame are we looking for in terms of resolving the drainage issues on the upland neighbors?

**Foote:** I believe we have a Work Session for July 12<sup>th</sup> with Appledore, Jones & Beach to discuss the whole drainage situation of both Border Winds and the Industrial sites. Hopefully if everything goes copasetic and we can come to some type of conclusion that night, we should be able to charge forward with all the rest of the...

**Morgan:** I think Peter made an excellent point about looking at the big picture and making sure that what we do with this one doesn't mess up the others.

**Boyd:** what else are we to do? If we address all of our concerns on our own lot, we don't have any room for anybody else here. This is the smallest lot that's here.

**Foote:** I think it comes into what was described to both Paul and myself about the requirement for a master plan build-out of the whole Chase industrial and a site specific that covers all the lots combined.



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**Garand:** also, she said it's not up to the contractor. You must put a site-specific application in and they will determine if it's required or not.

**Foote:** I think from the way it was described to me and now it's confirmed in the way it was described to Paul, we talked to two different individuals, that the whole industrial site needs a build-out site specific plan. While they may be individual lots, all of the lots combined are going to impact in excess of 100,000 square feet.

**Boyd:** there's no doubt about it. I don't doubt that, it's clear to me.

**Foote:** I believe the calculations for this also have to be calculated into a site specific that goes in for the whole area.

**Boyd:** I'm pretty sure that Jones & Beach once had done this site as part of the other, the master, and I think they didn't really have any drainage on here. I don't know for sure, but we have taken care of everything on this.

**Foote:** we've never seen a master plan for the whole site with a calculated build-out

**Boyd:** Peter's suggesting that we have some room on here to let the guy next door get an easement. Where's it going to go? We've done everything that we can.

**Evans:** that was a hypothetical statement, Henry.

**Boyd:** I'm glad.

**Garand:** so the issue now is do we want to continue this and what's the date? I'd say sometime after the 12<sup>th</sup>.

**Foote:** we know that there are corrections that need doing. Our meeting on the fifth is already loaded. We'll be meeting on the 12<sup>th</sup>, so the earliest possible that we could see for the corrections is the 19<sup>th</sup> of July and hopefully by then and you're more than welcome to attend the board session on the 12<sup>th</sup>.

**Boyd:** I think I've been invited

**Garand:** so the issues we're looking at are the no-cut zone, the building size, the truck turn-around, snow storage, parking, location of water mains and the 6inch main and the site specific.

**Foote:** yes

**Motion:** Evans                      To continue case 05-24 to July 19, 2005 at 6:00 PM

**Second:** Lowry                      Unanimous

**Boyd:** thank you a lot.

**Foote:** are there any abutters that would like to speak to this plan?

**Wayne Morrill, Jones & Beach:** just a question for the Board. When we originally came in front of the Board with the entire development, we did show sort of a master plan of the whole thing, but a traffic analysis for the whole thing and at the time we allotted square footage for each lot and we allotted 6,000 square feet for this lot. We're just curious if this site is over the 6,000 and if there is a new traffic analysis coming to the Board.

**Evans:** it's apparently 1500 feet over—a 7500 square foot building

**Foote:** and that's not including the parking and everything

**Garand:** that was my main concern when we approved this development, we were approving sort of a package deal and now they're changing that package and I'm opposed to changing that. We were sold a bill of goods and three years down they're coming in to make changes. No. We haven't approved this.

**Boyd:** wait a minute, when somebody says, "they're coming in to change it", we weren't here.



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**Garand:** it doesn't matter, what you bought; they bought something that was approved they should have known what they were buying

**Boyd:** it's not what I bought. I don't see restrictions on the deed for this.

**Garand:** the 50-foot no-cut zone

**Boyd:** that's fine, we'll deal with the 50-foot thing.

**Foote:** I personally have problems with every single deed that was written for these parcels. Because it specifically states in the dredge and fill application that the plan, the wetlands and items 8 and 9 of the approval for this project will be incorporated and recorded with the deeds. There are well over 60 deeds issued for this area including the residential and not a single one of those deeds incorporates those requirements by DES wetlands. So if we really wanted to be picky about it, we could notify DES and revoke every single one of these lots and tell them to restore to original

**Boyd:** that's going to be difficult when they've gone out to separate sources of title. It's not that you can revoke a subdivision after the title has been changed

**Foote:** it's a major error by whoever drew up the deeds transferring the ownership.

**Boyd:** I don't disagree.

**Foote:** and every single one of those deeds should have an amendment on them.

Unfortunately we currently don't have in our regulations that we want a draft deed submitted with the application. But it's getting to the point where we are going to require that because things that are supposed to be written in deeds are not there. Any other abutters that have any questions or comments. This is continued to

**Evans:** 19<sup>th</sup>, 6 PM

**Foote:** Next item: **#05-25 Proposal by Sam Lupoli for site plan review for renovation of existing vacant building, pavement modifications and construction of walkways, Tax Map 7, Lot 87.**

**Henry Boyd,** Millennium and tonight I have with me Sam and Denise Lupoli, they are hoping to open a restaurant behind the Getty station that's directly across from McDonalds. This was the old Lido building and I don't know the last people that were in it, but I think they had adhesives in there. Very nice people, they're going to have the Brick Oven Xpress here. They've done a wonderful job inside the building already. I don't know if Paul's seen that. It's an existing site. There was some comments that the first plan that I submitted was kind of busy and I have to agree, the changes were so small to the site it's an existing site and really the only thing we're hoping to do is straighten out the edge of the pavement as it exists now and add one more walk and convert the existing walk into a handicapped ramp so their customers can get up there without any effort. How I simplified it is the first page is simply the existing conditions sheet where we chose for the Board's and the Town's benefit to map the gas station as well so that you could see what was going on. It may seem a little bit strange to you that there two uses on this site but it's a grandfathered, pre-existing condition where there is actually a lease line that I've drawn on the plan where the gas station leases the front portion of the lot abutting Lafayette Road and the Lupoli's are now leasing the back portion. I wanted you to see how close things were to the gas station so if you had concerns about traffic and turning and those types of things, but if you go to the second page, you will see that all we are really doing is adding this proposed four foot wide pervious walk, a couple of residential style lamps with 100 watt bulb in it, something like that and redoing the walk that's over here for proposed handicapped to meet ADA



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compliance. The other thing that we're doing is straightening out the pavement edge. It's kind of jagged right now and goes along here. We're simply straightening it. When I first submitted the plans, there was actually an increase in the impervious area, and I had asked for relief from the Stormwater criteria. I think there was an increase of something like 200 square feet. One of the other concerns that came up as part of the tech review was that actually this pavement is out into the Town right of way. One of the comments said why don't they remove the pavement from the Town right of way. I said if we're going to do that, why don't we remove enough of it so that we in fact have a reduction in the pervious areas. So I have a little detail showing that the pavement we are actually removing, the 703 feet, which pulls it well outside of the Town right of way, and the pavement that we're adding, about 146 feet. The change to the existing walkway here, we're actually adding about 43 square feet of pervious area, but that still results in a reduction of 114 feet in pervious surface. He plans to have six tables inside the restaurant. Each table will have three seats at it. So we have six parking spaces, plus two for handicapped and then there are three employee parking spaces that are up in here. The offsite loading is actually going to occur here. But they plan to have deliveries on off hours and also, if a truck comes, the employees will be able to move their vehicles so the truck can get in. Other than that it's a pretty straight-forward situation and I'm hoping that you could act on this evening where it's so simple.

