



## Town of Seabrook Planning Board Minutes

January 16, 2007

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Aboul Khan; Mike Lowry; Peter Evans; Paul Himmer; Robert Moore, Ex-Officio; Paul Garand, CEO, Alternate; Elizabeth Thibodeau, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary.

Members Absent: Mark Preston, Vice Chair;

Chairman Foote opened the meeting at 6:10PM

### MINUTES OF January 2, 2007

<b>Motion:</b>	<b>Lowry</b>	To approve the Minutes of January 2, 2007 indicating Thibodeau was not present.
<b>Second:</b>	<b>Moore</b>	Approved: Unanimous Abstained: Thibodeau

### REQUESTS FOR SECURITY REDUCTION OR EXTENSIONS

#### CORRESPONDENCE/ANNOUNCEMENTS

##### **Cases #1997-42, 1999-24, 2006-46/Border Winds/Benoit**

Foote has met with an individual from Altus Engineering to clarify the history and various site plans. A recommendation and summary is in progress. Foote continued Cases #1997-42, 1999-24, 2006-46 to March 19, 2007 at 6PM at Seabrook Town Hall.

##### **Case #2002-30, Merrimack Street** continued from December 5, 2006

Foote said the boardwalk is completed. The Planning Board is waiting to be contacted by the developer or the owner to move the case along (See Minutes of December 5, 2006). Foote continued Case #2002-30 to February 20, 2007 at 6PM at Seabrook Town Hall.

**Case #2004-50, Proposal by Paulo & Lisa Cabral for a subdivision off of Ledge Road**, continued from December 5, 2006. At the Applicant's request, Foote continued Case #2004-50 to February 20, 2007 at 6PM at Seabrook Town Hall.

**Case #2006-42, Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 6-8 Carroll Lane, Tax Map 4, Lot 14-119;** continued from December 5, 2006.

Wayne Morrill of Jones & Beach Engineers has requested a continuance without prejudice. Foote continued Case 2006-42 to February 20, 2007 at 6PM at Seabrook Town Hall.

**#2002-48/Gould's Way, Proposal for a one-year extension continued from December 13, 2005, with security,** continued from December 19, 2006. Foote noted there has been no request



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for an extension. Foote continued Case 2002-48 to February 20, 2007 at 6PM at Seabrook Town Hall.

### **SCHOOLS CAPITAL IMPROVEMENT PLAN**

Foote noted the Schools CIP listing of proposed capital expense items has been received, although the Planning Board has already approved the CIP for 2007-2012. In the future, the Schools CIP should follow the Planning Board format and include a description of the need, together with the amount requested, for each item.

**Case#2004-51/EKTA Realty, 5 Main Street** has received a notice from the Code Enforcement Officer that the blinking sign is a violation and must be turned off.

The draft **2006 Planning Board Annual Report** is ready. Khan will be added to the member listing, and a typo in "subdivision" corrected.

Ambit Engineering has provided a copy of the **standard boundary survey for 48 Atlantic Avenue** which it will record. This will be provided to the Assessor.

Foote referenced a letter from the NH Office of Energy and Planning asking for help in updating their personal telecommunication database. Garand will complete the questionnaire.

### **PUBLIC HEARINGS**

Foote opened the Public Hearings at 6:25PM.

**Proposal to consider the adoption of an Impact Fee Ordinance under NH RSA 674:21V,** continued from January 2.

Foote noted the Board attorney's response to the Town Planner's letter raised larger issues. For example, the draft ordinance seems to give the Planning Board blanket authority to impose any impact fee it chooses. Morgan believes this concern relates to deferring the rate schedule. Foote asked Morgan if the draft ordinance can be ready to go forward to the voters, Morgan said the several issues raised can be fixed, but at this late hour changes cannot be made in time for the March Town Meeting. Foote asked if Morgan was recommending working on the impact fee ordinance and rate schedule during next year. Morgan said he respects the attorney's strong doubts about an ordinance that might not withstand a challenge. Himmer suggested the discussion resume in March.

