



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Keith Sanborn; Robert Fowler; Jason Janvrin; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;
Members Absent; Paul Himmer, Alternate; Michael Lowry; John Kelley;

This meeting was held in the Seabrook Library.

Hawkins opened the meeting at 6:35 PM

MINUTES OF OCTOBER 5, 2010

Hawkins noted that a more complete set of minutes was distributed, and tabled the Minutes of October 5, 2010 to the next meeting.

SECURITY REDUCTIONS; EXTENSIONS

There being none.

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins referenced **two letters from Maynard Smith of Dia Tech Inc**, one of which was to the Planning Board, noting that there was not an application. Kravitz said Smith had visited the Planning Board office more than once and was informed how to fill out an expedited application. Hawkins said Smith seemed upset with the town but that without an application there wasn't anything for the Board to do. Morgan said he met with Smith and advised him to submit a letter describing his intentions with his application. Hawkins asked Garand for comments. Garand had suggested that Smith look in an industrial zone which would be more suited to his business.

Hawkins called attention to a **Community Transportation summit on Thursday, November 18, 2010** which members could attend.

Hawkins referenced a **confidential briefing order from the Board's attorney extending the DDR litigation date**. No action was needed.

Hawkins called attention to a plan-link **communication re subdivision regulations**. Kravitz said this was for information purposes.

Hawkins distributed a **memo from Morgan re NextEra Case #2010-22 and indicated that the conditional of approval had been tied to the certificate of occupancy, and thought this might not meet the requirements concerns of John Starkey, Department of Public Works Manager**. Hawkins asked for Morgan's comments. Morgan said on October 22 he spoke with Starkey who said he is frustrated that he still cannot collect two water samples that can be submitted to the Environmental Protection Agency. It's a matter of getting NextEra's attention and getting the proper samples which cannot be of standing water. Moore thought a back-hoe could solve the problem. Hawkins commented they are doing foundation work now and thought NextEra would have jumped to solve this issue and make Starkey happy.



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
NOT OFFICIAL UNTIL APPROVED

Hawkins called attention to **recommendations from Albert Abramson re Capital Improvements**. If anything on Abramson's list needs to be addressed, it would be best done at a work session.

Hawkins referenced **the Rockingham Planning Commission Scope of Services** which had been presented to the Planning Board in September in connection with the Master Plan work and planning for the Route 1 Corridor. The Master Plan Steering Committee again reviewed the Scope at its last meeting. Hawkins explained that the Scope is essentially the basis for the RPC Transportation Services grant application; all that has to be done is to fill out the coordinates on the grant application. He thought the RPC was excited to do this work on the Route 1 Corridor that would try to change the nature of that roadway. The total cost of RPC's work is \$22,700; the Town's portion is \$4540 (20%). As the Board had previously discussed, there is the possibility of obtaining these funds from the Seabrook Economic Development Committee, and the process for doing that is being explored. Foote said it wasn't a matter of whether the funds could be used. Hawkins said it would probably take a letter to the EDC and working with the Treasurer to get the funds transferred.

MOTION:	Foote	to allow the Planning Board to accept, and endorse filling out, the Rockingham Planning Commission Application for assistance with on Route 1 traffic design and roadway layout;
SECOND:	Moore	Approved: In favor: Foote, Moore, Hawkins, Fowler, Janvrin; Abstained: Sanborn;

PUBLIC HEARINGS

Hawkins opened the public hearing at 6:48PM.