**Garand:** so everything has been met now on this change that was brought up at the Tech Review.

**Boyd:** I think so Paul. I think there was some confusion in the Tech Review meeting if I understand that right that some people thought that there were major changes to the site when it was actually just straightening out; the Police Chief didn't know about the traffic—it's an existing site. The only thing we're doing is those couple of little things.

**Morgan:** I've never been to one of these meetings, are you allowed to address the committee

**Boyd:** I don't go because I don't know that I can hold my tongue, but I wanted to go but I've heard that I can't speak unless spoken to, so...

**Garand:** looking for a motion?

**Motion:** **Garand** To accept case 05-25 as a complete application for deliberations.

**Second:** **Lowry** Unanimous

**Footnote:** if you want, we can go down through the checklist first, it might expedite the matter.

**Evans:** Point of order Madam Chairman. In the future, perhaps we could go through the checklist before we decide whether or not the application is complete or as part of the debate on whether the application is complete or not. It seems like we approve this and on the last one, we approved it as complete and there were a number of exhibits missing from the application. I think that's a little embarrassing.

**Garand:** good point

**Morgan:** I think it's a good point, but I'd also like to add that what the statute says about accepting applications. It doesn't say that every t has to be crossed and every I has to be dotted. It says that the application should be substantially complete sufficient for the



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Board to make an informed decision. My own rule of thumb is that if it looks like it's about 90% there to my way of thinking it's a complete application. I wanted to make sure you guys weren't looking for 100% because that's not what the state law says.

**Evans:** I think 70% may be enough to make an informed decision.

**Lowry:** Sue, we used to get notes from Tom and I spoke to Mark and we used to use them all the time. They were helpful. A lot more could be written down on them than a check mark.

**Boyd:** I don't get a heck of a lot out of this to be honest with you.

**Lowry:** neither do I because I can look at this, maybe Tom would say if they address it this way. He gave us more to go by I think.

**Secretary:** Tom's comments are put in there in sentence form in the comment section and in the comment section at the end of every single one of them. I incorporate what he sends us so that we have his comments at the Tech Review.

**Lowry:** I think Tom had a lot more to say before. You holding back?

**Morgan:** I'm trying to do what I've been told to do. If you guys have some clear direction for me, I would welcome that.

**Foote:** what we're trying to do is get the comments all compiled into one document because we would have Mike's comments, Tom's comments, sometimes we would have up to fifty pages to read and a lot of it was doubled up. We're trying to get it all into one checklist. And that's why you'll notice it says comments and sheet reference.

**Evans:** there is a field and feel free to fill it out.

**Garand:** as long as it's checked yes, then it's been checked that it's there. We still have to review as a board, but at the same time, I feel the Board is looking at the plans a lot closer and we're seeing a lot more and we're covering everything because now like the limitations for lighting and noise, there's actually some teeth in here if they don't comply with this, then basically I have something to go back on them.

**Lowry:** I understand that, but I also liked those comments. The money we're paying him I think we should be entitled to get his comments. People don't want to read them, they don't have to.

**Boyd:** I'd like to have them

**Lowry:** I felt they were useful so I'd like to see them.

**Foote:** while you say that, you know the checklist doesn't tell you as much as his comments, that's a lot of what the yes, no and not applicable is rather than it being written out in paragraph format, it's now checked off that this is not here and this is not there. So in a way it doesn't have the prose that we've become used to from Tom, in another way it prevents an awful lot of extra paperwork that is redundant by getting it all into one. It makes it easier. One of the things the engineers have told me that they run into is they receive Tom's comments, they make changes; three or four days later they receive Mike's comments, they make changes; a week later they received our comments, they make changes, so they're actually revising their plans five or six times when with this they should only have to revise it once because they have all the comments together.

**Garand:** so do you want to go through the checklist, Sue and we'll read down it.

**Foote:** remember this checklist was done before the changes made on the plan;

**Garand:** we're just double-checking the changes to make sure they are done.



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**Foote:** for instance at the beginning it says three sheets needed, existing, proposed and lighting and signage elevations. When this was originally presented, everything was on one sheet and it was a very busy sheet. The pre and the post. I'm just going to mention the things that have a no marked next to them.

**Morgan:** before you start this list was this checklist filled out before it was revised? This is the revised plan?

**Foote:** this is the revised plan so anything that's marked no here we have to look at these plans and make sure it's been corrected or addressed. Elevation views of all buildings. Site location of all signs?

**Garand:** is the existing sign on location? That's what's shown on the plan. Any changes to the sign will require permits, that's all.

**Boyd:** and I think Sam understands that

**Evans:** will there be signs on the building? I think they had letters on the building itself.

**Boyd:** I think they do want a sign up on the roof line but I told him and I think he has a good working relationship with Paul, and I always encourage him to come down and talk to Paul so anything like that has to be gone over with him.

**Foote:** design of all signs, we just dealt with that. Location of all outside lights.

**Boyd:** As I said, these are residential style posts with 100 watt bulbs; they are just to light the walkway. There is a note in there that if he does put the signs up there, he'd like to splash lights on the sign, but it's to be directed right at the sign and not off-site.

**Garand:** so there will be no on site changes except for the walk light?

**Boyd:** except for the walk lights and anything to light that sign but nothing on the building, no posts, nothing like that.

**Evans:** I think the lights should be down pointing rather than pointing up at the sign at the bottom.

**Boyd:** I'm sure an electrician will help him work with that.

**Foote:** I'm telling we've found that at the rec center one time the light were on the ground shooting up and you run into major problems with snow. You do much better with the types that come out on the side.

**Boyd:** I think what he wants to do, correct me if I'm wrong, Sam, is have the sign like this, and the light right below it, not on the ground, but on the base of the sign on the building.

**Foote:** component specifications of lamps, reflectors, etc. where you're not changing the lighting that's now N/A. Cut sheet for lighting fixtures; Paul did you want them?

**Garand:** for the post lights I'll require one because they need to show the detail; as long as it meets the regulations and the bulbs not showing any side glass, that's all that's required.

**Foote:** location description of outdoor fixtures including hours of operation.

**Boyd:** again, hours of operation on that. I guess when they close they'll be turned off.

**Foote:** or dimmed, they don't necessarily have to be turned off.

**Boyd:** is that something you want on the plan?

**Foote:** yes. They need to be dimmed, not turned off for security reasons.

**Boyd:** I don't think you're going to need that for these bulbs.

**Foote:** that's probably something we can waive—the lighting grid

**Evans:** we do want to make sure there is sufficient lighting for patrons to see their way up to your front door.

**Boyd:** that's the only reason we placed those lamps there



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**Garand:** the lamps proposed are actually heading towards Route 1 and towards New Zealand Road. The lot across the street is the CAP office, and adjacent is the gas station, and then you have an historical building to the south. Safety is the issue. As long as they don't impact the residential area

**Boyd:** and I don't see how they can because this is up grade too. It goes upgrade.

**Garand:** personally I'm going to ask for a waiver on the lighting so I'll make a motion to waive the lights

**Motion:** **Garand**                      **To waive the photometric grid requirements on case 05-25.**

**Second:** **Lowry**                      **Unanimous**

**Foote:** the next item that's marked no is does this plan minimize erosion and other effects detrimental to the abutter. Question is snow removal and storage. The other lessee normally put snow in front of this building; granted it's the other lessee's problem.