Foote asked for comments from the audience. Bruce Brown said impact fees run counter to the work of the economic development committee to bring industry to the Town to increase the tax base. He will try to attend subsequent meetings. Foote said he can write a letter with his thoughts if he cannot attend a meeting. There being no further comments:



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<b>Motion:</b>	<b>Thibodeau</b>	<b>To table drafting the Impact Fee Ordinance.</b>
<b>Second:</b>	<b>Evans</b>	<b>Approved: Unanimous</b>

### **ONGOING CASES**

**Case 2006-13 Harley Real Estate/85 Ledge Road re NOD/Site Security**, continued from December 5, 2006

Footo noted this site probably would become condominiums, but the site plan is still open. The Applicant has not yet posted the site security nor signed the NOD stating that conditions of approval must be met within 90 days. At the December 5, 2006 meeting, the applicant indicated he would work out these issues. Footo asked how the Board wants to proceed. Garand said there is substantial work to do on the building. It was thought the cash bond released from Austin's Way would be used for this site. Footo continued Case 2006-13 to February 20, 2007 at 6PM at Seabrook Town Hall with the suggestion the Applicant at least request a continuance.

**Case #2006-31 Proposal by Developers Diversified Realty (DDR) Seabrook LLC for a 4-lot subdivision at 700 Lafayette Road, Tax Map 8 Lot 55**, continued from December 19, 2006

**Case #2006-32 Proposal by Developers Diversified Realty (DDR) Seabrook LLC to construct a 441,290 square foot shopping center at 700 Lafayette Road, Tax Map 8, Lot 55**, continued from December 19, 2006;

Lowry recused himself from these cases.

Attending: Jim Grafmeyer, Senior Development Officer, DDR, Steven Lehmann, Project Director, VHB;

Grafmeyer said VHB has submitted new plans with a detailed listing of all of the onsite changes. DDR's goal for this meeting is a statement from the Planning Board that the onsite issues have been resolved.

Lehmann offered a summary of the plan changes made since December 19, 2006. The tree line along the Unitil easement area has been revised and the anchors depicted. An extended soundwall section and the 75 foot wooded buffer are also shown. Morgan asked about the new soundwall. Lehmann showed its position on the plan, pointed out a retaining wall to avoid additional wetlands impact, and explained various sections of wooded buffer. Morgan asked about the relationship of the buffer to Rocks Road residents. Lehmann said it goes as far as the last residence. Derek Heap noted a buffer inadequacy. Lehmann said that would be corrected. Footo noted that the existing residences are all on Dows Road, and the Dows Lane extension has little access. A person or a corporation has the right to impact their own property provided it is done within the State and/or Town guidelines. Lehmann showed where the sidewalks and crosswalks have been extended on the plans to result in a circle for pedestrian access, as well as where signage limiting truck idling would



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be installed. Morgan said the regulations impose limits between 11PM to 7AM. Garand said additional signage would be needed if there is another Provident Way access road, and noted a missing ramp. Lehmann said this would be corrected, and also showed changes requested by the NH Department of Environmental Services. Himmer asked if the detention ponds were made larger. Lehmann said "yes". Foote asked if the detention ponds would be wet ponds which environmentalists favor. Lehmann said "yes". Foote pointed out that high water temperature caused by flash summer storms can be detrimental and cause fish-kill downstream. Conservation review recommends that, to the extent possible, detention ponds be about six feet deep and structured so that there is turbulence, and that trees be retained to provide shade to decrease the heat. Lehmann said if the Board finds this necessary additional excavation can be looked at. Foote suggested conferring with the DES representatives on a healthy ecosystem within the detention ponds. Morgan asked how close DDR is to obtaining the Department of Environmental Services permit. Lehmann said within days. Evans said the concern with ponds is child access. Lehmann said the ponds will be fenced.

