

**SEABROOK PLANNING BOARD
NOVEMBER 5, 2002 – 6:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Paul Garand, Philip Stockbridge, Mark Preston, and Selectmen's Rep. Karen Knight. Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Robert Moore, and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:05 P.M. with a quorum present.

MINUTES: S. Foote made a motion to approve the previous minutes as written. K. Knight 2nd.
Vote: 4 in favor. P. Stockbridge abstained stating that he was not at the meeting. Motion carried.

OLD BUSINESS: *Review Proposed Corrective Actions for Border Winds Avenue & Randall Drive*

Henry Boyd of Millennium Engineering presented the plans for corrective actions for Border Winds Avenue and Randall Drive for the boards review. Boyd said that this was the same plan that was reviewed at the last meeting and that he hoped it addressed every concern for any future problems.

Boyd read a letter from John Starkey, DPW Manager, stating that Mr. Starkey had completed a new review of the revised September 18, 2002 Millennium plan and confirmed that his suggestions had been incorporated into the revised plan. Mr. Starkey's letter went on to say that an unlabeled, inaccessible 5' round concrete structure should be opened and explained and in conclusion he stated in his review that it is his feeling that the September 18, 2002 revised plan is in all probability the best approach to finalizing this project and accomplishing completion in the most expedient time frame and in the town's best interest. Board members reviewed Starkey's letter.

M. Fowler said that he has looked at the plan on two occasions and this is the best way for this to be settled. T. Morgan asked if when Jones & Beach Engineering came in with the original plan had the drainage been started. M. Fowler said that it hadn't. Fowler said that with the granite curbing the same water will go through the pipes with the same net runoff. P. Stockbridge asked if the detention pond was big enough. H. Boyd said that they had done a topography of the pond to determine the volume and storage capacity against what had been designed. He said they found that the pond had been over excavated and filled back in and is as designed. Chairman Brown asked what the 5' concrete structure was. Chris York of Millennium Engineering said it could be an electrical substation housing underground transformers. H. Boyd said that the electric company must have put this in place. S. Foote said for future knowledge someone should look into this and contact Until to see what is down there and label it. Chairman Brown polled the members. The members had no comments at this time. Chairman Brown asked if there were any abutters/residents who would like to speak.

Resident Jason Page said that he had been asked to speak for the Beachwood Homeowners Association in the absence of the president of the association. Page said that they had polled the residents and the consensus was that they wanted to go back to the original plan. Mr. Page had the original plan for the board's review. Chairman Brown noted that the plan had been deviated from by the placement of the sidewalk on the other side of the road. Page said that granite curbing is mandated by the town. H. Boyd referred to T. Morgan's letter of review regarding the applicants request to eliminate the granite curbing and that the request had been granted with the condition that suitable engineering be submitted. P. Garand stated that if Mr. Benoit had no intention of doing the granite curbing, why did he still advertise that he was going to do granite curbing. J. Page said that they have had 2 ½ years to bring back this revised plan.

M. Preston asked PB Engineer M. Fowler if the granite curbing would work. M. Fowler said that it would but there would be problems with some individual lots getting the bulk of the runoff because the developer had built the lots too low. Preston asked if Jones & Beach had said that it would work. M. Fowler said yes but that there would be some one crying about the situation no matter what was used. Mr. & Mrs Evans of 44 Border Winds Avenue asked what effect granite curbing would have on them. M. Fowler told them that they would get a concentration of sheet runoff. The Evans' said that they were getting the benefit of lack of drainage but granite curbing for aesthetics should not be discounted because this was the way it was presented. H. Boyd said from a technical stand point J. Pages and other homes are 6" to 8" higher than the road and to do the curbing would require cutting into the R.O.W. and individual homeowners or developers will be responsible for the cost of their lot reconstruction. P. Stockbridge asked if the granite curbing could go lower? M. Fowler said it could be 4". T. Morgan explained to the board that to accept this revised plan would require a formal hearing. Paul Garand made a motion to go with the original plan with the granite curbing. P. Stockbridge 2nd. Vote: unanimous.

PUBLIC HEARINGS:**CASE #02-27 - PROPOSAL BY OLIVER CARTER, JR. AND HANNA INTERNATIONAL FOOD, INC. TO CONSTRUCT AN ACCESS DRIVE FROM 93 RAILROAD AVENUE NORTHERLY TO HANNA'S PROPERTY, TAX MAP 8, LOTS 61 & 68:**

H. Boyd of Millennium Engineering presented the revised plans for an industrial driveway through the property of Oliver Carter to Hanna International at 1 Depot Lane. Boyd said that they had met with Jodi Hale to go over her concerns by widening the driveway towards the Carter home while holding the existing edge of pavement. Boyd said that Mr. Hanna had authorized him to design and build a wall along the Hale's house H. Boyd went over and addressed the concerns of the neighbors and said that it was his understanding that the consensus of the board at the previous meeting was to allow 12 tractor trailer trucks a day. P. Stockbridge said that Mr. Hanna said 12 a day not the board. P. Garand said that he had suggested at the previous meeting that the driveway was suppose to be in the center of the lot because the house had to be moved. H. Boyd asked how close do you want it to be to the existing house. R. Moore explained that this was residential and that this driveway would be for industrial use and that the driveway was an accessory use and that the house would have to be removed before the driveway was done. P. Garand asked about angling the driveway so that traffic would go back onto Route 1. H. Boyd said that the proper design would be a square.