**Boyd:** I don't know what he's going to do with it but by removing this pavement on this edge, it allows for a little more absorption of stuff so snow can be piled here. I don't think he has a right to pile on us. We do have limited room to pile snow here so you'll notice I've got snow storage here but additional snow accumulation is to be trucked off site. This is a vacant lot with the Town, but I don't think they have the ability to push it over on to the Town's lot.

**Foote:** when you state that it's going to be trucked off site, again, part of the EPA and State regulations, if you state that it's going to be trucked off site, you have to state where it's going to be trucked to and it has to be an approved disposal site.

**Boyd:** the destination has to be approved? We don't even know who the person would be at this point to do that but there's no room on the site to put it. We could place some more over here and that may be adequate, but you're absolutely right, since this business has been closed for years, they've been pushing it in here. They have quite a bit of room up in this corner that they could put it in. But Sam and Denise don't have as much. Maybe this and this place together would be enough, but

**Foote:** if need be they can always pile up the snow in here

**Boyd:** well, it's higher grade in here. They could get a loader to place it up there which is an option I guess.

**Foote:** does plan minimize effects detrimental to neighborhood and environment and that's the existing edge of pavement that you've already dealt with. Buffers proposed to screen abutters on neighboring properties? Where it's already been stated that it's an existing building and the majority of the area is commercial, there are several residences beside it,

**Boyd:** directly behind up the ways a little

**Garand:** the only concern I have is one of the abutters stopped in the office and asked to have no parking signs put in on New Zealand Road because they didn't want people thinking they could stop on New Zealand Road, park out front here, and actually going in and out along the road.

**Boyd:** you can pull in here and park and we toyed around with having the employee parking up here but we felt it would be better for the neighborhood and we didn't want people backing out onto New Zealand Road either, so we chose to stack the employee parking here.



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It's all family that's the employees and that's all that will ever work there. So that's why we chose why not to do that.

I don't think they have a problem with putting a no parking sign in there if you like.

**Foote:** I think it would be beneficial to both the site and New Zealand Road especially because I hear there's going to be changes for Spur Road and talk about it becoming right turn only and possible one-way directionals and what not, I think that while we have the opportunity insure there's no parking because New Zealand Road's traffic will probably change in the near future.

**Boyd:** sure.

**Foote:** sufficient off street space provided because loading for delivery trucks not shown.

**Boyd:** this is the place, there's a garage door here.

**Foote:** where the employees park, if a delivery comes the employees move their cars

**Boyd:** and deliveries are to be slated in off business hours

**Foote:** paved parking and loading areas? It's already paved, correct?

**Boyd:** yes

**Foote:** drainage designed for a 50-year storm; I like to think that's exempt.

**Garand:** they are actually removing some of the asphalt so that should improve some of the calcs if any.

**Evans:** is there a problem with this particular area?

**Foote:** drainage wise?

**Evans:** this is the opportunity to fix it

**Foote:** I don't believe there is a drainage problem in this area.

**Garand:** when they rebuilt Route 1 they took care of the drainage along this area. At one point it used to collect, but once they installed the drainage on Route 1 it cleared up.

**Foote:** are sanitary waste facilities connected to sewer? Says you need a letter from Sewer department with flow capacity and gallons per minute.

**Boyd:** think we have that

**Foote:** operation of refrigeration trucks not to occur between 11 and 7

**Boyd:** note 5, sheet 2

**Foote:** dumpster notice? External machinery muffled?

**Garand:** note 7 on sheet 2

**Foote:** lighting standards we've already beat that. And the rest is condominiums and subdivision regulations.

**Morgan:** Henry, what's on the menu?

**Boyd:** I think you should ask the Lupoli's.

**Sam Lupoli:** Italian pastry and good food.

**Foote:** other comments: is there ample parking? Two principle uses on one lot and that's grandfathered because it's pre-existing. And waiver request does not state applicable regulations; Federal Storm water cannot be waived.

**Boyd:** and we're just saying that it should be exempt. I just put that on there because you could see where it was in the regulation and that's how we had handled this in the past in front of this Board.

**Foote:** I think it's the Board's call as far as the Stormwater Regulations. This is grandfathered because it's pre-existing while he is doing minor changes, he is creating less permeable surface overall.



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**Garand:** the site was actually they took quite a large taking along the front of the site originally for the original; gas station and they also impacted on New Zealand when they made the raise in the new curbing. They are taking out some of the paved area and I don't believe they are adding anything that would warrant that.

**Boyd:** the only reason we're straightening out this pavement is for safety for turning so you have sufficient turning area in the back otherwise where it is right now behind the spaces on the lease line, I wanted to make sure that if there was a vehicle behind there they had a 24 foot aisle as the regulations required and that's the only reason we've straightened that out.

**Morgan:** in terms of the drainage.

**Foote:** Polled board: Sanborn, no comments; **Garand:** none at this time; **Evans:** I have two.

**Evans:** Please tell me they are not going to paint this building school bus yellow

**Boyd:** I think it's going to be blaze orange; I don't know, ask them.

**Denise Lupoli:** white

**Evans:** my other question is will this business be offering cannoli delivery?

**Lowry:** looks good

**Himmer:** looks good

**Morgan:** looks good

**Foote:** any members of the audience have any questions or comments? Okay, how would the Board like to proceed with this?

**Motion:** Evans                      **To waive stormwater calculation requirement for case #05-25.**

**Second:** Garand                      **Unanimous**

**Motion:** Garand                      **To conditionally approve case #05-25 once the lighting notes are added, the cut sheets for the lights and the post details, note on plan for No Parking signs along New Zealand Road and for the Chairman to sign once those items are complete.**

**Second:** Lowry                      **Unanimous**

**#05-26 Proposal by Emanuel Engineering Inc. for site plan review for interior renovations of existing building and site modifications at Tax Map 4, Lot 20.**

**Bruce Scammon,** Emanuel Engineering, Richard Bott, Food Tech Structures, Tom Nassoura, Coca-Cola Bottling

**Scammon:** we are looking at Tax Map 4, Lot 20, 118 Stard Road right at the town line of Hampton Falls and Seabrook. The old Merrymeeting machine shop used to be here. This plan is to allow Coca-Cola to streamline their operations. They are proposing to change some of their pavement lines to allow more drive-through loading of trucks. The pavement lines will change in this area, they will be adding three loading bays here for tractor trailers to unload and additionally they are adding a dedicated truck parking in the rear and a parking lot here for employee parking. They are losing parking in this area; we will be paving in this area; and put all employee parking here with room for fleet vehicles. Coca-Cola wants to remove the fuel pumps here; they are currently hiring a company to remove those; they





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**Scammon:** no. We designed the ponds to go around the sign. And we designed these ponds to be grass, dry ponds at a 6:1 slope so that they will look more natural into the contour of the land versus the 3:1 slope. We are trying to maintain this natural vegetative buffer and we are adding a vegetative buffer here for both sound and sight. Those will be a staggered row of arborvitae. They are eight foot on center and with the staggered row they are really four feet on center so that will be a dense vegetative buffer to try to prevent any sight or sound reaching our neighbors to the north.

**Evans:** what is the expected traffic increase to this site if any?

**Scammon:** the redesign is proposing 11 new trucks a day; so that they'll have 11 new delivery trucks. They will come in in the morning and come back at the end of the day so there will be 22 more trips on Stard Road. And one more thing associated with that, we also widened Stard Road here to have basically a decel or 10-foot shoulder there. We wanted to take the pro-active measure to widen Stard Road there for the trucks, employees or visitors on site as well as people passing by.