Khan asked for the status of the proposed second access from Provident Way. Grafmeyer said the final draft from Florida Power & Light is expected. Garand said loam should be six inches, and asked for the position of bike racks. Lehmann said the bike racks will be placed where needed next to certain tenant locations. Garand asked about collection boxes and expressed concern that when snow needs to be stored, parking may be inadequate. Lehmann said snow would only be stored in spaces that are in excess of the required number. If that is exceeded it will be trucked offsite. Grafmeyer said DDR would comply. Garand said the 1765 required spaces should be noted on the plan for code enforcement purposes, and recommended the majority of snow storage be behind the building. Foote noted shoppers and employees at such development buildings don't park in back leaving unnecessary hot-top. Foote asked if this would be addressed in the management manual. Lehmann said DDR does comply, and is easy to deal with. Evans asked whether sidewalks will be used for more than pedestrian traffic, for example, sales. Garand said this is prohibited on the plans, and asked for the construction sequence on the plan. Lehmann said the sequence is affected by the timing of approval, and asked if this can be a condition of approval. Foote said subsequent to approval, department heads would participate in a pre-construction meeting, and suggested as a condition of approval, the entire construction sequence be provided in advance of that meeting. Garand said the lighting grid would impact parcel #3. Lehmann said this is because it abuts the main entrance. Garand said the placement of the crushed concrete should be noted in the plans. Lehmann said this is in the demolition plan which is attached to the planset; a note will be added to the layout materials. Garand asked for the elevations to be depicted.

Foote asked for further questions or comments from the Board. Thibodeau said there are not enough crosswalks which could be dangerous. Foote noted the consensus is that predominantly people will arrive by car and drive from store to store. Thibodeau asked how parking can be in a wetlands area. Morgan said that specific wetlands will be gone. Khan asked if there could be changes after the March elections. Grafmeyer said whatever decisions are made now he cannot change without returning to the Board. Moore said directional signage to safe crossings is needed at the bus stop. Lehmann said a directory sign would be in place. Foote said an additional noise buffer could occur in the Unitil easement by the planting of a variety of native, dense, bushy



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scrub/shrubs such as hazelnut, winter holly or black willow etc. Lehmann asked how they would respond to aggressive pruning. Foote said they would do very well. Lehmann said he would call Unitil. Evans agreed with Thibodeau about the sidewalks and traffic flow, and said crosswalks, especially from the bus stop, should be added because people will resist walking to another crossing. Lehmann said the bus stop was moved to reduce the pedestrian/vehicular conflict, and he is resistant to creating more conflicts. Morgan said people will take the shortest walking route, but crosswalks give the pedestrian the right-of-way. Foote suggested a sidewalk could be placed on a raised berm area. After further discussion of the relative risks to various placements, Lehmann agreed to add additional crosswalk striping and signage. Moore noted the need for handicap accessibility. Morgan asked about drainage in the CVS and Provident Bank area. Lehmann said the new design will be comparable to existing provisions either via surface or subsurface routing.

Lehmann said the remaining item is the cross-connects and showed two alternatives. DDR's preferred approach is a cross-connect with McDonalds which utilizes an existing traffic pattern and is acceptable to McDonalds. The second approach is a cross-connect through out-parcel #3 with Provident Bank which is inconsistent with the current traffic pattern. This has not been discussed with Scott Mitchell. Foote noted drivers might decide to use the second approach as a short-cut to the lights. The Board consensus is the first alternative. Morgan asked for a writing expressing McDonalds position which Grafmeyer said would be forthcoming. Lehmann said the first alternative would be in the next planset. Morgan asked for an update on discussions with Sunoco. Grafmeyer said there will be a connection through their parking lot but the discussions are not yet complete. Morgan said the cross-connects need to be solidified. Grafmeyer said this should be known in time for the traffic meeting.

