



Town of Seabrook Planning Board

Meeting called to order Tuesday, May 3 at 6:03PM. Members Present: Sue Foote, Chair; Mark Preston, Vice Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans, Keith Sanborn, Patricia Welch, Secretary.

Minutes of April 19, 2005

Motion: Garand Accept as read

Second: Sanborn All in favor except Lowry and Preston who were not present at meeting of April 19, 2005.

Public Hearings:

#04-50 Proposal by Paulo & Lisa Cabral and Cheryl Wills for a 5-lot subdivision at 94 Blacksnake Road, Tax Map 3, Lot 4-1. Is there a representative present?

Henry Harrison Boyd, Jr., Millenium Engineering: the attorney was not able to make it to Dr Fowler's meeting at the Zoning Board so we asked for and were given a continuance until the end of this month and we hope to be back in front of the Planning Board in June.

Foote: I believe that the last time this came up you already signed an extension waiver?

Boyd: yes, ma'am.

Foote: so you want to be continued until June? I believe the June 5th meeting is packed

Secretary: that's June 7th, so it would be June 21st

Motion: Garand Continue case 04-50 until June 21, 2005 at 6:00 PM

Second: Lowry Unanimous

Foote: next on the agenda #05-12 Proposal by Luis Elias for a two-unit condominium conversion at 41 Railroad Avenue, Map 8, Lot 81. (Plans are distributed.)

Henry Boyd, Jr. with Parker Survey: I would like to mention for the record that there is no more Parker Survey. It doesn't exist anymore; it's a thing of the past. Plans coming before you from now on should say Millenium Engineering only on them. I know this may break Paul's heart, but that's just the way that it is. We've retired the name.

Foote: so Millenium will be coming from both locations?

Boyd: in looking at the check off sheet, the only thing that I could see, Plans indicated if added meters for added lines from the street are required, it says no. We have added the meters. What we generally will show the electric meters that are proposed. The water meters are something new. I haven't put them on any plans yet, but if that's something you want to do, the only reason we haven't shown them is because we don't know where in the house they would be installed. I would prefer not to put them on. The added lines are on there, but in Tom's comments, he did note correctly that there is no gas shown to the unit and I have not been advised by Mr. Elias at this point to show proposed gas lines so if we do that it would be something that would go into the future condominium documents. At this point there is no plan to bring gas in there that I'm aware of.

Foote: first we have to vote on whether we are going to accept this as a complete plan

Preston: it's gone through the whole review process?

Foote: yes it has been through the review process.

Motion: Preston To accept case #05-12 as complete plan.

Second: Garand Unanimous

Foote to Morgan: so your only comments were about the gas service on the condominium conversion.

Morgan: in every other respect it looked okay.

Foote: at the tech review, it was recommended that there be either side by side or back to back driveways so that you don't have driveway bump, driveway bump and also, when the demolition was going on, there was quite a bit of damage that happened to the brand new sidewalk that the Town just put it. So that sidewalk will need to be repaired. All the department heads at the tech review and specifically Chief Currier requested, especially where it's right next door to the DPW, to have just one driveway. Similar to what you did to the one just down the street.

Boyd: Paul LePere. There's a sight distance problem there. This is compliant with the regulations. That's what he's asked for. You're allowed two driveways, ten feet in width as long as 30 feet separate them. I can redesign it, if he's



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okay with it. I'm going to have to redo the plans to show common areas. The plans will change substantially and it takes a good deal of money to do that. I wish that I had gotten that comment well before the meeting and to get it at this late date it difficult to deal with especially for the client. I mean, it is compliant. He's favored to have everything on there so it's on their own limited common area without complicating it with common area.

Preston: it's almost trying to take the condo area and make it two separate areas of their own. So it creates an appearance of their own.

Boyd: it is. Absolutely. Initially we had looked at one driveway going down in there and he didn't think it would have a really good appearance and to have two driveways side by side was going to create a lot of black area in one spot. I understand the concern, but I really would hope that the Planning Board would see that this is compliant with the regulations and approve it as it is.

Foote: I'm just relaying what was said at the tech review.

Preston: I don't have a problem with the way it looks.

Foote polled each member for questions and comments.

Evans: I'm curious as to how this feedback from the tech review didn't make it back to the applicant. Or did it?

Foote: I think it's a combination of me filling in for secretary, I thought that I attached them to emails and sent them out. It could be that recipient secretary's didn't forward. I don't know.

Boyd: I got the checklist, but it's not on there. It's not coming up on there.

Preston: oh, on the bottom of this it does say share common driveway.

Boyd: where are you? I've got one through four

Foote: concrete sidewalks repair and share common driveway

Preston: but those are comments that are made but they're not in reference to the regulations, right?

Secretary: well, they are not because in the condominium conversion there is not any section that actually addresses that issue.

Evans: also, I am curious—it states that the bituminous sidewalk, on the plan here, isn't a concrete sidewalk?

Foote: the existing is concrete with granite curbing

Evans: that's what I thought, but the plan is saying bituminous

Boyd: Peter is saying the plan is wrong

Evans: in my opinion that is just a minor correction. Ordinarily I stand fully behind the Department Head's opinions, however, in this case the driveways do appear to meet the Town's regulations for driveways and because of miscommunication with applicant...

Boyd: yes, I do have the fifth one, it's on here. I don't know. I guess I would say that, he still would like to have it this way; he's compliant with the regulations.

Evans: as I was saying, I'm inclined to agree with you Henry. I don't think that in this particular case, since it meets our regulations that you need to change it.

Boyd: I did have it, but I missed it and it was in there. But I would like to leave it this way and I'd be happy to change on the mylar bituminous to concrete.

Evans: those are my comments.

Foote: erase it out so it specifies sidewalk

Boyd: can't erase on mylar, Cathy Stacey won't accept it. So I can produce you a new one.

Foote: any abutters have any questions or comments?

Earl Perkins, 41 Railroad Avenue: I don't agree with two more driveways over there. Across from my house my driveway, I can't see why he can't do what he did on the other side of me, one entrance, two driveways. No are we going to have two condominiums, or two houses?

Foote: it's going to be two separate houses. (Asks Mr. Perkins to come and look at the plans.)

Perkins: the last meeting that we were at, we changed the lot line.

Preston: the back section right there (pointing to plan) and cut it off right there.

Foote: and connected this part to GRA.

Perkins: now, where is the brook? Rocky Brook?

Preston: way back there.

Perkins: have you created a piece of land-locked land?

Preston: no, it connects to the other piece.

Perkins: no, you've got a brook.

Morgan: which you can't get over very easily.

Perkins: that's going to be the next thing they're going to come here, saying, I want to build a bridge across the brook so I can put another house here.



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Morgan: I didn't say he couldn't; I said he couldn't do it easily.

Perkins: but he can do it.

Foote: it's not likely.

Morgan: he'd have to get a DOT permit from the State.

Garand: now it's joined with GRA Real Estate Trust. This right here now is just the residential units on the residential lot. The other now is confined.

Morgan: if he put a house here, he'd chew up some of his frontage up here and it'd be kind of shooting himself in the foot because this land up here is more valuable.

Perkins: I'd still rather see one driveway off of Railroad Avenue. I live here. I know how fast these cars go, how close the accidents are, even with the Town garage here. Two more driveways I don't think should be allowed. He's put one right the other side of me and going into two and I don't see why he can't do it right there.

Foote: that was the Department Head and specifically Chief Currier's concern is the closeness of the driveways and also the impact of the concrete sidewalk, the way that they're building them, it's going to be a roller coaster in that area, up and down, up and down. You're not going to have, even if they do two side to side, it's going to reduce the amount of up and down in the sidewalk.

Perkins: but, you're going to have still two driveways.

Foote: well, the other one had two but they were side by side and they were each ten foot wide so it was a total of twenty feet, but it appeared as one driveway because it was one entrance spot.

Perkins: well, I'd still like to see one driveway there.

Boyd: I don't mind how it is. It's up to Mr. Elias. I've designed this the way he wanted which is compliant with the regulations. I don't have a problem asking him if he wants to change it. But, since it's compliant, I hope that we can get a conditional and if he's okay with changing it, but I don't want to wait another month to come back and then go through another meeting just to do this. If he wants to spend the extra money to have us change the plan, I really don't have a problem with it. Mary's got to change the condominium declaration and documents as well. It's just a matter of expense. And I really didn't get these (referring to tech review sheets) ahead of time. We just got these, so. I really would like to be involved in the technical review. I'd like to be at the tech review meetings.

Secretary: you can come, but you can't say anything.

Boyd: there needs to be a productive dialogue between the department heads and the people who are doing the plans. That's how it's done in every other town so that we can work these things out.

Foote: so attend them

Boyd: but I can't speak when I'm there.

Garand: but you can take notes, though. You can't speak, that's all. It's not an open forum, it's just for you to watch and listen.

Boyd: that's not what the technical review process is supposed to be. It's supposed to be

Garand: it's for town staff, not outside input

Boyd: then it doesn't make any difference whether I'm there or not

Foote: we have had people attend. And if the DH's have a question, they will ask the person. But, it's not an open debate and it's not open for abutters to come and debate, because it's not the plan review.

Boyd: if I was there on this case, what would I bring from it? I can't say anything.