**Evans:** you mentioned that there was something up with Stard Road. Is that out of the bag yet or what's the story? Will this development have any possible contribution to that work? I know we have another site down the road that currently has a lot of trucks.

**Foote:** what I mentioned in the past was that it was unfortunate that we didn't have our off-site impact regulation back when the whole rest of Stard Road got developed because Stard Road was never really intended to handle the traffic that it is now handling. I think that at a previous site one of the comments was that it wouldn't be fair to put the whole burden of rebuilding Stard Road on one industry when there's already a dozen of them out there that are impacting just as much as that one. I do know that the Town is probably going to have to look at Stard Road very carefully and the near future...

**Evans:** less than six years, twenty years, or?

**Foote:** well, if we ever get a budget passed. I know it is a Town road and the traffic that is on it and with the 50+ houses that are going to be duplex condos, so that gives us 75-100 new residences across the street increases the traffic more than ever in the past. I personally don't feel that it would be appropriate to expect this applicant to bear the burden to Stard Road when he is probably, a ballpark figure, 5-10% of the actual traffic on Stard Road considering all the new development on Stard Road. Tom, do you want to chime in on this?

**Morgan:** yeah, it would be a great item to put in your CIP. We'll be doing the CIP in the next few months and we can explore Stard Road in greater detail. It's likely that whatever good idea will come will come from this Board first.

**Foote:** Peter you were discussing this as a potential off-site impact escrow account?

**Evans:** yes, the taxpayers of this town have seen fit to put in their regulations that we consider off-site impact and certainly it would have to be in proportion to the impact, so I'm certainly not expecting anybody to shoulder an unfair portion of the burden, but I do think it deserves some consideration.

**Morgan:** National Tire and Battery will be a good starting point as a shake down cruise to see how that works out.

**Evans:** I guess the question would be is there anything to say now so that this particular matter. I mean, I like the plan and it's great to have a growing business in Town, but I think we shouldn't let this go without some decision on the Board's part.



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**Footte:** how does the rest of the Board feel about it?

**Lowry:** I agree.

**Sanborn:** the CIP, will they take that before or after all those trailers are moved?

**Morgan:** either way. CIP is simply a way to assess what is going on on Stard Road and make some recommendations as to what you think might be needed to improve the situation and also have a ball-park figure of what it's going to cost. What Peter and Sue are talking about is who pays.

**Sanborn:** I say he's going to have to move those trailers on the corner of Stard Road, right?

**Footte:** yes, but that's a different issue.

**Evans:** they are a possible contributor, of course.

**Scammon:** Our client has proposed new off-site improvements by widening Stard Road in this area. We have pro-actively worked on in the Town right of way widened the road so that we are trying to think toward the betterment of the Town and the safety of the general public on Stard Road. They are actively putting money into Town roads and up-grading them.

**Evans:** can you give us a ballpark estimate of the value of that improvement, the proposed improvement?

**Scammon:** I would say you're adding approximately 200 feet of pavement, 10 feet wide and 100 feet of road and that somewhere up to \$200.00 a linear foot now, so you're talking \$20,000.00 plus granite curb which is \$25.00 a linear foot and my guesstimation is you have close to 300 feet of granite curb, so that's another \$7,500.00, so you're talking close to \$30,000. of improvements that we propose to add to Stard Road.

**Footte:** probably in excess of anything that we could get out of them

**Evans:** given the example from Rocks Road, I would say that the applicant has gone out of their way to improve the road and perhaps paid more than their fair share and I think that puts that matter to bed. I have no further comments.

**Footte:** Mike, any further questions or comments? **Lowry:** no. Paul? **Himmer:** Very good quality. I like the improvements. Tom, any other questions or comments? **Morgan:** looks good. **Footte:** any abutters? Guess we're ready to take action.

**Motion:** **Garand** To approve case #05-26 with conditions that vertical granite detail be added and the typo corrected

**Second:** **Lowry** Unanimous

**Scammon:** could I ask one question? A lot of times on entrances like that they use sloped curbing just for plowing purposes. Is that acceptable to the Board? I just want to make sure it was particularly specified vertical.

**Garand:** the town regs now we need vertical

**Scammon:** okay that's fine. We'll give you vertical.

**Footte:** the reason that we went to vertical is that eventually a sidewalk comes along and rather than buying the granite that is cut on the parallelogram, they buy the vertical and set at a degree and then when you try to lay concrete in there, you come up to a very fine edge that butts off.

So we've gone to vertical.



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**Scammon:** my second question is that once we do these corrections can we have these signed outside of a hearing?

**Foote:** yes, they delegated me to sign. You have up to 90 days from today's date. And when you bring them in and I signed them, there will also be a notice of decision that will require a signature of the applicant, or the applicant's representative.

**Foote:** Next case is **#05-27 (#03-43) Proposal by Mark Investments, LLC for re-submittal of plan for revisions to detention pond per NHDES Dam Bureau approval letter, Tax Map 9, Lot 238-10.**

**Wayne Morrill,** Jones & Beach Engineers, here for the dam for the Lowe's detention pond. What we have done is have this dam approved by the Dam Bureau prior to coming in front of your Board again so we wouldn't be wasting the Board's time and effort on this job. What happened with this dam is as you all know we started with a clay core, we went to a steel-plate core, and then what happened was the structural engineers decided they'd do more testing on the berm and have come to the conclusion that the materials inside of the side slopes is sufficient to be considered a dam-type structure. They have stamped the plan for the structural engineer and those recommendations and report was part of the whole approval process for this pond. Tomorrow we will be visiting the site with I believe some Town representatives, DES, the Dam Bureau, contractors, everybody to ensure that this pond is built correctly. It is the utmost important part of this pond that it is built per this plan or the permit is null and void. So at this point, what you see on this plan has to built or we don't get approval.

**Foote:** I only have one question as far as the comment sheet. Comparing this with the original sheet, in the package, the original has notes that go all the way to the bottom. How come there is such drastic difference if they are supposed to be the exact same plan?

**Morrill:** this plan is specifically just for the dam now. The second sheet was added as part of doing another cross-section of the dam also. A lot of those notes that you saw running all the way down, gave the specifications of the clay, the specifications of the steel and all those things are gone now. So everything hinges on Note 5 saying the cut-off wall is no longer required and that it is GSI's structural recommendation that this has no dam membrane inside the pond. And we will find out tomorrow how the Dam Bureau and DES feel about this whole thing.

**Garand:** the dam dam will be approved?

**Morrill:** the dam dam is approved but must be built per plan or there is no dam dam

**Foote:** what we are inspecting tomorrow is to make sure it was built per this plan?

**Morrill:** exactly. If it is, I'm going to jump upside down.

**Garand:** we'll bring the camera.

**Lowry:** are they pumping water into or out of it?

**Morrill:** depends on what day. Today they were pumping water out of the regular pond into the four-bay which drains back into their other regular pond so they would circulate. Don't know the reason, but I guess they tried to lower one elevation and try to. Let's put it this way, tomorrow, there could be some heavy things going on. That's why I've requested Paul and Sue to be there.

**Lowry:** what time is it?

**Morrill:** 9 o'clock in the morning

**Foote:** want to attend the site walk?



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**Lowry:** I might.

**Morrill:** you're more than welcome. You'll get to see a lot of

**Garand:** so are you looking to add this as a conditional approval after the site walk? Or what would you like to see this?