The board discussed how high the wall would be, if there would be anything on top of the wall, addition of shrubs and the driveway lighting. T. Morgan said that the plan showed how high the lights would be but not if they would be shielded as required. C. York submitted a lighting plan. S. Foote and H. Boyd discussed the vegetation. S. Foote recommended arborvitaes, and/or evergreens on both sides of the property not to obstruct the view of the road at the front of the property. S. Foote said that nothing could stop the noise of the trucks. In reply to the list of stipulations of the Borges, H. Boyd said that there are no changes to the old plan by Hanna and that they are here tonight to address the driveway. Boyd said that they were asking for a 22' driveway. T. Morgan in his letter of review said that this would need a waiver as the driveway width requirement is 20'. M. Fowler recommended a bond amount be set at \$59,500. Chairman Brown rounded it off to \$60,000. T. Morgan said that if the board approves the plan with the vegetation and fences that a stipulation be noted that it be maintained by the applicant.

Abutter Bill Hale of 89 Railroad Avenue said that he foresees a serious problem and that the driveway should be moved to the center of the property as the driveway would be too close to his

children's bedrooms for the noise from the truck traffic. H. Boyd said that they could not build the driveway until the lot line was eliminated then it could be moved over to the center. Abutter Richard Davis of 94 Railroad Avenue said that if the driveway is center the trucks will be coming straight toward his driveway or off the road in the other direction. Chris Basti of 87 Railroad Avenue who abuts Mr. Carter's property at the rear said that this plan says 12 tractor trailer trucks

a day. He said that he remembers that it was also mentioned that there would be 24 delivery trucks also and asked that it be put in the minutes so that the exact number would be recorded.

S. Foote restated what she had said at the previous meeting was 12 tractor trailer trucks a day and 24 other smaller delivery vehicles excluding employees. Davis and Debra Mckinney both asked what this would do to property values. Mckinney asked the board members to stand on Carter's property and view what goes in and out from the present driveway. She said that they take up the whole road now to make the swing. Hale asked about the bus shelter. H. Boyd said that there would be no problem with site visibility as you could see 700' in both directions.

Attorney Peter Loughlin representing abutters Kevin and Lynn Borges told the board that the problem with this business is the mixed use. Loughlin said that this property was first approved as industrial in 1987 and that the planning board wisely limited the truck traffic to 3 trucks a day because of the proximity of the driveway easement to the Borges home. He said that since that time the Borges have been trying to make this work. Attorney Loughlin said that the planning board has been very careful to insist upon restrictions which are to lessen the impact of an industrial use with access through a residential zone. Attorney Loughlin said that the Borges family did not object to this application provided reasonable conditions (which had been requested by letter) can be put on the approval. Loughlin asked if this driveway is going to make the situation any better over all. He said that the Borges do not object to it if it will take care of the traffic and noise on the roadway next to their property. He asked that some sound barriers like they have on the highway be put up and a noise study be done and tested before this application goes through. Attorney Loughlin said that he sees no sense in making a new driveway if the old one is not going to be eliminated.

H. Boyd stated that there was no way that Mr. Hanna would close this access because it has caused him too much pain. T. Morgan asked what benefit is there to keeping this access open. One of the abutters asked how do we know what impact these additional tractor trailer trucks will have on this neighborhood and will Mr. Hanna keep asking for more. He asked if it was still considered a residential use. H. Boyd went over the design of the driveway being 22' and was told that this would need a waiver because driveways are only allowed to be 20'. Chairman Brown stated that no trucks are to be running or equipment on the trucks running before or after the hours of operation.

Attorney Loughlin asked that the plan be designed to mitigate any noise and that a real noise scientist should be hired to reduce the problem created by truck traffic. He said that the number of trucks whether it be 5 trucks is still a problem and concern for neighbors. T. Morgan, in reply to Attorney Loughlin's suggestion that a noise scientist be hired, said that this was a very important issue and that the board should weigh the cost with the problem.

P. Stockbridge made a motion to hire an acoustical specialist for this project. P. Garand 2nd.
Vote: 3 in favor, P. Garand, P. Stockbridge and S. Foote. 2 opposed, K. Knight and M. Preston.
Motion Carried.