They wanted it but the plans might still show up this way, right? If I had a dialogue... I know this isn't the evening to talk about this, but there should be an ability to communicate with the department heads.

Foote: you can, call them, talk to them.

Boyd: I'm not supposed to talk to them. The technical review process is supposed to short-circuit that. What do you want me to do?

Foote: well, we have an abutter that agrees with the Department Heads, but it appears that the majority of the Board has said that they don't care.

Garand: even if they brought the driveways into their own limited common area, they could still bring it so they were 20 foot wide, they wouldn't need common area there would they Henry?

Boyd: yes, whenever they share anything on private property, the common area has to be provided and calculated.

Garand: so because they'd be sharing you couldn't join them right at the property line

Foote: Like they did with the other one? It's actually two separate driveways just split down the middle.

Boyd: yes, but it's common at one point. What I would probably do if we did change it. I'd pull it further away from Earl's up this way, and come in off of here and have them join so that this guy would still get as much of his open lawn as possible. But I'm telling you that this portion up to where that divides off would have to be common. I don't mind



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doing it. Don't misunderstand me. I just wish there was some better way of doing this ahead of time that's all and I know you're getting there and I know you're working hard to do that.

Preston: I'm just thinking that if you do that, the common area is going to be an squiggly line coming in, right?

Boyd: no, it'd be a box; I'd create the whole thing as common

Preston: which is eventually down the road creating problems between the neighbors, each of them

Garand: are they prefab, modular homes or what are they?

Boyd: I don't know what he's doing.

Garand: because basically they could flip this house and have the driveways come in here

Boyd: what that does is that then we have to engineer all the floor plans again. Everything has to be flipped and reversed inside the unit. It's a huge expense whether you believe it or not. It's probably six or eight hours of drafting in the office to mirror this thing. Because everything is essentially flipped inside the house. It's not that big of a problem. I don't want to have two driveways side by side. I'd rather just deal with this and just create the front common and Mary can address it in the condominium documents.

Morgan: Henry, I take it your client is not here tonight.

Boyd: He doesn't have a problem with it. I can tell you. I think he just wants to get the thing through, honestly.

Perkins: can't you go in where the driveway is pointed now?

Boyd: where is the driveway exactly?

Perkins: pointing to plan—this is the Town line right here?

Boyd: actually it's too close to this driveway. I looked at that initially. That's a problem because it's really close to the existing driveway to the Town shed.

Perkins: why did they dip the sidewalk right here? This is where the sidewalk ends

Boyd: and I think that driveway comes right off of there and that is too close

Preston: it has to be thirty feet

Boyd: it can, but this would be right in front of your house. I'd pull it further up the street.

Perkins: no, it'd be further from my house.

Boyd: just tell me what you want you do

Perkins: I'd just rather see one entrance, that's my concern. I know what the cars are on that road and I know how close they are for accidents there, kids almost get hit.

Foote: I think if you could pull it as far away from the DPW as possible, it'd be safer.

Boyd: that's what I'm saying, I'd use this one and I'd have it hook in as soon as possible, but I hear what Mark's saying as well. But most of these have common areas that you have to deal with.

Preston: It's very clearly defined for each of them on this plan.

Boyd: absolutely and it's client.

Evans: it's bad enough with people on completely separate pieces of property

Foote: well, that's the trouble with condos. You should love your neighbor before you purchase.

Preston: I'm fine with it the way it is, but if it's going to help the abutters or anyone else and it's not that big of a deal to Henry, I could be happy with that plan too if it was changed.

Evans: my problem is that it does meet the Town's driveway regulations and it becomes a question that you don't want to make every driveway into a judgment call.

Boyd: let me say this. This is the way he'd like to have it, but you tell me what you want to do, but this is what he'd like. This is what we designed, it's compliant, and it meets the standards.

Foote: you're the Board; it's up to you to make the decision.

Garand: poll the Board.

Foote: Keith, what's your preference?

Sanborn: if we could get the one driveway in and then combine it into two

Foote: Paul

Garand: the one driveway would be ideal, but at the same sense, as opposed to making less complication and less complication would be two separate with no common area so it basically makes them independent from each other; I favor this right here.

Foote: Mike?

Lowry: it's clean, it meets all the regulations. I think this is less confusing.

Foote: Peter?

Evans: I agree with Mike and Paul.

Foote: Mark?

Preston: ditto



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would be helpful to you, whether you wanted it or not, and I don't know what purpose it would serve. But the area that we do show, the trailers are within that. So you can see that there are a good number of trailers in here. It's clearly beyond what they were supposed to do, but I believe the use is still the same. The protection around the poles is still in place. There was a concern that I had because even though they had secured rights within the 225-foot large high-tension easement, they were now working within the Exeter and Hampton Electric Co easement and I wanted to insure that they had the permission and ability to do that. The last time that we were here I was very adamant that they receive a letter that I was able to give the Board that secured their permission to work within there. Other than that, I don't know what the Board would be looking for. One of the comments that Tom had is that the plan title was confusing "revised site plan" that in fact it is more akin to an "as built" plan. That's exactly what it is. It's an as-built plan. This is a weird kind of bird here that I'm dealing with. I don't know how to submit this. It's not a proposed site plan because it's already existing and that's why it is an as built plan and why I called it a revised site plan is because it shows something different than the original site plan did. His comment number two.

Foote: before we get into Tom's comments, we have to decide whether or not we're going to accept this as a complete plan or not. At the tech review they wanted drainage studies,

Boyd: can I ask why they would want drainage studies, Sue?

Foote: because of it being so close to the aquifer and because of the potential run off from the trailers. While there are no diesel tractors involved, the trailers do have hydraulic hoses, grease fittings, there is a potential pollutant site that's up gradient of our aquifer area.

Boyd: that's the reason that chose never to pave any of this other than what was up here. That it would help with that run off. In fact, I think that Warner commented that he didn't have any problem with any of the proposal, even the expansion of it as long as it was never paved. I don't really see that you'd need a drainage report or study whereas we have this as gravel material.

Foote: you going to convince the EPA that it's not necessary?

Boyd: that would be my position.

Foote: it's in excess of one acre

Boyd: well, they need an NPDES permit

Foote: which requires a storm water study, drainage study

Boyd: not necessarily, it requires erosion control plans and whatever plans are there. Generally what we do for the NPDES permits is send in a site specific on them because it has all of those factors in it. But this site, where it's an impervious {I think he meant to say, pervious} material I would agree, I would argue that you don't need that run off calculation. Everything is down gradient and technically what we need to do is meet the State standard for 25-year storm run off, in this case 50 year for Seabrook. But that's at the property line. His property extends way down stream. You do have good vegetation before you get to that and I think with the gravel in the parking lot you've got any filtration if it did have any leaks. And you have said that the trailers are open. I don't honestly know and I'm not an expert, I can't tell you what some drainage out of a hydraulic hose could give you. Maybe Rusty could comment on that. But I don't think a grease fitting would cause a huge environmental concern. Maybe Rusty has more information on what could be left in those hydraulic hoses. We're here to do what you need us to do. If you say that we need to run drainage on this then that's what we can do. But initially when we came in the proposal was eventually to expand this. They didn't do it. They clearly were in violation of the first approval, there's no doubt about that. But there was never an intention to pave this project. Never. It was always the intention to have it run over the grade as it simply does now, over a pervious material, which we have in the parking lot now.

Foote: If I remember right, the previous minutes to the initial Phase I was that if there ever was to be an expansion that there would have to be storm water studies, drainage studies, and storm water design.

Boyd: if that's in there, I'm unaware of it. I'm not saying it's not in the minutes, but it wasn't my belief that that was the case. Clearly, they were supposed to come back to the Planning Board, because if you look at the notes to my plan, it said that any expansion of the site had to come back here, but I don't believe that there was anything on the plan that says

Foote: There's nothing on the plan, it was written in the minutes.

Boyd: and I don't disagree, Sue. I don't remember that. I'm not telling you it's not there because if you're telling me it is I have to believe you but it was never in my memory and there always was the thought of expanding this. Now it could be we get looking at this and the run off coefficient is so vast that we're not slowing it down enough and we need some filtration or something, and we have to remove part of these trailer areas. I don't know. I'm just telling you that my gut feeling and my instinct that I don't believe that there would be storm water here.

Foote: so I guess we have to decide whether it's complete or not. (Looking at tech review checklist): Elevation views of all buildings, we don't have that. Proposed signs



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Boyd: the only building will be the office trailer. That wasn't required the first time and that's not going to change.

Garand: I have an application for building the office trailer, which I just wrote. With the sewer and water that had to be approved. Now they have dig safe on site, I believe and know they are working with Warner who was in contact with them yesterday in regards to the connection and what's being installed. So that is happening at this time. I'm not sure about, at the tech review it was requested that they have the drainage system was designed, if they didn't need one, then they needed to show why they didn't need it, prove something. They were looking for something as far as the notes for the silt fencing, maintenance on the plan, that was not on the plan itself saying it would be in place for two years and so forth.

Boyd: the silt fencing has to be in place for two years?

Garand: in the requirements

Foote: oil water separators, which is kind of hard to do

Garand: they just ask if you aren't going to have it and not prove it, you have to ask for something in waivers. So until that's in place, basically it can't be a complete application. Also, in talking with the Town Manager because the other approved plan was never completed, until that is completed he doesn't really want to see action taken on this plan until they in good faith finish everything else that's there. So that's where it stands at this point. The work has already been done, so I guess the Board has to figure out what they want for the next time around.