ONGOING CASES

Case #2010-01 – Proposal by Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64, continued from February 23, 2010; June 15, 2010; July 6, 2010; July 20,2010; September 21;

Attending: Steven Carbone;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Morrill said they went back to the Technical Review Committee with the Planning Board's comments, and submitted the revised planset. All plansheets now are at revision #2. A note requested by the Sewer Department was added that the contractor will remove the existing leach field. The Water Department wanted the yard hydrant shown and limited to seasonal sales; 1 ½-inch steel rods inserted; a backflow preventer on the 1-inch line to the hydrant. Guardrails were added to prevent vehicles from going down the hill. A note was added so the direct bore is to be extended to 10-feet past the sewer line for one solid pipeline across. Utility notes were changed to show pre-made thrust blocks provided at the water line bend and fire hydrants; water lines to be cement lined unless otherwise noted. Municipal water is not to be used for irrigation on-site. Any seasonal plant irrigation goes through the building for metering and out



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
NOT OFFICIAL UNTIL APPROVED

to the yard hydrant. Cut-sheets for materials are to be submitted and approved by the water and sewer departments prior to installation. The contractor is to coordinate with NH Department of Transportation before an open cut of pavement during water-main connections.

Foote said that the plant hydrant that is town water service is ok, but was concerned that the way the note was written could be misread to mean irrigation could not occur with town water. She asked the note be rewritten to avoid confusion, and say that all water use on site shall be metered. Morrill said the intention was to assure that plant watering was metered. Outdoor display areas are to be maintained in a neat and orderly fashion, and constructed to have a minimum unobstructed width along the entire five-foot width of the sidewalk, and with emergency access at all times. Carbone asked if this meant that appliances could not be shown outside. Garand said it meant that appliances should not block passage and egress. Morrill said they also intend that appliances cannot be in the seasonal planting area – only on the sidewalk. Hawkins asked if appliances are wheeled out every day, and if the sidewalk is wider than the five-foot access area. Morrill and Carbone said it was. Truck traffic, unloading of dumpsters and refrigeration will not occur in residential areas between 11PM and 7AM. All external machinery shall be muffled so that noise would not be discernable at the perimeter of the lot.

Morrill said the location of the sidewalk was intended to be along the vertical granite curb at Route 1, however, there are now questions of the NHDOT not wanting to maintain them. Now the sidewalks are shown on the property but the Applicant believes they should be along Route 1 as are all other sidewalks. They are concerned that the tent stakes will come down right on the sidewalks. Hawkins said the issue is that the State now seems to be requiring the town to maintain sidewalks for every development along Route 1. One solution is to locate the sidewalks internally. He asked Morgan if the NHDOT would be satisfied if owners did the sidewalk maintenance ie would it be appropriate for the property owners to sign the agreement for maintenance on the NHDOT property in front of their own property. Morgan said the law is written that way in Massachusetts and other states, but not in New Hampshire. Hawkins thought this is just an initiative by the NHDOT to get out of the sidewalk maintenance on State roads, and asked if the Planning Board could make the applicant responsible for signing the agreement. Morgan said if it were a town road it could be done. Hawkins asked Morgan if he thought the State would care who signed the maintenance agreement. Morgan said he'd not seen the State maintaining any sidewalks.

Foote said the sidewalks should line-up with all the other sidewalks on the roadway. Morgan said it couldn't be worse than now. Hawkins thought this was an option. Morrill said it might be but was concerned about the liability if someone trips on a State highway that an owner is supposed to maintain. Morgan said NHDOT might also be concerned in that regard. Hawkins thought the Selectmen's position was not to sign; that would be the case for all state roads. Thibodeau said if the State wants towns to take care of the sidewalks, they ought to give some jurisdiction over the streets. Moore said if someone trips on a pothole, there will be liability. Carbone asked if sidewalks were required. Hawkins said they were not by the State; there haven't been instances where sidewalks were moved in off the road to the applicant's property. Carbone noted there is a sidewalk across the street for the whole length. Foote said there is one at the Community Center and one at Starbucks and the gas station beyond, but they are grossly deficient. Hawkins did not see a resolution as the State doesn't want to budge. It was not a good idea to remove sidewalks from pedestrian areas, nor was it a good idea to have sidewalks go in and out from one property to the next. Carbone asked if the town would ever buy sidewalk equipment. Foote noted that even if that equipment existed, Route 1 is not a town road. Morrill said Carbone would prefer it out on the road, but because of the decision at the last meeting it is now internal. He hoped there would be a resolution from the town and NHDOT so it could be brought back along the road. Hawkins asked Morgan to follow-up with the NHDOT to see if there could be an alternative.