**Morrill:** at this point, this plan has to be built. There is no way that this pond, the one thing that you're going to see tomorrow is there is not aquatic bench at this point. It must be done, it's got to be in there with all the plans that were required this plan has got to be done per plan.

**Foote:** it could be beneficial to our position at the site walk tomorrow that if find this acceptable tonight, we sign it and approve it because it will give us one more piece of paper to point out to them where they are going wrong. It will only be the Dam Bureau, but it will also be the Town that says it must be built this way.

**Evans:** are there any new special maintenance requirements that go along with this? Will the maintenance requirements be put into the manual for the site?

**Morrill:** yes. There wasn't going to be any maintenance of the clay and no maintenance of the actual membrane itself, so the maintenance is really the structural stability of the side slopes. Everything has got to be built exact. And an as-built of that has got to be part of the whole job.

**Evans:** trees growing out of the side of it.

**Morrill:** yeah, they started planting last week when we told them that the pond wasn't ready to be planted, so. It's been a long time, Peter.

**Foote:** polled the board.

**Sanborn:** no comments

**Garand:** I have no problem accepting this, it's just that is Jones & Beach going to be on-site doing a thorough inspection of this as it's being built? I know there are questions that it wasn't being built correctly, that the slopes weren't correct and so forth.

**Morrill:** tomorrow the Dam Bureau is going to sit there and say it should have been de-watered from day one. It's got to look exactly like this plan or they are not going to accept it. And we're going to be out there making sure. And right now, Ames Engineering, which used to be Millette, is there every week taking new shots as they build the thing trying to get it so it's perfect.

**Garand:** can the Town secure the inspection reports from Ames?

**Morrill:** we're doing the inspections; they're just doing the as-built, but we can supply that to the board. Our final to the Dam Bureau has to be a sign-off from us to the Dam Bureau that it's built per the plan in order for the Dam Bureau to sign-off on it. So we're going to make sure the Board gets that documentation.

**Foote:** Mike, any comments? Paul? No from both.

**Foote:** my concern and comment is that we have in our regulations that all Stormwater is supposed installed and functioning before the rest of the site is developed. We now have a site that is virtually totally developed and completely paved so when it rains there is going to be even more Stormwater coming in to a structure that is continually having to be de-watered because they have to rebuild it. I don't know where the Board can go as far as trying to remedy the situation; tell them to destroy the building and rip up the paving until they build this properly? That's really stepping backwards. I know we could probably withhold an occupancy permit so that they can't open the day they want, but that's not



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really, from my perspective. Maybe Lowe's problem because they are going to be leasing the site, they are inheriting the problem from the developer and the contractor that's leasing the building to Lowe's so it would be damaging Lowe's, it would not be twenty lashes with a wet noodle to the contractor who built this thing wrong and just sort of snubbed his nose at our regulations that this was to be built first. And I think that's one of the things that I am now planning to make it to that meeting tomorrow. That's one of the things I am going to stress to both the Dam Bureau and DES that this flies in the face of our regulations and DES's rules.

**Morrill:** I don't disagree with you Madam Chair. That was our policy from day one. Obviously we had a contractor that decided to do what he wanted to even though we tried to supply the Town with every weekly report and as much as we can go blue in the face, I think tomorrow will be a tell-tale sign to the Dam Bureau and the Town to actually step in and enforce what they've been trying to do.

**Foote:** any other abutters or residents that have questions?

**Earl Perkins:** There is only one ??? of notification of this property. And she's 97 years old and she's very sick. I didn't know about this until Saturday night. I'm part owner of that piece of that property. Why can't I get a notification? I pay good taxes on that part of the property as well as they do. I'll pay for the stamps.

**Foote:** I think what it is is that when we send out the public notice we go by what the tax office supplies us with as owner or trustee or whatever and it's Mrs. John Wilmot, 52 Main Street, Salisbury.

**Perkins:** that's right. She's 97 years old. She's very sick right now. So where is it going to go to if she's deceased?

**Garand:** that will depend on what's in the deed I would think. Whatever goes with the estate. How is it written in the deed?

**Perkins:** how do I know who the estate is going to be for her?

**Garand:** that's not a matter for the Town; all we can do is notify you as a request

**Foote:** we can add you to the notification list and it would resolve anything in the future.

**Perkins:** I wish you would

**Foote:** we'll make sure we add you to the notification list but we have to go by the assessors, where they send the tax bill. They perceive the person paying the taxes is the one that has the vested interest.

**Perkins:** they should send me a tax bill too. Because I can never get it.

**Foote:** you might want to talk with the assessing office about that especially where the shareholder is elderly you might want to make sure you are kept up on any town activity on it; I apologize about not knowing sooner. Are you done with your comments?

**Perkins:** if I had know that was what it was I would have been at a meeting I should have been at; but I wanted to know what was going on with my property.

**Deborah Mireault, Autumn Way:** does the pond in any way drain into the brook?

**Morrill:** yes.

**Mireault:** what happens if we get a lot of rain and it drains into the brook and it backs up onto our property?

**Morrill:** from the pond?

**Mireault:** from the pond where is it draining into the brook?

**Foote:** come down and look at the plans.



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**Morrill:** it actually enters the brook lower down the stream than your property

**Foote:** the water level would have to rise above 50 feet to get to your property

**Mireault:** it has

**Foote:** all of Route 1 would be ten feet under water.

**Mireault:** we have had a swimming pool in our front yard, you know where our front yard is; we've had a swimming pool there due to the water coming from somewhere, not too long ago.

**Foote:** on Autumn Way? Probably one super-saturation of the ground from all the rain that we have been having; and two it's probably from the roadway and impervious surface within Autumn Way. This site is actually a lower gradient. The gradient slopes from Pine Street towards Cain's pond. You're upstream from this area. So anything that would be collecting in your yard would have to be coming from Pine Street your way.

**Mireault:** so that's my question. How high can that pond get?

**Morrill:** that pond can get up to elevation 40 before it outlets.

**Mireault:** where is the outlet?

**Morrill:** there is an overflow structure that is one foot below the top of the berm before it releases over the emergency spillway down

**Foote:** the side that's toward you is built five feet higher than the side where it outlets

**Mireault:** I know where it outlets, I've been out there

**Foote:** five foot lower than the side towards you so it's going to flow over to this whole area before it ever....it's virtually impossible for it to flow towards Autumn Way because all of this is going to flow this way. It's not going to flow up hill.

**Mireault:** the trees that were taken down on the hill, there was something about pounding steel into the ground, was that ever done?

**Morrill:** there is no steel going into the ground, that's part of this plan to remove the steel membrane. And the trees that were cut were part of the original plan for the side slope that I represented to the board that was taking the 20 feet off the original cutting going just down where the original fill slope had to be

**Mireault:** the drain is here?

**Morrill:** there's the drain right there. It comes down this swale and then down into the channel.

**Ross Gard, 26 Autumn Way:** we observed while we down there to check out the side to find why it was actually flooding out but because the overflow was draining against the stream, against the brook coming down and it actually slows it down, never mind that the trees are gone down and they've blocked and damned it up and everything else; but what was happening was the water was coming down and flowing against the stream and slowing down the proper flow of water. That's the reason why it was overflowing. Our next door neighbors have been there for seven or eight years, they have never seen the water back up as much as it has ever since this project has gone on. You're not going to stop the project, I understand that, but is the generator going to go on pumping at 2 or 3 o'clock in the morning and is that going to change the water to the way it's supposed to flow or are they going to change the direction of the flow of the water so it actually start curving here and slow it down?