Foote: next time around for what?

Garand: when they come back do you want to see the 50-year storm plan on here, do you want to see the oil water separators, do you want see treatment swales, what do you want to see on that plan.

Boyd: I think you need a drainage report first to determine whether that's necessary, right and if we determine that it is necessary that they need the drainage design, then we'll have to submit that too.

Foote: I think there should be some sort of provisions for worse case scenario of accumulation of petrochemicals that might be coming off the body of these trailers. While one might only drop off a small drop of grease, over time that could turn into a pretty petrochemical loaded site.

Boyd: I guess I never thought about hydraulic hoses on here. I just thought of the boxes. But I promise you, Rusty and I will get to that.

Foote: brake lines,

Rusty Lavin, Manager, GRA Real Estate Trust: there are no trailers with any hydraulic hoses on that site. There are none at all.

Boyd: is there any thing on there as far as grease or anything?

Lavin: you do have grease fittings. But no hydraulic hoses. The only hoses that are on there are air lines for your brakes.

Boyd: can we get together on that?

Lavin: sure, okay.

Boyd: so what we'll detail is what those trailers look like and what's on them. I don't have a problem doing that at all, Sue.

Sanborn: Sue, do we have anything from the fire department, because I see here that it says that the fire and safety codes aren't being adhered to.

Foote: Jeff was at the meeting

Garand: I'm not sure where that's coming from.

Boyd: are you going to go down through each page of this?

Foote: no, right now we're trying to decide whether we accept it as a complete application or not so we can deliberate it

Garand: at the tech review meeting they said because if there was a fire on site because of the way that they were packed, they couldn't get a truck in there put anything out

Foote: and because of the high-tension lines they couldn't use a ladder

Boyd: why would they need a ladder in there?

Garand: because they couldn't get over the boxes, they'd need the aerial to get in there to put the water on it

Sanborn: you've got 230 trailers where there's supposed to be 34 and they are packed side by side and you wouldn't be able to get at them especially if you had one in the middle that got started in the middle of that mess. You couldn't get to it.

Boyd: we'll have to define the aisles better or something. Maybe I can meet with Jeff and see what his thoughts are. How would that be?



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Footo: we also have a letter here from Public Service and you also brought up Unitil, that we need to receive agreement and consent for joint use. We need some sort of paperwork from both PSNH, FLP, whoever's in control now.

Boyd: is that from that Celine? She called my office and I was out and by the time I got back she was gone. She said she would send me something. Could I get a copy of that letter please?

(Secretary got copy)

Footo: and likewise we need something from Exeter Hampton where they have the easement adjoining it.

Boyd: they're okay with it

Footo: but we need it in writing

Boyd: similar to the way we did before.

Preston: it seems we're just going down this checklist when I think we should probably just vote on whether it's complete or not. I think he's got a clear picture of what's needed.

Boyd: right

Evans: insofar as there are a number of items that appear to be missing, that are listed on this checklist that have not either been produced by the applicant or have had waivers requested for them,

Motion: Evans To deny acceptance of application for case #05-13 because it is incomplete.

Second: Sanborn Unanimous

Footo: one other item that's only referred to on the bottom of this sheet, but which I think is worth talking to you about is the impact of the use on Stard Road. That's one of the things we discussed at the tech review and kind of hindsight it's too bad we didn't think about it before all the rest of the industries started going on out there, but Stard Road was never built for the type of traffic that it now has. And we now do have the provision for off site impact improvements.

Boyd: don't you think that this is a pretty benign use for that site though? There isn't a whole lot of activity that goes on there. It's pretty dormant most of the time.

Footo: well, how many trailers there are now. Every single one of those trailers traveled on site.

Boyd: wait a minute. They absolutely had to get them there, but it's not like 200 trailers are going in and out of there all the time. Now that they're there, the inventory I don't think swaps over that much. I hear the concerns that you have and I'm not trying to minimize anything that you or anybody's said and I think there are some things that we need to work at, but I think that site's pretty benign and this use is a pretty benign use.

Preston: I could almost say nine out of ten times driving by there is no activity.

Boyd: there is none.

Sanborn: it only takes that one time

Footo: we have to continue this before you leave.

Garand: how long before you have to continue it and when do we have time?

Footo: we have to continue to a date time certain or we're going to have to post the public notice again

Garand: when do you want to hear this? How long to redraw it?

Boyd: well, we can't get on the next hearing, right?

Preston: June 21, he can't get on that one?

Footo: what do we have scheduled for our next meeting in May? Would you have time in two weeks? We'd continue it to the 17th. We don't really have time to get all the department heads to review it by then. So it looks like June 21st.

Boyd: there's nothing on that first meeting in June?

Preston: it's packed. It's all about Ledge Road.

Footo: well, we could schedule you in

Boyd: yes, if we could that. Because that will give us time at least to

Garand: if we can't get to it we'll just continue it, that's all

Boyd: and you'll probably know by case load at that whether it's worth coming in, but at least it will get back to the tech review before then. That's what we really need to do.

Motion: Preston To continue case #05-13 to June 7, 2005, 6:00PM

Second: Lowry Unanimous

Boyd: that boardwalk thing



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Foote: do you want to discuss that before you leave? If you don't mind squeezing it in. Just so Henry doesn't have to wait

Garand: make him stay to other business

Preston: yes, he should

Boyd: oh, it's for the Town, I'll leave

Foote: I can present it to them

Boyd: that would be fine.

Foote: next we have #05-14 Proposal by Matthew Wozniak for site plan review to construct an 8,000 square foot National Tire and Battery store at 537 Lafayette Road, Map 8, Lot 22.

Motion: Garand To accept case #05-14 as a complete application.

Second: Preston

Evans: are we going to get a chance to debate this?

Sanborn: yeah, there are things on there.

Foote: there are comments, but that doesn't mean it's not complete. We have the storm water study, the maintenance plan

Evans: do we have the new cut sheets?

Foote: yes, that's what's just handed down.

Secretary: my error. (Hands out copy of letter from Wozniak regarding revised plans)

Evans: you need to shade the columns so my eyes don't jump over

Sanborn: did we relocate this hydrant to Route 1

Foote: yes, the comments that you see on the side were all reviewed or brought about from the tech review and they had representatives and their real estate agent at the tech review

Sanborn: I see on the fire safety it said no again. It wasn't being adhered to

Foote: the checklist was filled out at the tech review

Sanborn: and then it said moved to Route 1 entrance, the hydrant

Secretary: but the check list was done before these revised plans

Foote: revised for what was found in default in the tech review checklist

Evans: I think we're ready for the question now.

Motion: Garand To accept case #05-14 as a complete application.

Second: Preston Unanimous

Foote: would you like to give a presentation, overview of the site. Please name and...

Matthew Wozniak, Carter Burgess Engineers, one of the civil engineers working on this project on behalf of Centennial American Properties who are in a position to purchase this property. We are proposing to build an 8100 square foot National Tire and Battery. The site, as it stands right now, is a two-story family building with some out buildings. We are going to add some landscaping, a retention infiltration pond in back to address storm water concerns and we are proposing a six foot high stockade fence to enclose Small's Avenue from the other properties, to screen the building from the abutters. We are planning to adhere to all Fire and Safety Codes, Building Codes. We did attend the tech review and we addressed those comments and issues with the lighting and the cut sheets were not readable, so I did have handouts for today. The foot-candles now adhere to the requirements of the minimum, maximum and average. We moved the fire hydrant closer to Route 1 per the fire department's request. We are in the process of talking to Auto Zone who has expressed some interest in a common driveway and so we are working on that.

Preston: we like connectivity

Wozniak: and they have expressed interest in it, it's just a matter of getting the lawyers together to talk about easement and it's going to affect their parking; they are going to loose some parking spaces. So we'll have to work something out, but they are interested.

Foote: at least they're interested and willing to talk.

Preston: it's only going to help them too



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Wozniak: yes, these are similar uses. I don't think they compete head-on. NTB will do the installations and the tire rotations and Auto Zone is a do-it-yourself place. I see many customers using both services.

Garand: looking at the cut sheets for the lighting, you've also given some of the sag lenses in the back. I just want it noted that they are in the details but that the sag lenses will not be used.

Footo: so first we'll go down through. We'll you've all received Tom's comments, right. We've received a letter from Matthew; it appears that you've all received that letter. It address specifically the comments from both Tom's analysis and from items that were brought up during the tech review: updating the lighting plan; the used tire storage area, we requested that it be covered because of the potential to catch water and breed mosquitoes; to add the note for the operating hours which sheet would that be on?

Wozniak: sheet CO2, which is the second sheet in the set

Footo: the sheet that has all the notes, yes.

Wozniak: then there are operational notes here

Footo: 7Am to 8PM Monday through Saturday; 9Am to 9AM on Sunday. Only open to 8 PM? Wow

Wozniak: that's what I've been told

Preston: 9 to 9 on Sunday, that's odd

Wozniak: 9 to 9 on Sunday?

Footo: open an hour later on Sunday than they are Monday through Saturday

Wozniak: I'm sorry, that's nine to six.