Morgan said Steve Pernaw, of Pernaw & Company, has asked for a comprehensive list of all traffic improvements, plus the timetable, costs and payment responsibilities. Lehmann said this can be discussed at the traffic meeting. Khan asked for another crosswalk through the center of the parking area. After discussion of likely walking patterns, Lehmann questioned the added benefit. Evans noted the DDR plan is more pedestrian friendly than Wal-Mart and another pedestrian way would be asking more than of prior applicants. Foote said both drivers and walkers realize they must proceed with caution in shopping center parking areas. Khan asked about shopping cart areas. Grafmeyer said these would be positioned according to particular tenant needs and each tenant would take care of their own carts.

There being no further questions or comments from the Board, Chair Foote asked for comments from the audience on the site plan. Heap asked how people will know what trees to cut as they are marked on and off the property. Lehmann said this concern has been discussed with Unitil. Prior to any cutting, VHB surveyors will stake the property bounds to avoid any confusion. Cutting will take place on the DDR property. Heap asked for a soundwall between the truck turn-around and his property to buffer the sounds and shield his view, and a chain-link fence to contain debris and pollutants. Foote said DDR will have a compliant management plan, but future violations can't be presumed. She asked if Heap had other questions about the site plan design. Henry Boyd of Millennium Engineering indicated a "clean-up" letter citing violations has been effective with



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owners, and said the DDR design for containing trash within is totally different from Wal-Mart. Khan said complaints would go to the Board of Selectmen. Lowry asked about security, generators, and dumpsters/compactors. Grafmeyer said Seabrook scored very well in the CAP score (low crime, few problems), therefore, DDR doesn't plan on extra security. The Target or other tenants may have their own store security according to their respective standards. Lehmann said The Target plans one generator; DDR would return to the Planning Board should another tenant have that issue. Each tenant has a dumpster; The Target has a compactor. Grafmeyer asked if the requested changes are made, is DDR done with site plan review. Foote said that is an assumption, although department heads are being asked for a final review. Comments received prior to the next meeting would be forwarded to DDR as they are received. Foote continued Cases #2006-31 and 2006-32 to January 30, 2007 at 6PM at Seabrook Town Hall and recessed the public hearing at 8:30PM.

Foote resumed the Public Hearing at 8:45PM

### NEW CASES

Lowry returned to the deliberations.

#### **Case #06-56 - Proposal by Nextel Communications of the Mid-Atlantic to construct a 100' flagpole for wireless communications at 28 Collins Street, Tax Map 15 Lot 3;**

Attendees: Josh Delman, Nextel, Vernon Small, Seabrook Firemen's Association; Terry Marengi; consultant to the Association;

Henry Boyd Jr of Millennium Engineering appearing for the Firemen's Association.

Delman said Nextel is one of a limited number of companies holding a license from the Federal Communications Commission to provide wireless services in the Seabrook area. To relieve a degraded area along the Seabrook-Salisbury line, Nextel proposes a 100 foot flagpole structure with antennas on the interior of the pole attached by cable to a 12x20 foot equipment shelter within a compound area. It will be designed for two to three carriers with the potential of being extended for additional carriers.

Boyd said the Firemen's Association asked him for assistance because of his familiarity with the area and knowledge of abutters. It is important that the 100 foot structure, having a variance approved by the Zoning Board of Adjustment, be built so that the foundation can support additional carriers if needed. Boyd used a mark-up to show the 75 foot fenced in area and relationship to the water tower used for the police system. The plan should be adjusted to place the compound 130 feet North of George Eaton's property, 130 feet West of the water tower lot, and 400 feet to the Route 286 right-of-way. The existing six-foot path will be widened to fourteen feet to allow service vehicles access. The Association has asked for a turn-around area, and an underground electric line; the tree line will also be shown. Thibodeau asked about the building placement that Boyd outlined, and the security measures. Delman said the building is to be secured with key-code entry and no windows. There are no climbing pegs; a crane or man-lift is used for pole access. Marengi said the pole can't be climbed; it's too slippery. Foote noted an eight-foot chain-link fence surrounds the area.