T. Morgan asked for clarification as to what if Mr. Hanna does not go along with hiring a specialist. Morgan said that he would get a quote as to the cost.

S. Foote made a motion to continue this application to December 3, 2002 at 7:00 P.M.

K. Knight 2nd Vote: unanimous

CASE #02-32 – PROPOSAL BY DONALD FELCH FOR A CONDOMINIUM CONVERSION AT 68 FARM LANE, TAX MAP 13, LOT 58: Chairman Brown recused himself from this case to represent his father-in-law Alvin Eaton who is an abutter to this property. Attorney Mary Ganz presented the plans for a condo-conversion at 68 Farm Lane for the Board's review and approval. Ganz said that the plans had been revised as recommended by T. Morgan's letter of review.

M. Fowler went over the sewer grades and D. Felch said that it was pretty flat land and they agreed that there was enough grade for sewer. S. Foote said for the record that there were no wetlands and any building would have to be outside of the 50' stream buffer. B. Brown on behalf of abutter A. Eaton told the board that his concern was the closeness of the driveway to his property. Brown said that he would like a fence or something to keep his property from being used. D. Felch explained that there was a row of bushes there and that they would have to be driven over to get to Eaton's property. The driveway width was discussed and D. Felch said that he would revise the driveway to the requirement of 20'.

P. Stockbridge made a motion to approve the condo conversion plan with the revision to the driveway and to be signed by Acting Chairman S. Foote when revised. M. Preston 2nd. Vote: unanimous. Chairman Brown resumed his position as chairman.

CASE #02-39 _ PROPOSAL BY TRINITY UNITED CHURCH FOR A 2-LOT SUBDIVISION AND THE CONSTRUCTION OF A FUNCTION HALL AT 29 MAIN STREET, TAX MAP 10, LOT 9:

SUBDIVISION: 2-LOT: Henry Boyd of Millennium Engineering and Bruce Brown, representing Trinity United Church, presented the plans for a 2-lot subdivision and the construction of a function hall and minister's house at 29 Main Street for the board's review and approval. B. Brown introduced church member Robert Beal and Steve Wilson the builder of the project.

H. Boyd addressed the water easement and said that this plan conforms to the zoning ordinance. Boyd said and Bruce Brown confirmed that the building committee did not want to divide the property if it was not necessary. T. Morgan said that it would be better to divide the property. R. Moore said that if the church disbanded this would have two businesses on one lot. T. Morgan said that they would have no control over what the next board members would do about subdividing this lot.

P. Garand made a motion to approve the two-subdivision plan of 11/01/02 and have the Chairman sign the mylar and plan when ready. P. Stockbridge 2nd. Vote: unanimous

SITE PLAN: H. Boyd presented the site plan for minister's house and a function hall for the board's review and approval. H. Boyd said that the architectural elevation would be submitted with the floor plans. He said that they would leave some trees and B. Brown had conferred with the neighbor Bill Eaton about the fencing and trees. C. York went over the drainage and said that the drainage swale would allow the runoff to go to Secord's Pond. H. Boyd said that the R.O.W would be reshaped. Sidewalks were discussed.

M. Preston made a motion to waive the sidewalk requirement. K. Knight 2nd. Vote: 4 in favor, P. Stockbridge opposed. Motion carried.

It was noted that the neighbor be included in selection of a buffer of trees and fence and that the selection be given to R. Moore with the building permit application. Steve Wilson went of the square footage of the function hall for parking requirements. The board agreed that there would be adequate parking spaces.

M. Preston made a motion to approve the site plan for Trinity United Church. K. Knight 2nd.

Vote: unanimous

CORRESPONDENCE: T. Morgan distributed the correspondence to the members and Chairman Brown signed the expenditures.

OTHER BUSINESS:

CASE # 02-45 – PROPOSAL BY ESTHER TANOIAN FOR VOLUNTARY LOT MERGER AT 329 ASHLAND STREET: P. Stockbridge made a motion to approve the voluntary lot merger for Esther Tanoian. P. Garand 2nd. Vote: unanimous

CASE 302-28 – MINOR REVISIONS TO CVS PHARMACY UNDER CONSTRUCTION AT ROUTE 1 & 107: Robert Moore explained to the board that the CVS had asked to re-route some water and sewer piping and that Superintendent Warner Knowles said that they had to go back to the planning board. R. Moore said that these were minor changes.

P. Garand made a motion that these were insignificant changes and did not have to come back to the planning board. S. Foote 2nd. Vote: unanimous

DRIVEWAY PERMITS: Mark Preston made a motion to have the Chairman sign the driveway permits for 3A Elephant Rock Road and Seacoast Furniture off Dearborn Avenue. K. Knight 2nd. Vote: unanimous

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:25 P.M.

Minutes Taken By Secretary Emily Sanborn.