Garand: so as long as they close by 9 they're okay

Footo: and not to play too generous, but if they wanted to list it 7 to 10 and choose to close at 8 but where they say they're closing at 8 that's going to limit them to they MUST close at 8 unless they change it now

Wozniak: I've talked to a representative at NTB, asked typical store hours, what he would like and that's what he gave me. So thank you.

Footo: it's not often we offer to be more lenient

Wozniak: we are trying

Garand: change the 9 to a 6 on Sunday

Wozniak: I apologize

Footo: and I have reviewed the Stormwater Management Report to include the operation and maintenance section and you've resized the water line and relocated the hydrant and added the sampling manhole. Those would be on page?

Wozniak: on the utility plans C-3, the sampling manhole is 30" at the opening for sampling.

Footo: any other comments that you had Tom, that haven't been addressed by the plans.

Morgan: I haven't had a chance to scrutinize the revised plans.

Footo: so do you want to go down through your comments one by one or are you confident with Paul and my review earlier to make sure that everything was on the plans?

Morgan: if you looked at it, I'm confident in that

Footo: I looked at it quickly

Evans: and you saw where Tom's comments were addressed correctly?

Footo: I believe they were either addressed through the tech review or through this letter. I believe they have been addressed.

Evans: they've applied for the driveway permit?

Wozniak: yes, we have and we have received preliminary comments back which are DOT asking for a right of way and we are showing that on the plans.

Evans: the Board of Adjustment has no stipulations impacting?

Garand: no, it's a commercial use and it's an allowed use in Zone 2

Preston: what's the State holding you hostage for a permit? Do you have to give up land?

Wozniak: we offered it up.

Footo: your question about the loading area, plan does not indicate size of trucks that will be utilized—does it matter?

Garand: the building, the fire chief even said the fire truck could make it around; I don't see any reason why a tractor trailer truck couldn't get around there.

Wozniak: we have used Auto Turn with a WB60 trailer going all the way around and you could have the parking lot completely full of cars and the tractor trailer could get all the way through.

Footo: the lighting plan, has that been resolved? Ten pole-mounted lights and six wall-mounted sconces; sheet SE2 includes no legend, oh that's the new cut sheets

Garand: and that was what I was addressing with the SAG lenses



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Morgan: the other lighting issue was that the first plan was producing too much light.

Wozniak: the average foot-candles is now, I believe, 2.39. So it has been reduced.

Garand: was the lighting addressed to dim down at certain hours?

Wozniak: basically yes, when the store's closed there's security lighting only

Garand: I think it's a nice looking drawing actually.

Preston: I think it will be an improvement to that corner.

Garand: and I like the way they've positioned the building and put the fence in; they've addressed the tire storage by putting a roof over the area so it will cut down on mosquitoes and make the site cleaner. So I think it's a nice site.

Foote: comment about C46 proposed sidewalk construction, the plan indicates no construction specifications?

Wozniak: specifications have been added according to the guidelines, five feet wide, four inches thick Portland cement

Preston: to match the existing

Foote: snow storage area?

Wozniak: we do call that out in the rear (shows on plan)

Evans: I think it's a good plan.

Foote: one of the things that we only briefly discussed at the tech review was the possibility of off-site impact fees. I believe you were going to bring the traffic study?

Wozniak: I have five copies of the traffic study prepared by our traffic consultant, GPI. (Copies distributed)

As mentioned earlier we do have an application for the cut with NH DOT and we expect to comply with any conditions they see fit to make with this driveway.

Garand: what do they say the service is at right now as far as traffic flow?

Wozniak: you know, I don't think there is a level of service in this report. I think we are adding about 1% to the average daily traffic and they did some calculations in March and adjusted it for the seasonal high. I don't think this additional traffic that we're going to bring is going to push it into a different level of service.

Board reviews traffic study.

Foote: are you saying there could be the potential on a weekday up to 310 cars coming and going

Garand: like 17 cars an hour is what you're looking at now right?

Wozniak: that's correct, one every one fifteen minutes

Garand: one thing I like is they say 17 coming in and 15 going, so eventually they'll run out. I think it's from the weekend when they get a bunch of broken down cars dropped off and on weekdays they fix them so that's why it's higher.

Foote: on Saturday they have 26 coming and 25 going

Garand: Sunday's the big breakdown day

Wozniak: people drop them off early in the morning and then pick them up

Garand: before the peak hours. I don't see any issues with this. Minimal traffic impact,

Foote: less than 2% during peak hours

Garand: and if you can work on the driveway cut, that'll free it up at the lights and intersection so

Foote: that would be my main concern. The connectivity would allow a person to, even if they didn't want to shop at Auto Zone and get their car washed, to cut through those sites to take advantage of the lights at Pine Street and Railroad Ave to come and go. My concern is that it's already sketchy with Applebee's coming and going that if you can connect through that will make a big difference.

Preston: we need another set of lights on Route 1

Garand: they'll be there

Foote: every 250 feet

Preston: in front of Lowe's there'll be one

Evans: there's no plans to widen Route 1 within our statutory off site improvement time limit is there?

Morgan: no but there's a very good possibility that the Venture site will be developed, then you'll see some widening going on

Garand: especially down near Spur Road where all those accidents are

Evans: okay

Morgan: I've got a question on traffic study. The author seems to have used a tire super store as a basis for the estimate for the anticipated traffic. Wouldn't it make more sense to study existing NTB stores somewhere else in NH or MA?



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Wozniak: there are not a whole lot of NTB stores around that's one reason we want to come to Seabrook. NTB is owned by Tire Kingdom and they do about 20% of the national tire business so the tire superstore is relative to this use.

Baxter: it's the same company. They own NTB as well as Tire Superstore.

Morgan: I'm just saying that probably a better model would have been a NTB store rather than a generic tire store.

Preston: traffic would be higher with a super store, so you're getting a higher range

Baxter: my feeling is these numbers are conservative, more conservative than actual

Garand: I think they're going to run out of cars anyway because they're getting rid of them quicker; they loose two a day.

Evans: Tom, do you have any suggestions in terms of off site improvements?

Morgan: my suggestion would be to anticipate that Venture will be developed in the next few years, and try to pull an escrow from this development with whatever happens with Venture.

Preston: a half-mile down the road?

Morgan: let me expand upon that. I don't envision just these two projects making an impact of Lafayette. There will be others coming along as well. I think you can make a case to have an escrow fund that everybody that makes a significant impact can put some money in the pot. At the last meeting we discussed this and you directed me to call DOT and find out what's going on with the Rocks Road deal and I did. And while I was on the phone with District 6 we discussed this very subject and Doug DePorter, to my surprise said that they would prefer the Town maintain an escrow for this purpose rather than the State, even though it is a State road. They would be very agreeable to that kind of approach.

Preston: why don't they just give us back the State education money and we'll make it a wash.

Foote: also, realize this section of road, by the time Lowe's is done doing their improvements to Route 1, the hour glass that buckles down to three lanes is going to be virtually Railroad Avenue up to about Bob's Discount Store.

Preston: at least that

Sanborn: it's there now

Foote: and this site falls in this area, so if we can apply an offsite impact fee it will go towards the funding of widening that section of road and I believe Tom will probably concur conversations that I've had with the State is that they've said it's not really in their ten-year plan, but if we as a Town take the initiative to start obtaining funding for the project, they could put in on the fast-track really quick.

Garand: what is the general average? Does it go by footage on the roadway, size of the lot, size of the building?

Morgan: the number of cars

Garand: geez, we'll have to give them money, they'll run out of cars

Wozniak: I understand you guys. You're correct, there is no plan right now to widen Route 1 from the site and there are some limitations that you've pointed out and there are a couple of lots don't have rights of way in front of them for the project to be wider. However, if you talk about an impact fee, we are giving 12 feet of our frontage to allow you to...

Preston: to the State, not to us

Wozniak: we're enabling them to do that in order to benefit the Town. You'll have to agree that when DOT comes in to widen the road the major expense is the land acquisition, not the cost of construction. So we are already providing the land.

Morgan: actually, Matt, you didn't have any choice, the State is not going to give you your curb cut unless you give them the land

Foote: that's the way they've acted in the past further this way (nodding to her left); you want the curb cut, give us the twelve foot easement.

Audience member: Think about the problems though as far as Venture that the State has if they have to go to private landowners and say...

Foote: excuse me, would you please introduce yourself for the record?

Dave Baxter, Dave Baxter Real Estate and Development, also a landowner in Town. Giving away the 12-foot easement is a big thing. I know we're being extorted by the State. But this is a use that's 300 cars a day, not 30,000. It's 1% and that's not counting out of those 300 who come in, how many are already on the road any way, and how many are we generating purely by us being a destination spot. It's peanuts.

Preston: I think your percentage would be peanuts, so it's not really an issue.

Evans: I think we should submit this question to a committee of Tom to come up with a proportional site impact fee for the improvement of the impending Venture development.



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Footo: we have to be careful how we phrase site impact fee versus escrow account. Site impact fees are State regulations if the project is not finished within six years. You have to return the fee with interest.

Evans: which is why I'm suggesting that it be Venture development which, if I understand Tom correctly is likely to be finished within six years.

Footo: I think that could possibly be depending on whether or not DES Water Bureau changes their letter that they wrote to the Board of Selectmen last week as far as a moratorium on building if it requires water.