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Thibodeau asked how this affects other wireless services. Boyd said other carriers can make use of this installation. One of the motivations for the Firemen's Association involvement is gaining revenue to continue helping groups like Seabrook Youth Baseball Association, Salvation Army, Arthritis Foundation, Special Olympics, Crochet Mountain, Easter Seals, American Heart Association, and the American Lung Association, as well as distributing food baskets in Town. Moore noted this is the same equipment layout as Nextel's other installation. Foote referred to the Technical Review Committee comments and Chief Currier's concern that there be no impact on existing police and fire communication systems. Marengi said the pole is far enough away from the water tower so that there won't be interference with the frequency. Boyd said Nextel will offer service to police and fire at no charge. Foote said the fall-zone is depicted.

Garand has provided a copy of the ZBA variance granting the request for a 100 foot telecommunication tower East of Route 95 conditioned on the design being a flagpole with lighted flag. Foote asked about options for flag noise reduction in heavy winds or at night. Delman said recommendations are for a 100 percent polyester flag as the most durable and least noisy. Boyd said Nextel is trying to do the right thing but could go back to the ZBA if there is a problem. Evans asked about when the flag might be flown at half-mast. Foote said Nextel would consider having the flag manually lowered. Evans asked if the generator would be use only for emergencies. Delman said a temporary generator would be used b. Morgan asked for the letter to show use for Town purposes at no charge. Delman said the letter would be revised to include that provision. Evans said greater revenue potential might occur with a differently configured tower. Delman said there are four ports of which Nextel will take two, leaving two that can be available. In the future, up to three more spots could be approved by the Board. Marengi said the Association's intent is to encourage Nextel with a discounted rent, both for revenue purposes and to attract other carriers to use this installation. A propagation analysis has been done for Cingular, T-Mobile and Verizon, all of whom have dead spots. The Association would be happy with a condition of approval for TIA/EIA standard and want the installation to support existing technologies. Delman said Nextel would assure the foundation is capable of handling a 130-foot capacity. Evans said the Town's need will increase, and this is a benefit to public safety.

<b>Motion:</b>	<b>Evans</b>	<b>To accept the Case #06-56 application as administratively complete for deliberations.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Foote asked for further questions from the Board. There being none, the audience was asked for comments. Lorraine Fogg suggested not flying the flag if it is a problem. Foote said this is a requirement of the ZBA variance. Small asked if the size of the flag had been decided and what would happen if the pole were extended. Delman said the size is usually 15x20 or 30 feet and it would move to the top of an extended pole. Marengi said discussion with competitors is waiting on Planning Board approval, and commented that Nextel interoperability is the carrier of choice for police. Evans asked if the water tower can still be used for locating antennas. Marengi said at varying levels they can co-locate but need to avoid interference.



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<b>Motion:</b>	Moore as amended by Foote and Evans	To approve the Case #06-56 application by Nextel Communications of the Mid-Atlantic to construct a 100' flagpole for wireless communications at 28 Collins Street, Tax Map 15 Lot 3; provided the (i) antenna base is structured for height expansion and maximum antenna array, (ii) Town departments may utilize the antenna array for communications at no cost to the Town, (iii) the pole location and details be as presented at the Planning Board meeting, (iv) the maintenance agreement be in place, and (v) the Zoning Board of Adjustment decision be reflected on the plans.
<b>Second:</b>	Evans	Approved: Unanimous

George Eaton said it sounds like the ZBA decision not to exceed 100 feet is being disregarded. Foote said to go higher than 100 feet would require going back to the ZBA and, if granted, Nextel would have to return to the Planning Board with a revised site plan. Moore said any change would be a ZBA decision. Delman confirmed a request for any extension would be open to the process again. Marengi said in strengthening the foundation Nextel has taken on greater cost to potentially accommodate more carriers.