**Foote:** to my knowledge of that area, Mary's Brook is at an elevation that is probably a minimum of eight upwards to fifteen feet suppressed from the natural topography. This outlet that's being pumped into Mary's Brook from my observations and I've been to the site



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several times both with Paul and DES, maybe increasing the flow downstream to Mary's Brook, but I find it hard to understand your reasoning that adding water here, is going to cause back-up up here. I think it is that this has been an exceptional year for rain, the soil is over saturated, I have a two and a half acre field that I still can't walk in without sinking ankle deep, and I understand that you probably do have water in your yard and there are a lot of yards that have water in them that never had water in them, but the outlet is down here and you are up here. I'm trying to understand how this outlet is affecting up here.

**Gard:** unless there was a break in the dam before they made their repairs and everything else to it. Mary's Brook runs this way, correct? Our house is over here, right? We were down here just watching the flow of water to find out what was going on and why it was backed up into our yard. The water is coming this way and either coming out a break in the dam or something, or a natural things or if they were making repairs, but all the pond was flowing against the flow of the water in the brook. They actually had a board up here, a piece of plywood, to redirect water. But the way it was coming out, it was going against the flow of the water.

**Evans:** it was ponding up in that area?

**Morrill:** he's looking at the overflow structure and what happened was that when they were pumping, they were pumping directly into the stone check dam and the water elevation was so high in those check dams that it was actually draining back into the pond and

**Foote:** so it was overflowing here instead of where it was supposed to. They were pumping so fast that it was going over the edge instead

**Morrill:** no it was going back into the pond instead of the outlet

**Sanborn:** we also have two ponds that flow into that Mary's Brook: Bennies Pond and pond up on 95 just in back of Bennies Pond. They've been pretty loaded with water so all that water goes right down through that stream.

**Gard:** this is a retention pond, correct?

**Morrill:** it's all gravity

**Gard:** so once it's done the diesel engine will be gone.

**Garand:** they were requested to de-water the pond and the only way to do that is to pump it out; so when this is all approved and they have everything built per the plan, they'll be able to actually leave that and the water will go in and fill out the area and the run-out will just naturally drain so the pump will be gone.

**Gard:** can I come up and go on this visit at 9 o'clock tomorrow or is it only board members?

**Morrill:** all they requested is that the building inspector and conservation and other representative from the Planning Board was there because they are going to be talking about regulations and not what happens down stream. They're going to be talking about what construction-wise happens throughout the whole process.

**Foote:** I'm a bit concerned that you are still being bothered by the sound of the diesel generator. I know once with Paul and individually and we both told them they were supposed to encase that with like that rigid foam board that's supposed to muffle the sound; any opening is supposed to be to the south to minimize the noise of that generator running and that pump running; I can't say that you're not going to hear it at all, but you shouldn't be able to discern that as being louder than the rest of the noise that is coming from Route 1 or 95.

**Gard:** that engine stands out clear as a whistle.



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**Foote:** then that's another thing that I will definitely bring up tomorrow and be very adamant about. It will be muffled.

**Garand:** if they approve everything right now, what will be the time frame for getting that totally shut off.

**Morrill:** I think we'll find out tomorrow because it all gets down to if the Dam Bureau wants the entire thing pumped as required or if they are going to just allow them to modify it in its current state and try to get it to the right spot. At this time the elevations that they've given us, they are off in their volumes because the bottom of the pond starts at elevation 28 as it's supposed to but then it goes all the way up to elevation 31 and there are actually two camel-backs in the middle of the pond right out in this area here. That's one of the things we're going to talk about tomorrow. Lowe's wants to get the store open and this pond is really important to have done so the store can open and it won't contain the water.

**Garand:** so we are looking for a motion to approve the plans approved by the dam bureau.

**Foote:** that's correct. The revisions of the Lowe's plans to coincide with the Dam Bureau's approval. You making that motion?

**Motion:** **Garand** To approve case 05-27 (3-43) with the condition that the inspections are done by Jones & Beach Engineers and the as-built plan is to be submitted to the Town

**Second:** **Himmer** Unanimous

**Motion:** **Garand** To continue case #04-50 until August 16, 2005 at 6:00 PM

**Second:** **Lowry** Unanimous

**Foote:** #05-17 - Proposal by Mark Sullivan for a condominium conversion at 54A & 54B Foggs Lane, Tax Map 7, Lot 50-140.

Wayne Morrill, Jones & Beach Engineers; Attorney Peter Saari in case there are any legal questions tonight. There were no corrections to the architectural elevations. I am resubmitting the site plans and they now show the utilities and the permanent wetland markers Note 8 and the limited common areas Note 7 for each unit are depicted on the plan and all remaining land shall be considered common and shared with both units and then also the flood map reference was added to this plan, Note 6. So Notes 6-8 are depicted for review. The technical review committee notes had to do with the utilities.

**Secretary:** Mr. Saari, do you have a signed copy of the revised plans?

**Attorney Saari:** yes I do.

**Foote:** occurs to me it is now a complete application.

**Motion:** **Garand** To accept 05-17 as a complete application.

**Second:** **Himmer** Unanimous

**Foote:** poll the Board and the abutters—any questions or comments?

**Sanborn:** no

**Garand:** no

**Evans:** the only question is with respect to #4, a 15-foot driveway easement. I don't see that on the plan.





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signage. There won't be any new sign applications other than just changing the panel. The sign was added to the plan. Plus we also added all the easements that you approved as part of the lot line adjustment were all added to the plan for the egress and ingress easements, the utility easements, and the drainage easements. Basically everything so you can see what's out there in the field existing today. As you know Seabrook Int'l was in front of the Conservation Commission back on June 7, 2005 with our wetland application describing the whole thing to the Board and it has been submitted to DES for review at this point. A few things about the site development itself, what we've done is we've gone through and purchase the majority of parking from DCC Communications. At this point DCC isn't doing a lot of business at this point because they are into Internet cables and things like that so their business has slowed down a lot. They turned around and sold the majority of their parking lot to Seabrook Int'l that has a lot of employees and at this time has a lot of cars that are crowding the existing parking lot. What they tried to do is get more parking for their staff right now and expand a growing business that they felt they needed to be in this area and have this site where everybody knows where they are with close access to 95. This is Ledge Road, the access to Sam's Club, this is Woodworker's Way, DCC is right up front and Seabrook Int'l is set on the side. One of the things that we tried to do with this proposal is we always wanted to be able to get onto this parking lot from our site so if we had to do some loading for this existing small building, so one of the things we've incorporated is a ten foot wide paved sidewalk that will be graded up so a forklift can go up there with raw materials and it's a good spot for employees to be able to walk down in a safe location and not going onto Woodworker's Way when there is traffic going by. There is no increase on paved surfaces. Our increases on the site are all impervious by the building itself. We aren't proposing any new parking spaces, no new snow storage areas; everything that exists in the field is going to remain exactly as it is now. We've added notes to the plan about the external machinery, trucks in the residential areas, and we don't have refrigerated trucks because we don't have that type of business. The other thing that changed on this plan is in talking with Warner (Knowles), I had a force main that went underneath the building where the existing store was and in talking with Warner we've come up with a location of actually going gravity off the end of the building which complies with his codes and he felt it was a lot better situation. Where we are doing some digging here it's going to allow us to put under the slab all our plumbing pipes go out through that new structure and then go right into the drainage structure which actually has an eight inch invert when the sill was laid so everything is set up for us to tie in at the right elevation. The pond that we are proposing is only for the roof drainage itself. All the ponds and everything were all set up already for Seabrook Int'l and this other parking lot. We had to destroy the pond that you see inside the proposed building here as part of this development so all drainage is going to go up to this pond here. Also clearing this spot here so they'll have an overflow pond out towards the front which is a flat surface to have it nice and flat right across the front. Drainage is a closed drainage system, sumps and grease hoods with all catch basins into a closed drainage system entering this pond and then entering out into the wetlands, which is the low spot on the site. Other things that we've done: We've submitted a waiver request to the Board for lighting. The lighting itself is going to be mounted to the building for security and lighting the building. We've added a lighting plan and a cut sheet for all wall-mounted lights to this plan set, but we are asking for a waiver