Evans: permit me to revise my motion to substitute escrow for site impact. I don't know what it should be and that's why I referred it to our expert counsel.

Garand: what is the average amount? Last time when we did Rocks Road we had one abutter who gave \$25,000 for one side of the lights and the other gave a portion to that section there and we had another one promise that they were going to give money too. There's not a set of lights there, but they will be widening the road, so do you look at the cost of the developing the roadway with some granite for sidewalks widening? Or how do you look at that?

Evans: that's the question I think we need to answer.

Baxter: in reality, whoever develops the Venture site is going to get stuck with that bill. DOT's going to make them widen that. They're going to come down from 107 and they're going to say go direct to Railroad Avenue and affect traffic going southbound, just like Lowe's and they'll have to pay for it. I think the key is having the right of way and then your developer comes in and if they're going use a couple million dollars off site it's no big deal. It's the small and private. What's a hundred feet of road? That's a lot. The road in front of there from the lights to Railroad Avenue is what, a quarter of a mile? That's benefiting the whole stretch of Route 1. You can't say that they are going to view the 144 feet of frontage should pay for that cost.

Wozniak: Typically the thing with DOT is that the traffic impact, if it increases the level of service to warrant a traffic light, then the project is directly responsible for that light. But this project doesn't warrant a traffic light and we're working very hard to put in a driveway between us and Auto Zone to alleviate the traffic, so if anything, it'll be even less than the 1% we're talking about in this report.

Evans: I think Mr. Baxter brings up an interesting point that such improvements benefit the entire length of Route 1 and therefore additions negative impacts to Route 1, would seem to be a reasonable indication for assessment of an escrow. But I don't know what that should be and once again my motion is to submit the question to Tom Morgan.

Morgan: the law says the assessment must be equal to impact.

Evans: I agree. We can say 1%, because we have the traffic study, but 1% of what equals how many dollars?

Garand: so you charge so much money per car in other words?

Evans: in my opinion that seems proportionally

Morgan: you may recall at the Rocks Road project, the developer just made an offer. He said we know we're going to have an impact and we're willing to put this much money on the table. Given that we are talking about a small impact and the impact fee should be small too, that might be the simplest way to resolve it is for them to say we know we're going to have an impact, but it's not very much, so our contribution will be proportionate.

Baxter: is this the only issue for the Planning Board? We've worked really hard in the technical review and the whole process to meet your requests.

Footo: if this goes to acceptance tonight, if it was a financial number to be set up, if it was a number worked out with DOT as far as what they think is a suitable fee, I don't want it to be approved contingent on and allow the chairman to sign and leave it up to me to decide whether that number is the right number.

Baxter: the State will give you the number

Wozniak: and that's agreeable

Footo: and the Town would be more than willing to hold it in an account until those improvements get done in the future

Baxter: so we defer to the expertise of the State

Garand: I think the plan looks complete and I like the plan myself, as one member.

Footo: if the Board's done discussing and we're all through, we're ready to kick it to the abutters. Are there any abutters present that would like to speak to the plan, or have questions to the plan. When I call on you, please stand and state your name and address for the record.

Donna Nickerson, 16 Smalls Ave: What I was concerned about mostly was the lighting, but you have said that it's going to be dimmed after closing? They won't be out all together, just dimmed down?

Wozniak: that's correct. Just lit for security reasons by the police.

Nickerson: and a stockade fence coming down Small's Ave?

Wozniak: actually, we're going to have a six-foot high stockade fence from the corner all the way to here (points to plan from Route 1 around back of building to Auto Zone side)



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Nickerson: when Marshall put in the stockade fence at the beginning at the road, every time the plows come through in the winter, because that's a one-way road, they knock the fence down.

Preston: I think this will be a different installation.

Wozniak: and this will be set back from the road. There's actually some land between Small's Ave and us so the fence won't be right on the road.

Nickerson: those were my concerns. Thank you.

Denise Willis, 20 Pine Street: what does NTB do—do they do retail, installation, are they selling and changing tires and batteries? Where are the batteries going?

Wozniak: all the batteries will be stored indoors in the rear of the building.

Willis: I heard something about a connecting road to eliminate going in and out on Route 1 between NTB, Auto Zone and the Car Wash and coming out on Pine Street?

Foote: the side entrance next to

Willis: my house

Foote: it will cross Pine Street circle around the bank and catch the lights.

Willis: is the fence going to stop at Auto Zone?

Wozniak: there is no fence between Auto Zone and us

Willis: don't you want to put in a little more fence by Auto Zone with roses for off site improvements? Reggie Small, 14 Smalls Avenue, wasn't able to be here tonight, but he wants to know if it had to be a stockade fence, if it could be a chain-link fence.

Preston: on the plan it says stockade.

Evans: so the abutter wants a chain link fence?

Willis: he wants to know if it's optional, can we try it without a fence, whatever...he just asked if I'd ask

Preston: just a note if he wanted to see something without a fence tell him to look at Sullivan Tire that goes onto Gove Road

Willis: or look behind Auto Zone when I missed the meeting because I wasn't here and they didn't have to have a fence put in

Foote: Fences stop blow through garbage and light and to a degree noise.

Willis: I assume the gray area is pavement?

Wozniak: correct.

Willis: so what happens with run off there?

Wozniak: it goes into the back section and the detention area. There are going to be three catch basins (he points to three on plan), they will collect the water and it will run to the detention area.

Willis: will it go underground?

Wozniak: underground

Willis: where did you say you're putting the rose bushes?

Wozniak: rose bushes?

Everyone laughs.

Foote: one thing we did bring up at the tech review was that on the back side there where you see it screened, the majority of the trees and vegetation will stay there. Up near the property lines that vegetation will stay there, they are not going to clear cut, so there will be trees and shrubs left.

Wozniak: we're going to keep as many as we can

Willis: no rose bushes?

Foote: any other abutters that have questions or comments?

Dr. Peter Fowler, 549 Lafayette Road: I think he did a fantastic job siting this away from the neighborhood. I couldn't have asked anything to be changed on this; they did a nice job on it.

Wozniak: it was at a preliminary meeting with Paul before the site had been leased and it was his suggestion

Fowler: thank you Paul

Garand: when they first showed it, the bays were in your direction—I told them oh, no.

Dawn Holmes, 16 Smalls Ave: Just out of curiosity, how deep is this detention pond going to be, is it going to be covered? There are small children in the neighborhood.

Foote: it will be behind the stockade fence

Wozniak: there will be the stockade fence and there will also be a chain link fence around the pond with a locked gate

Evans: is this a dry pond?

Wozniak: it'll be dry, it'll all infiltrate into the ground



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Morgan: at some time someone will need to decide whether every effort has been made whether it's successful or not otherwise it could just disappear into limbo.

Preston: and you've still got a good-looking building and a better plan than what's sitting up there now.

Garand: I think it's going to be a good addition town and to the neighborhood up there.

Morgan: could I suggest that the applicant write us a letter in three months and give us a progress report on his negotiations.

Garand: will you give us a letter on who you've contacted and so forth, so that if they are not willing, maybe the Town could actually lean on them

Preston: it's advantageous to them too.

Morgan: I just don't want to leave things hanging. I'd like to get it in black and white, or nailed down.

Garand: the car wash actually owns the site so.

Foote: the guy at the car wash seems to be a pretty reasonable guy.

Garand: we just won't give him his occupancy for the new addition we passed unless he gives us our cut through, how does that sound?

Foote: so we have a motion on the board from Peter

To approve case #05-14 with conditions: 1) DOT driveway permit; 2) DOT assessment of percentage of cost for impact to Route 1 for future widening and 3) every effort will be made for a connectivity cut through somewhere along the mutual property line between NTB and Auto Zone. The Board will approve those amounts and then allow the Chair to sign.

Motion: Garand

Second: Evans

Unanimous

Public Hearing Closed 8:10

Other Business: Garand: the reason I asked Dr. Peter Fowler to attend is that last meeting we attended the Board of Adjustment with all the minor subdivision and complications that are arising, the Board actually took a vote to send a letter to the Planning Board, stating that they would strongly hope that the Planning Board would actually look at the minor subdivision standards and actually look at removing them. Right now we have a bunch of minor subdivisions coming in and the applicants are looking at variance, a break in the zoning on top of what we're already giving them a break in the minor subdivisions anyway, so I don't know how the rest of the Board feels, but I think that there are a lot of

Foote: I notice that Patricia and I have run into a lot of conflicts lately as to the way things are written don't seem necessarily any longer to apply to what's out there and what's coming to us. For instance, several months ago, Rita Chase came in with creating four lots yet she was not creating a road, she was not putting any impact on the Town, and it was just legalizing her use of her lot. And by our definition, that would have been a major subdivision. There are other times when we have like what we're seeing now, they're actually completing five lots and only claiming that two or three of them to the road of the cul-de-sac and it's in my impression, a very short glorified driveway that the Town has to maintain. One of the things that we talked about at the end of the tech review is possibly changing the definitions of minor subdivision and major, or just subdivision and minor subdivision. The only thing that would be a minor subdivision would be if it does not create a road. If it is already a lot of record and an extensive length of frontage on an already existing Town road that doesn't require any new Town services, doesn't require any utilities and doesn't create a new road that the Town has to maintain

Garand: at that point we could waive the drainage calcs and things of that nature so not to impact the person who has been paying taxes on the town road all this time anyway.