**Case #06-57, Proposal by Lorraine Fogg for a lot line adjustment at 43-45 & 47 Stard Road Tax Map 4 Lot 13.**

Attending: Lorraine Fogg

Fogg said the lot-line adjustment is to separate her home from the commercial activity by sectioning out one 30,000 square foot lot with 125-foot frontage. This also would correct the blurred lot lines. Foot noted Tech Review indicated no further surveying was necessary. The revised plans depict the utilities and water lines, correct the manhole location, and conform the legend. A request for a waiver to eliminate the zoning box has been submitted.

<b>Motion:</b>	Garand	To accept the Case #06-57 application as administratively complete for deliberations.
<b>Second:</b>	Moore	Approved: Unanimous

Khan asked Morgan about future problems. Morgan said the proposal is an improvement. Evans asked about the overhead wires. Fogg said the electric meter location is clarified. Foote asked for further comments. There being none:



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<b>Motion:</b>	<b>Evans</b>	<b>To waive the requirement for the zoning box and two foot contours for the Case #06-57 plans.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

<b>Motion:</b>	<b>Evans</b>	<b>To approve the Case #06-57 application by Lorraine Fogg for a lot line adjustment at 43-45 &amp; 47 Stard Road Tax Map 4 Lot 13.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case #06-58 - Proposal by Superior Controls Inc for parking lot expansion at 135 Folly Mill Road Tax Map 9 Lot 226.**

Attending: Mark LaRoche, and Rick Ascanio of Superior Controls.  
 Appearing for the Applicant: Henry Boyd of Millennium Engineering.  
 LaRoche said Superior Controls is moving from Plaistow to a home base in Seabrook where it anticipates increasing employees from the current 42 to about 80. The operation includes electronics design, programming, automated systems and the related technology.  
 Boyd said Superior wants to increase parking for the existing building it is purchasing and has submitted a revised planset. It has also included the Alta land survey, and is updating the sewer structures as requested by the Sewer Superintendent. The gravel drive has been shifted to get the 88 spaces

<b>Motion:</b>	<b>Foote</b>	<b>To accept the Case #06-58 plans as administratively complete for deliberations.</b>
<b>Second:</b>	<b>Garand</b>	<b>Approved: Unanimous</b>

Foote noted the Town Engineer's comments and computer analysis concerning the potential for post construction run-off, and recommending site security of \$5000. Khan asked for the CEO's view. Garand said this is a nice building. Moore noted the 58 percent open space. Boyd said there is no new lighting.

<b>Motion:</b>	<b>Lowry</b>	<b>To approve the Case #06-58 application by Superior Controls Inc for parking lot expansion at 135 Folly Mill Road Tax Map 9 Lot 226, subject to providing \$5000 site security.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>



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### **Case #06-59 - Proposal by Hanna Realty Trust for a lot line adjustment at 1 Depot Lane & 93 Railroad Avenue, Tax Map 8, Lots 61 & 66.**

Henry Boyd Jr of Millennium Engineering appearing for the Applicant introduced a new mylar sizing the box culverts allowing wildlife passage, and the road profiling. He asked if the Town could help move along the easement with Florida Power & Light, which he understands to be substantially ready. The Applicant wants to keep the operation in Seabrook per prior approval and is asking to conform lots so the building complies with the zoning. Morgan said he sees no flaws.

<b>Motion:</b>	<b>Evans</b>	<b>To accept the Case #06-59 plans as administratively complete for deliberations.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

<b>Motion:</b>	<b>Evans</b>	<b>To approve Case #06-59 application by Hanna Realty Trust for a lot line adjustment at 1 Depot Lane &amp; 93 Railroad Avenue, Tax Map 8, Lots 61 &amp; 66.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

There being no other business, Foote adjourned the Public Hearing at 10:05PM and Public Meeting at 10:06PM.

Minutes Respectfully Submitted by  
Barbara K. Kravitz, Secretary  
Seabrook Planning Board