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because the illumination grid all existing lights out in Dinsmore Communication will be tied back into Seabrook Int'l and there will be no other lighting proposed for the parking lot other than around the building. I believe that handles a lot of the questions from TRC and from Tom. Parking spaces were not depicted to size. We've added a note here that all the parking spaces are ten foot wide and 19 feet long, with a 24-foot aisle. That's note #2 on the parking calculations. Per Warner we've added note #23, which is the proposed use of the water usage and the existing water usage of the building. This footprint itself is 25,000 square feet but there is a mezzanine that is going to expand a little bit inside the building. I don't know if any of you have ever been in there, but it's large machines taking up a lot of floor space itself and they are very heavy and they have to be on a slab for the most part, but they do some crazy things with mezzanines in there that have to be structurally done to be able to support the weight. It is a growing business; they want to stay in Town. I've checked out their operation and it's one of the cleanest I've seen for a machine shop, which says a lot. Most machine shops you go into you're walking through grime and everything, this is like a brand new state of the art facility, which plans on being here for along time. Joe Oldfield is here from Seabrook Int'l and my buddy Mr. Mitchell is here if you have any real estate questions about the property itself. If the Board has any questions for me I'll try to answer anything you have.

**Motion:** Garand To accept case #05-20 as a complete application.

**Second:** Lowry Unanimous

**Footnote:** Polled Board: Sanborn, no. **Garand:** I think the plan looks really good. **Evans:** I have a couple questions. What is the total number of parking spaces that will be assigned to this when it's all put together?

**Morrill:** Note #2 is 106 parking spaces.

**Evans:** and how many employees are at this facility right now?

**Morrill:** at this point 100 employees, the maximum this would ever get to is 200 employees.

**Evans:** so 200 employees in 106 parking spaces?

**Oldfield:** it's 24/7

**Evans:** so you're adding another shift?

**Oldfield:** we actually have four shifts.

**Evans:** one, two, three and weekends. Okay. My other question is are there poles for lighting in the other parking lots?

**Morrill:** in Dinsmore Communications there are pole lights.

**Evans:** that will become part of

**Morrill:** that will be recircuited to Seabrook Int'l to light that parking lot.

**Evans:** are those particular fixtures in compliance with the current shoe box full cut off or are they SAG glass?

**Morrill:** no they were shoebox style that was the style back in 98 or 99 when we had that approved. It's still the same type.

**Evans:** I see that part of this proposed building is directly next to the wetland and that sort of thing and machines uses oil and operations that use hazardous materials. Are you like an ISO 1400 program? Or

**Oldfield:** we have no process oil. We don't do plating or anything like that. Or process chemicals. So basically we have cutting oils, which are water soluble and hydraulic oils in the



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equipment. Nothing goes down the drain. We have an evaporator, everything is handled by Safety-Kleen, and so any of the water-soluble oils go into the evaporator and Safety-Kleen trucks it off and recycles. Any time we mop the floor that goes into the evaporator. So we don't put anything down the drains and there are no operations outside.

**Garand:** one thing I can note is I did the BMP (Best Management Practices) inspections, and this facility is exceptional.

**Evans:** then I hope he's at \$50 million in three years.

**Lowry & Himmer:** no questions.

**Morgan:** I like it too. On your water usage notes you said you would be consuming 25 gallons per employee.

**Morrill:** that's out of the DES book having a warehouse and it goes by per employee. And that would be no shower, but there is a kitchen where they can wash their hands and we went with that calculation from the State of NH.

**Morgan:** do the industrial operations consume any significant water?

**Oldfield:** no. The only water is mopping the floor, which we do four times a day actually. And the water that is used in the cutting oils that keeps getting recycled. You can look at my water bill and tell there isn't very much.

**Morrill:** he spends more on people flushing toilets. He doesn't take water out of the Town system to cool his machines. It's all a recycled type of process.

**Foote:** we do have comments from the Conservation Commission. I believe it was forwarded to you as an email attachment. The CC reviewed this and discussed this when we reviewed the dredge and fill application. Our concern was that, and they understand that this is one of the more favorable, cleaner better, desirable industries that the Town has, but there are concerns that this is the second expansion that has impacted wetlands. This one actually has a request to fill wetlands and what was brought up by one CC members, a volunteer firemen, is that virtually three sides of the building will be inaccessible because of the steep slope. I did discuss that with the Fire Chief yesterday as to how much space he needed beside a building to get apparatus in and he said at the absolute minimum, 25 feet and that's potentially scalding the paint of the engine and frying the firefighters. He supports 35 feet. It would be one thing if it didn't encompass three sides of the new addition. Because...

**Morrill:** one thing about this building is that due to size of the building...

**Foote:** you did mention a sprinkler system

**Morrill:** and the other thing that we can do, this right here is an access that's visible to this side of the building. What we can do is put a gate here, and I believe there is already a gate there, but we're coming out right at the same elevation as the ground right here. So what we can do is put in a break-through gate for the fire department in that area. We wanted to keep it somewhat gated because it's already fenced up there. But if we put a gate right here, we're coming out on grade and it will give the fire department an access that they'll be able to go right in this area, which will be disturbed and will get them into this area of the building itself and might help the fire department feel a little bit better about the proposal itself. We're cutting out two sections of chain link fence to be able to have that gate would be a great asset. It's right on grade so it almost works out perfect.

**Foote:** that's my only comment. Any abutters, neighbors that would like to speak to it?



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We need a motion realizing there is a dredge and fill application in the process for this. It is neither approved nor denied.

**Motion:** Garand To approve case #05-20 on the condition that the dredge and fill be approved by the State of NH to these plans and if there are any alterations by the State they return to the Planning Board for review; and that the gate be shown on the plan (for Fire Department access).

**Second:** Lowry Unanimous

**Footnote:** need motion to continue case #05-13 Proposal by GRA Real Estate Holdings, LLC, for a site plan review to expand site at 27 & 39 Stard Road, Map 4, Lots 9 & 11.

**Motion:** Garand To continue case #5-13 until August 16, 2005 at 6:00 PM

**Second:** Lowry Unanimous

**Footnote:** also we have a letter requesting a final inspection of the first phase of the plan

**Motion:** Garand To request the Town Manager to send a letter to Department Heads to inspect 11 Stard Road to see if it is complete as per the approved plan (case #03-46).

**Second:** Lowry Unanimous

**Footnote:** Correspondence

Several public notices coming, one that I'm working on with Tom as far as changes/rephrasing minor subdivision. We've discussed this in the past about the minor subdivision, as we know it in our plans is not working for us any longer. Possibly what should work would be and this is the phrasing I am trying to work out with Tom, because if we just redefine minor subdivision as it is, it is going to come into a lot of confusion as to who is grandfathered to what regulation. So we can't really strike and remove that section, but it should have something annotated to it for any created prior to such and such a date, this is what applies. Then in the future it would be a minor subdivision in essence does not create a road. It's just taking a large parcel that has a lot of road frontage and creating smaller parcels.