Foote: in essence all they are doing is creating some new lot lines and worst case scenario putting some new driveways along a Town road.

Garand: one thing with our application when you have a major subdivision road, or a fifty-foot right of way road and their doing a minor subdivision, at that point it's brought up that it's a minor subdivision and you can't put two dwelling units on it, you can't re-subdivide it ever again. I think that if you're on a major road, and you want to have living units on an acre and a half parcel, you're limiting people at that point. That's the way I feel anyway.

Fowler: specifically with our issues is the change in the Supreme Court ruling on land use. Area variances now and this is still up in the air; we're almost tied into having to give area variances. The Cabral case is one we've had with Town Counsel and he doesn't really know what we have to do. But we're seeing relief on top of relief and it's

Foote: and when you grant the relief we can't do hardly anything but rubber stamp, and say approved



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Fowler: so I think we're putting ourselves in a corner we don't want to be in; it'd be a year before we could change things anyway; anyone who is really a resident of Town and needs to create a minor subdivision can do it within that period of time.

Foote: well actually, the subdivision regulations, the Planning Board all we have to do is Public Notice, Public Hearing and we can make minor subdivisions go away.

Fowler: we'd love to see that

Foote: the Zoning is different from our subdivision regulations and one thing that's always irritated me with a minor subdivision is the engineers come forward and say, I don't have to do a drainage study, I don't have to do this. It says, if there is not room for a 50-foot right of way, you can go as narrow as 30 feet; it's at the discretion of the Planning Board, but the Board has never demanded more because the engineers stand there and you see the big crocodile tears, and my client can't afford it,

Garand: but also in the past the reason why minor subdivision standards were created were to help the local families create a lot for their children or their family. What's happened now is that the contractors have gotten a hold of this and they are using it to make the quick buck and the Town is stuck with a bunch of these little short driveways and it's impacting the Town at this time. I think that once our subdivision regulations start to impact the Town, time to change them.

Foote: I think the minor subdivision served its' purpose for the decade that it existed in helping the long time residents clear up zoning issues. And like you say, now those things have been cleared up and the contractors are finding all those little gray loopholes and creating a nightmare.

Garand: at the same time, if we still want to give a waiver or let someone not have to do the drainage calcs, we have the right still, we can say for this reason we are granting the waiver

Foote: but this will make them have to build the road to the standards, and create lots that are legal minimum lot size.

Garand: and put the right road in, and put the drainage in and not impact the Town so we're not ending up with a bunch of crap; we can end up doing the same thing as Katelyn Way and just make it a private driveway to certain standards. We could do something in the regulations down the road for that purpose. Because right now everyone is looking to keep their road private or they don't want to turn it over at any time, so if that's the way they want to do it, let them put it in the application, state that in the beginning so that we're not having to clean this up five years from now when they sell one of the lots in the back and the people want rubbish pickup at their door. So we don't want to keep the headache going, we want to stop it now.

Evans: I tend to agree that the minor subdivision regulations fail to serve the orderly growth of the Town's plan of roads.

Garand: I'd like to make a meeting totally clear just to work on subdivision regulations and so forth. In the summer time we used to make one meeting a month, why don't we take one of those meetings and try to look at minor subdivisions and the regulations.

Foote: what if the Zoning Variance Board would be agreeable we do a joint work session to go through all the regulations and see what's missing, what needs tweaking. And even the Zoning regulations, start working on them now, so that come October, November we can have everything all hashed out, the way we want it phrased and it's not a mad scramble in December to we go until midnight having a public hearing because we've got to get it done by tonight or it can't go on the ballot. We've done that the past three years and I'm fed up with it.

Garand: also, one thing the Town Manager brought up was that the road construction standards in the Zoning, we really need to start looking for something that's concrete, that's in there, that they have to build the road to certain standard.

Preston: he mentioned that to me when I was with you the other day. He said you could just pave over grass. There's nothing that says

Evans: I can't actually recall a minor subdivision that's come before the Board during my tenure here that the minor subdivision hasn't asked for waiver on top of the waivers already offered by virtue of it being a minor subdivision to begin with.

Foote: on top of the leniency, they want even more

Evans: the minor subdivision seems to be the inch that everybody wants to take a mile off of.

Garand: and we're already being lenient to begin with. So let's do away with that and just take and make it so there is one standard. It takes the confusion out of everything and makes people all have to toe the same line. If not, we're going to end up with a bunch of Border Winds, no road standards,

Preston: It would have fixed the situation on Walton if we didn't have that. That would have taken care of that situation down there. That's ridiculous. That's a major subdivision. And it's that "damn Zoning Board."

Fowler: you guys started that; we just had to clean up your mess!



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Preston: I never started that; I was never in agreement to begin with.

Garand: now the Walton Road situation that I feel is that two lots on Walton Road. In the minor subdivision road standards, it was serving three lots in the back. That's where the confusion comes in because of the way major subdivision regulations are written and the way the minor subdivisions stand.

Preston: it's one piece of property though.

Garand: yes, you're subdividing it but you're only servicing

Preston: to create five lots the way our rules say

Foote: correct

Garand: in the minor subdivision regs it should say the number of lots your servicing.

Preston: and I understand there's a conflict there, when you go to Rita Chase's and she's got 600 feet of frontage. She should be able to put in five lots.

Garand: and in that case right there, we should also have different rates and different ways of looking at applications. When a person comes in and says five-lot subdivision, they should have to pay for the major subdivision plus they should have to pay for the review on the minor subdivision road so that it's two applications that are being heard. But if we do away with the minor subdivision road, we don't have to worry about that.

Foote: I would recommend that a minor subdivision is with no new road being created. Just new lot lines along an existing Town road.

Fowler: but specifically a Town owned road, not a private way,

Foote: correct

Fowler: that's the other issue we're running into. We're giving permits on roads that don't even exist.

Foote: and that's the problem that happens the applicant comes to us, saying that they want to build a minor subdivision or even a major one, we in good faith presume that they are going to eventually turn the road over to the Town. Our regulations and State regulations state that you cannot create a lot that does not have road frontage, so by them submitting it to us and us accepting that this is going to be a road that's going to be a Town road, we're allowing them to create lot frontage, they go two or three years down the road and decide oh, I think I'll keep the road myself, I don't want the Town on it.

Garand: they went two or three years down that same road?

Foote: but they have already sold those lots so we have no leverage to force them to complete it or turn the road over to the Town.

Fowler: we should consider frontage to be a Town-owned road. Zoning does not say that now

Foote: a Town-owned road.

Garand: our zoning says public way now

Foote: which means Town or State

Fowler: well, there have been some arguments that Public Way actually means a way that the public is allowed to cross

Preston: there's a public right of way and then there's a way to the public way—if you go into DeMoulas, that's a way to the public,

Fowler: I think we ought to clean up the verbiage on that so it says a Town-owned road

Garand: didn't Fred bring forth subdivision regs that he wanted us to go over and review. I think it's time we actually had a sit down and start reviewing that. He brought it forward because there are a lot of things that we have to bring out and at the same time maybe we didn't want to look at it because it was making things to complicated. But you know something, the way that we have it now is

Foote: we've reached the point where we need the complication

Preston: it's nice to have the small book with the simple to read explanation, but it comes back to bite us every chance now

Garand: they're kicking me every single time

Preston: and the Zoning Board is screwing us over every single time

Garand: that's right. Can you believe on New Zealand Road when they gave 25-foot frontage to those two lots? I almost bit my tongue off that time.

Fowler: that was Bill Knox and he thought it was wonderful they had 107!

Foote: so do we want to try to schedule a joint meeting or do you want to bring it up to your committee and just announce when it is

Morgan: can I recommend something the way they've been handing out variances lately

Garand: also I wanted to address while we're talking



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Morgan: just going back to some fundamentals of land use regulation, you guys are two functions: quasi-judicial when reviewing a plan and legislative when you're proposing policies or regulations. Your board, Peter, is quasi-judicial 100% of the time. In my opinion it would be inappropriate for the BOA to get involved in policy discussions for that reason. Because later on it could really complicate some of their decisions and if someone is unhappy, their lawyer could say, well you didn't like that regulation to begin with because you said so at that meeting over there. That's the type of pitfall you've got to avoid while you are on the BOA—you're a judiciary. And you're (looking at Sue) the legislative branch. You're not the same type of boards.

Foote: You're not supposed to know what we're thinking, you're just supposed to decide on whether it's good or not.

Fowler: but if informally we were to show up at your meeting where you are discussing it and just give our opinions on it as residents

Morgan: just be aware that you don't want to compromise your black robes you're wearing as judges

Preston: ohmygawd who made Howard Page a judge?

Fowler: no, he's executioner

Garand: no isn't he the secretary

Fowler: no, he's actually the vice

Sanborn: he didn't show up that night either

Preston: oh, he got elected that night?

Garand: No, he was right there and didn't understand what it was.

Fowler: he said, no, I'm not ready. Well, I said, too bad. I appreciate you considering that.

Foote: I'll let you know when we plan on scheduling that— June's pretty full so probably in July

Fowler: I should be in court with Arliegh right about then.

Garand: one thing I wanted to bring up. Tonight it was brought up during a condo conversion, the location of the water meter. I think we start putting so much stuff on the plans. I don't want to see it on the plan. Let the water dept tell them where they want them. That's an interior utility; we don't have to show that.

Morgan: you just voted for more complexity

Garand: in some areas we do, in other areas we don't.

Foote: (refers members to plan at the end of the table.) Henry talked to us last meeting about **boardwalk off Merrimack Street**. The boardwalk is actually impacting a very small amount of vegetative area and there are the notes on the plan to re-vegetate the area disturbed.

Preston: it doesn't need to be signed by us or anything?

Foote: it doesn't have to be signed; he wants our approval because it's part of the dredge and fill application and he wanted to make sure the Planning Board is good with it before he sent it in. The right of way is 40 feet wide, the boardwalk is seven foot and the blocks are three by three.

Garand: is this the same width as the Haverhill Street

Lowry: what color is it going to be?

Secretary: sand

Foote: How about ecru or all different colors like a rainbow?

Morgan: is it consistent with the subdivision plan?

Angel Chiaramida, reporter, arrives.

Foote: consensus of the Board on the boardwalk plans because Henry wants me to get back to him.

Preston: it was part of the original approval, right?

Foote: it was part of the original approval that they were to build a boardwalk. It wasn't specific as to the design.

Preston: I think that one looks very nice.

Garand: it looks good.

Evans: I'd like to voice my approval of this particular plan/

Garand: did John Starkey view this and approve this?

Foote: I believe Henry has talked with John about it. I will make a point of seeing John and make sure he likes the drawing.

Preston: that's a better grade than Haverhill Street.

Garand: Haverhill is the thick one

Preston: no, Haverhill is the thin one, thin but long, that's why it's warped

Secretary: Haverhill Street actually has two kinds. Start out with thin long ones and it becomes narrow and thick as you come to the top of the dunes.

Garand: twenty-foot sections? Too short or too long?



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Footo: they did an iron man test on the one at Haverhill and a ten foot section four guys can pick up, a twenty foot section four guys can't pick up. A twenty-foot section would require equipment to move it.

Preston: Anyone down there will be called in immediately because that's a pretty quiet street.

Footo: as far as **Correspondence**, we have a letter from the Seabrook Police Department to the Board of Selectmen regarding the accidents on Spur Road and Route 107. Tom has a copy of this and he is including it with our application to Seacoast MPO for remedial action to troubled roadways.

Footo: an assortment of correspondence. **One from Peter Saari regarding Patrick Carey** and his motel, restaurant, condo confusion that we are trying to resolve. If anyone is interested in reading the letter, this is about number twenty-seven in the sequence. We tried to call Walter this afternoon because of references in part number two but Tom couldn't get through. No one returned the call.

Garand: do you need a motion to send that to counsel?

Footo: no. **Letter from the Town Manager regarding 11 Stard Road.** They've yet to install water and sewer services according to attached memo. He basically requests what Paul said that before we approve the new plan that they finish building the first plan, i.e., hook up water and sewer and get that office trailer in there. Letter from Dupere Corporation. One of the letters that the Board instructed last meeting to be sent to John Colliander on the deficiencies on London Lane and we also felt that it was necessary, to note to him, because it was sent certified mail, in his original site security bond, his number five stated that if we did not notify them within so many days by certified with a return receipt, then they were not obligated to do the repairs and they could just call the bond and run. So we felt that even though there was communication back and forth between the Town Manager, and Paul and our office with Colliander about doing the right thing, just to cover our butt, we sent the certified mail highlighting all the deficiencies and we said paragraph one, per your contract it states we must do this So this is what we are doing. We sent it to Colliander; this is a letter from Dupere Corp. And I guess he took a bit of offense at the tone of our letter. He has all sorts of excuses and reasons as to why things weren't built to the way they should be. As far as the expiration of the letter of credit, enclosed is the extension of letter to December 31st, he doubts further extensions will be needed, but they will provide in the unlikely event they are. "Finally, I must comment on the tone of your letter, we responded to these issues the very day we learned of them. Your tone seems to suggest that we were in some way dilatory. This is not the case as you probably know most of the lots in London Lane have been sold and it's their responsibility to make sure the road's in the proper condition for them." He also notes that he's been working on solving these problems hand in hand with Warner.

Garand: I spoke with Colliander and told him that until the Planning Board approved the changes I would not do the changes.

Footo: I'm more concerned that we sent a certified letter to Colliander. Why can't he take the time, he's a big lawyer with lots of secretaries, why can't he send us back a letter saying something. As far as I'm concerned this letter from Dupere is not binding on Colliander doing the right thing. Colliander owns the land, Dupere doesn't.

Evans: I'd like to point out that the Port lighting signs are particularly unattractive and in my opinion quite possibly could be in violation of the town's regulations. There's one at the end of Ledge Road and another at the end of London Lane.

Garand: I'll take a look at that

Footo: Bond reductions. If you remember, several meetings back we requested that the Department Heads check Turtle Creek Terrace, Nicholas Way and Becky's Way. I see we have correspondence from John Starkey, I don't know if we've gotten anything from Warner Knowles, but it appears that John Starkey has written down certain amounts like hold 25%, hold 50%, hold 100%. A lot of it is release, release. So we're really going to have to take out the calculator to figure out just how much could or should be released. This is what Turtle Creek submitted for reduction. Is this something the Board wants to see again, or do you just want Patricia and me to work with the department heads and then send the notice of reduction

Preston: there's still going to be plenty of money left?

Footo: no, we have to vote on the decision for the reduction, so you guys are going to have to see it again.

Garand: something like that how come we can't do like a phone poll? We already know where it stands and just poll the board members

Secretary: I hope it works better than email.

Footo: can we figure out how to phrase it so that once we come to the calculations you give us permission to initiate the paperwork to reduce the bond.

Evans: my concern is that this is supposed to happen in public session; it doesn't if we just say go ahead and make some number up.

Secretary: it's only a couple of weeks.



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Footo: the Ruesch 's from Turtle Creek have been contacting me several times a week because as you remember they asked for it way back in December and we told them we would consider it in the spring when the snow melted and the snow's been gone for a month and a half now.

Garand: Sue, how about if we do the site walk in the next week.

Footo: that's what Starkey's done. We haven't got anything back from Warner yet that I'm aware of.

Evans: we give the Ruesch's Warner's number.

Footo: it was way back in October that they were asking and here it is May and we still haven't responded and we're holding \$114,000 totally.

Preston: but only \$29,000 is the Ruesch's. The other people put up some

Garand: and how much does John say we need to hold to be able to finish?

Preston: it's all by percentage

Footo: it's very difficult the way that it's written because it's 12" RCP pipe here; DPW recommends 90%, Millenium recommends 100% and then you've got to go over to here to Mike's thing and find out all the things that go together to make whatever this 12" RCP pipe is.

Preston: here's Starkey's, if you can get Warner's then you could do the calculation

Evans: my suggestion is that Mike is our counsel and I would feel best if he came up with a number and if we can direct Mr. Starkey and Knowles to send their bond reduction recommendations through Mike, I'd actually feel

Garand: once is the plan is reviewed and we have an engineer look at it, I think having an engineer go on the site after the fact is not necessary. Because you can look at a set of plans and you can see if the granite curbing is installed per the plan; department heads should be able to do that. I think sending the engineer out a second time after the fact is unnecessary and is causing a lag in the period.

Evans: speaking to Garand—unable to hear. The expectation of request for service.

Preston: it's not fair to the people that have done the work that was required and they've got some big bucks up there that the Department Heads don't follow through and get the information back to us so we can get them back their money if they've done what we've required them to do.

Garand: I put the same thing last meeting. Evidently if someone is not doing their job in a timely fashion, then we have to report it to the Town Manager and that's his job he said. So if we are not getting all the reports back that we request, then we need to put it in writing to the Town Manger so he can take action.

Preston: I say we file paperwork to form a union. Laughter follows

Footo: so these are two that rightfully should be reduced as soon as we can get Warner's input and we can sit down with a calculator and figure out what 5% of 15,000 is and what 20% of 7,000 is.

Preston: why don't you bring them to the next meeting and we'll do them first thing. But in the meantime, I'd also

Footo: we'll chase down Warner and get...

Preston: I wouldn't chase Warner at all. Bring it to the Town Manager and say we're having a problem

Footo: have Fred chase Warner

Evans: also can we have Mr. Starkey do the math for us?

Secretary: we have an excel spreadsheet.

Evans: there we go

Footo: we also have a request for a bond reduction on Gove Road, Gove Phase I. For one, it comes from Jones & Beach, Brad Jones, granted it's Brad and not Wayne, because Wayne knows the route but the letter is to Fred Welch, not to the Planning Board, requesting bond reduction.

Preston: let Fred respond back to him.

Garand: I went to Gove Road and basically the pipes are sitting on the ground covered with a little mound of dirt and there's nothing over them

Preston: so they've got to raise them up five feet anyway

Garand: I don't even want to look at this.