**Garand:** three lots or less.

**Footnote:** right. Then hopefully we can avoid Tucker and Cabral and all.

**Garand:** doing a minor subdivision if it abuts on a Town road are they going to have the regulations saying you now can resubdivide these lots never again.

**Footnote:** I don't believe so.

**Garand:** I wanted to ask that because once instance comes to mind if you go over to Felch's property on Page's Lane. He wants to break that into a couple lots for his kids and leave one large lot...

**Footnote:** as long as it has road frontage and meets the square footage criteria, it can be subdivided again and again and again until it's down to the smallest postage stamp that fits.

**Garand:** are we going review fees for a minor subdivision also?

**Footnote:** right. That's one of the public notices that Tom and I and Patricia will work it out so that we can public notice it by maybe July 19<sup>th</sup>, I don't know. There's also another public



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notice that is going to involve zoning issues so it can't be done until September and this is something I've asked Tom to start working on as far as set back from ponds and streams and no cutting of trees to within 25 feet of a pond or stream and dimensional requirements that there'll be a no-cut buffer adjacent to ponds and streams and 25 feet shall be observed. We have a 50-foot setback for buildings. What's brought this about is that I've been noticing that people are clear cutting right to the edge of the stream and filling in. We have a major fiasco down at Elephant Rock. Did you see all the loam he brought in between yesterday and today? It is actually flowing down into the stream.

**Garand:** I was down there. I asked him yesterday about actually working in the wetlands, silt fencing, I forgot to ask Henry tonight in regards to Henry saying it was only wetlands and not a stream. As far as I know, that's a stream. It always has been. So he was going to have the house ten feet from that and I said unh-unh. No.

**Foote:** another thing, consider the source as to who is saying what Henry said.

**Garand:** one thing I'm noticing is that it's another point of respecting the regulations and rules.

**Foote:** no pushing it to the limit and then jumping over that limit.

**Sanborn:** want to push the limit, go down there at 6:30 in the morning when they're breaking up the ledge; 6:30 every morning, boom, boom, boom, boom-

**Foote:** Oh, I hear it too

**Garand:** the police should be called on that at that time. That's a police enforcement.

**Foote:** Elephant Rock it's never going away.

**Morgan:** what personality are we talking about?

**Foote:** Morgado has bought the last lots number 5 and 7.

**Secretary:** while we're on Public Notices, the next meeting has to be posted on the day of this meeting. So you get an agenda that may be different from the meeting agenda because we can change the agenda up to 24 hours before the meeting and we have been, but I have to put these in to the mail to the abutters so they get what we have at that time. This is your July 5<sup>th</sup> notice and here is your Work Session Notice for July 12<sup>th</sup>.

**Garand:** can we approach that area of Ledge Road with that 50 foot no-cut zone, how does the Board feel about allowing impact into that area?

**Foote:** 50 foot no cut is 50 foot no cut

**Lowry:** no one has a reason why

**Foote:** we made special concessions to that whole site

**Garand:** I am really insulted that they are even asking for relief from that because that's a stipulation of approval.

**Foote:** there's another one coming down the road; owned by Mr. Mitchell himself that also wants to impact that area and also wants to fill wetland.

**Garand:** I don't think we should allow any impact other than the driveway going into those sites and no wetlands approval

**Foote:** the original dredge and fill permit stipulated that there will be no further impact to wetlands for lot development and now they are coming forward, five, six years later, Franks in, Dori's out, Frank won't remember or do the research and they are applying for wetland permits.

**Garand:** I really think we should just take and say no to some of these applications as a Board. That was one thing about Peter bringing that up—review the check sheet to make



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sure it's all there, because if it's not there we should really get out of it? Can we even reconsider that as a complete application?

**Footte:** no, we tried that with reconsidering road width remember? Once you've approved you cannot take away. On to more correspondence. We have a letter here from Oliver and Evelyn Fowler, regarding Nicholas Way and Becky's Way project. You remember we recently did a bond reduction. At the time that they were at the bank doing the bond reduction, they realized that they more than likely are not going to be able to finish in time for the two-year expiration date. They're saying the project is taking longer than expected but should be completed in the near future. They've already made arrangements to insure that the remaining site security stays intact, and they are asking for a one-year extension on the project. I told them that just as a formality we needed it in writing so that we could extend the completion date of their project.

**Garand:** I have no problem with that. Their son is actually coming home from Colorado to help with the situation, there are a lot of health problems in the family and I think we should give them every consideration that we can.

**Motion:** Sanborn      **To extend project 02-18 (Nicholas and Becky's Way) for a year**

**Second:** Garand      **Unanimous**

**Footte:** we have a letter from Jack Murray. If you remember way back, Susan Murray Trust next to McDonald's the parking easement on someone else's property. He's finally gotten Mary Ganz to revise the easement language and all she really did is change article #6 in it to state, "any change or alteration to easement terms requires Seabrook Planning Board approval. In addition, it is understood that the Seabrook Planning Board will not unreasonably deny to hear or approve a request by owner to modify, change or terminate easement".

**Himmer:** I love this.

**Footte:** I can hardly believe that Mary wrote that.

**Garand:** they keep on adding different things and one thing I have to say that there has been an ongoing issue with signage at that site. With the approved site plan that we did we actually put in the minutes they had to conform to the sign regulations because that large pylon sign. There's been a trailer on site with granite counter top sales. I actually had to do a cease and desist on.

**Footte:** he still owes us \$175.00 that I've billed him three times.

**Garand:** I think that until this is written suitably, we shouldn't accept anything and until they make the final payments we shouldn't approve anything. And the trailer has been gone for two days, but I'd like to see it be gone permanently before we do anything else on it. He also came in and asked if he could do prefabricated sales of sheds on the location. I told him no.

**Footte:** no, it's not approved. He wants to do that he cancels out that site plan and comes in with a new one.

**Garand:** that's what I told him so he's not a happy camper.

**Footte:** we need to send the parking easement out for Town Council review.

**Morgan:** I would just strike that second sentence.

**Garand:** I wouldn't even send it out.



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**Morgan:** Save some legal fees.

**Foote:** just strike the second sentence

To send a letter to Attorney Mary Ganz that we will only

**Motion:** Evans approve the Murray parking easement if the second sentence is removed.

**Second:** Sanborn Unanimous

**Garand:** let's make it simple and straightforward. They need to come in and reapply.

**Foote:** well I think that Mr. Murray thinks we are prejudicial and vindictive and might refuse to see him should he want to come visiting again.

**Motion:** Garand To adjourn at 9:19 PM

**Second:** Sanborn Unanimous

Respectfully submitted,  
Patricia R. Welch, Secretary

MYLARS RECORDED		
05-11	Wayne & Minabell Bowden and Donna Perkins & Kathryn Williams, Trustees of the Matthew J. Perkins Irrevocable Trust for a lot line adjustment at 68 and 54 Dow's Lane, Tax Map 12, Lot 7.	D-32743
05-01	GRA Real Estate Holdings, LLC for a two-lot subdivision at 11 Stard Road, Tax Map 4, Lot 9-11	D-32742
05-19	Jeffrey Morgado for a condominium conversion at 122 and 124 Blacksnake Road, Tax Map 3, Lot 5-5. Condominium Documents 12:06 #40227	D-32741