Footo: so there's a memo from the Town Manager to Public Works, Water & Sewer and Code Enforcement giving them a head's up that they want money back and their estimate, they're going by their estimate, not the estimate we had from Mike, which we accepted as a bond

Evans: well, who could blame them knowing how slowly we work? (Laughter)

Footo: then, a letter to the PB from the Town Manager saying that he suggests the Planning Board consider holding most of the funds until such time as the work around the drainage and sewer is allowed to settle and stabilize as well as vegetate. Problems with these areas could leave the Board with fewer funds than necessary to redo the work should that become necessary. John Starkey responds that it's too soon to even think about reducing the bond; they only started building the road six weeks ago.



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Preston: and they have to build it up five years, five feet, well, it will be about that when they're done, if we hold all their money (Laughter)

Footo: memo to the Planning Board in looking at the Town of Seabrook web site, it appears that the code enforcement link needs to be updated with the new contact information, application and zoning changes.

Garand: we also have the issue of

Footo: we now have two web sites going on

Garand: one is at one stage, one is at another stage, one is not kept up at all, and one is kept up. When you go to SeabrookNH.org it doesn't re-direct you, it doesn't do anything. Basically it's a mess. We need to get one web page; we need to be able to change it. I've just changed my building application this week and no one is able to change it on the computer.

Footo: as you know Tom is the one who initiated doing a web site for the Planning Board. I believe his is the one that is more up to date. The Town has plans I guess to try to administer their own web site, but from what I understand it's still hung up at the mercy of Jason Bowley.

Garand: my recommendation is that we basically take and grab the web site and put it under our control

Footo: who is going to do the work?

Garand: you

Footo: NO (hysterical laughter from audience and board)

Secretary: and they don't have any money with a default budget to hire anybody to do a web site

Preston: eh, we're bottom line budget, we can use other people's money

Garand: Mark can do it. He's doing it a the PD

Preston: yea, yea, I'm lucky I can get my email now and then

Footo: I agree with you that things are changing so fast and things are not being updated. I know from my perspective from sitting in the office and having someone walk in and plunk down something. I look at it and say that's not right and they say they got it off our web site. It's better to have no web site than to have

Evans: we could put a disclaimer on it that this information is good for nothing (laughter)

Garand: that would be good, though, a disclaimer saying that it is the responsibility of the person viewing the web site to look for updated information in the Town office

Angel: can you rid yourself of the stuff on the Town's web site and just put a link to his?

Morgan: that's the way it was

Footo: that's the way it was until the Town decided that they wanted to take control of all information, but they are not

Secretary: which they should

Footo: which they should if they had someone as a web administrator

Secretary: right, absolutely

Footo: this I have to give it to Kelley and Kelley gives it to Jason and Jason might update it sometime in the next two weeks. It's ridiculous.

Evans: they should hire someone who does that

Footo: you can't if you have a frozen budget

Garand: at the same time, right now it's useless. I have people coming in and looking at going to the Planning Board and they're looking for a sign permit and they're looking at the specifications, nothing's updated, the information's incorrect.

Evans: by somebody I mean an outside contractor, too

Footo: I recommended, because our ordinances don't change that frequently, right now, a lot of our applications are. I appreciate Tom's site as far as the minutes and the agenda and that sort of stuff for code enforcement. But I recommend that there just be a thing, go to the Town Hall for an application

Angel: on the Town's site?

Footo: on all sites. Tom's site, the Town's site. Remove all applications from all sites because then you don't have to worry about it. Then it forces the person to come in and have to interface with someone in the Town Hall and you sort of have a head's up and you can sort of talk to them. If Arliegh Greene or Rusty had come in and asked for an application and we discussed what he was going to be doing, I doubt that we would have seen that as built plan submitted as an application.

Garand: but that's where you have the problem because you have developers working from someplace out in Idaho, they come in and they fly in from out of town and they're doing everything through email or fax or mail and they need to have the ability to download and look at the stuff and have it accurate.

Footo: or they can call and ask us to put an application in the mail and send it to this address and they'll have it in two days.



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Garand: but at the same time, what I'm saying, if it's not going to be kept accurate why don't they just shut it off?

Secretary: I think people should be able to go to a web site and download the information they need, but I think what the issue is, is that the Town does not have anyone in charge of any web site and they have no control over what's on there or not on there and they have no money to hire someone so unless we can find someone to volunteer 40 hours a week to keep the Town's web site up to date.

Preston: you're only working part time aren't you?

Angel: what's the web address of the site?

Preston: seabrooknh.org

Morgan: who is in charge of the town website?

Foote: you give it to the secretary Kelley

Morgan: who's in charge? Who has the responsibility? Who makes the decision of what goes on?

Foote: I have no idea?

Secretary: I don't think they have one. Probably the Board of Selectmen wouldn't you think?

Morgan: have the selectmen been involved in it?

Preston: I think it's more like Sue says we need this put on

Morgan: so is Bowley the guy that put up the Town website?

Foote: he used to work for the water department four years ago

Angel: is he a volunteer?

Foote: no, he gets paid. You want to change a telephone number, you pay him \$35.00 and it happens two weeks later.

Angel: who set this one up?

Foote: he did when he worked for the water department

Angel: so the site has been, there are parts of the site that could be four years old?

Preston: oh, yeah.

Foote: and that's why I deferred to Tom's site whenever anyone asks.

Angel: I go to Tom's site

Morgan: I did notice something very odd for many years there was a link from the Town's website to mine. I noticed just a couple weeks ago that my entire website was hi-jacked and placed on the Town website. They figured out how to highjack it, but they can't update it. They took the entire site and moved it over there.

Evans: are you suggesting they violated the TZM copyrights?

Morgan: well, they did do that. I was just very puzzled how that came about and why?

Garand: they could at least make it current.

Morgan: well, that's where they shot themselves in the foot. Cause it's in proprietary code. They knew how to highjack the site, but they didn't know how to update it.

Evans: I suggest the board write a friendly letter to the Board of Selectmen, informing them that they are in need to a policy regarding

Preston: hi-jacking?

Evans: web site usage

Morgan: I've been scratching my head saying who would highjack this website?

Angel: when was it hi-jacked Tom?

Morgan: well, I discovered it two weeks ago. It was hi-jacked between March 3rd and March 9th. And it was posted to the Town website at 11:30 PM and I'm trying to envision somebody in this building at 11:30 PM and the lights aren't on at that hour.

CONSIDERABLE DISCUSSION about the website of Tom Morgan, the Town of Seabrook's site and Jason Bowley's access to each of them and who could have access and from where.

Secretary: well, we have no idea. We're talking about something we know nothing about and we don't have any answers.

Morgan: whoever did it had access to the Town website.

Foote: they had the administrative key codes to go in and change things

Secretary: who knows who has that?

Morgan: I'm asking

Foote: I would recommend that until we get

Lowry: I think we should call the police on that and report it.

Preston: I think you should call the number one guy down there.



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Foote: do you want any applications on any website or do you want a disclaimer that if you want an application, go to the building department or call.

Garand: I have people who work out of town.

GARBLED CONVERSATION about authorized sites and hi-jacking web sites. Much laughter.

Garand: I just want to see things updated and brought so they are usable.

Preston: do you work in this building everyday? Are you a department head?

Garand: no. What's your point?

Preston: the point is if you have a problem with your office, with your applications for building, bring them to your boss.

Garand: I already did.

Preston: Then why did you write a letter to us?

Garand: so you know that the zoning is not correct on the web page also

Secretary: we know that

Angel: and people are accessing that without ever calling you? I know this sounds silly, but I always thought if you're going to do anything in Town, the first thing you did was pick up the phone. Is that not the process anymore? Has the Internet literally taken over so that people don't bother to pick up the phone and be told hey, go to our website and you can download our forms? Do they just go directly to the website?

Foote: yes.

Secretary: some of them do.

Angel: is it primarily the professionals, if they're filing something for somebody, do they go directly to the website?

Preston: we need to close this meeting

Foote: as soon as I read the announcement we will.

Morgan: before we get off the web, is there absolutely no money available?

Foote: absolutely no money

Morgan: I'd be willing to make a proposal if they had money.

Foote: the Planning Board has to figure out how to make up the \$30,000 it's going to cost us to run this year versus what the default budget is giving us. It doesn't matter that our revenue is bringing in more. We don't get to claim that. At least every other week, Finance is talking me to because they already forecast that we're 80% over budget.

Preston: oh, well. You're an elected official.

Garand: we still didn't get out dinner from last year.

Foote: no you got the dinner from last year, it's this year's dinner that we still haven't solved.

Garand: let's just call it a site walk....

Foote: so if the board can every decide where they want gift certificates from...

Lowry: cash is good.

Foote: there will be no night out his year, you guys don't deserve it. There's an announcement from Unitil that there may be potential power shutoff Wednesday, May 11th from 9-11AM.

Preston: that should go on Channel 22

Foote: (to Angel) you never got a copy? Keep it.

Motion: Preston To adjourn the meeting

Second: Garand Unanimous

Meeting adjourned at 8:42 PM

Respectfully submitted,
Patricia Welch, Secretary

MYLARS RECORDED		
05-08	Proposal by Gordon Locke for a lot line adjustment at 72 Ledge Road, Tax Map 3, Lot 24. Approved March 15, 2005	D32627
05-12	Proposal by Luis Elias for a two-unit condominium conversion at 41 Railroad Avenue, Map 8, Lot 81. Condominium Documents 12:17 PM #31130	D32628