Morrill said they would add a dumpster and enclosure. There is a guardrail detail for the end of the parking lot, and updated the thrush box detail. The building would be royal blue metal pre-fab siding with



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010

NOT OFFICIAL UNTIL APPROVED

3 ½ ft grey-block veneer in front and a grey textured roof. They are going through the final rfps for the building; a front covered walk is planned. Morrill submitted a letter and building rendering, and said they had applied to NHDOT for a change in the driveway-cut – the north cut is reduced to 24 feet, and the other is exit only to the south to meet the Planning Board engineer’s concern about left turns out of the driveway. It also allows the traffic to flow around the tent. Hawkins asked Morrill to speak to the Planning Board engineer’s revised memo and asked Morrill to speak to the maintenance issues of the porous materials. Morrill said the details will be written into the Maintenance Manual. They will vacuum out the pores of the porous pavement every six months; this helps the drainage discharge. Morrill thought more applicants would be using this product. The natural vegetation remains after the plant growing season. There will be an emergency spillway overflow for Mary’s Brook. Foote said the porous pavement works well, but suggested using landscape fabric cloth or burlap in some areas to catch the dirt so it won’t go through. She suggested putting the fabric down first. Carbone said they might do that under the tables which would make it easier for them. Morrill said the fabric is about four inches thick – more heavy duty. They will work with Carbone on maintenance compliance especially because the material is new to the market.

Morgan asked what happens if the maintenance regimen breaks down and causes damage, or when there is a future owner. Morrill said Mary’s Brook is designed for infiltration with vegetation on the banks that cleans up the silt and rejuvenates. He had not researched what would happen if the porous material were completely sealed and how much water would remain on the surface. It would go off the emergency spillway and not off the bank. If blocked the owner would have to clean up the silt, clean the bank, and rejuvenate the porous material. Carbone said he might acquire a vacuum truck. Foote said a good sized shop vacuum should do fine.

Janvrin asked why the liberty elm is behind the building when the intent of the regulation was to place it at the roadside. Carbone said he had read the ordinance; they do not want to block the flower sales with a big elm that blocks signage etc. Once it grows it would be seen over the building. Hawkins said it’s supposed to make Route 1 look nicer and more like a village. Foote agreed, but noted that a lot of those trees close to Route 1 don’t survive because of the high concentration of salt. She noted that there are many disease resistant elms and recommended they be set back about 25 – 50 feet from the road. Carbone said that his project will make Route 1 look much nicer. Hawkins asked if there were an opportunity to move the elm near the snow storage area. Foote thought it could be in the area of the yard hydrant even though it would be near the snow storage. She thought Carbone would use a small amount of salt. Hawkins preferred it be on the south side where there aren’t trees. Janvrin asked if it would interfere with the water line. Foote said it would not. Sanborn said the site can be seen when he plows the Community Center. Foote thought it would be more productive on the south side which doesn’t have trees. Carbone said they could bring it forward a little; he will look at this. Morrill asked if the building inspector and Carbone could agree on a good location. Carbone noted it is ironic that he is being forced to put in a “liberty” tree. Foote commented that when the ordinance was written at the request of the State, the only disease resistant elms were the Liberty elms. Now there are many to choose from. Hawkins asked for further questions; there being none.

Hawkins recalled discussion about waivers for the lighting and the 20-foot greenway. Morrill said the greenway request wasn’t in the Planning Board’s jurisdiction so it was withdrawn. As for the lighting, it was seen as beneficial to the Community Center. Hawkins said a waiver would be appropriate.

MOTION:	Foote	To waive the lighting standards for Case #2010-01.
SECOND:	Moore	Approved: Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
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MOTION:	Foote	to approve Case #2010-01 – Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64, conditioned on (i) providing security in the amount of \$104,500, (ii) Note #25 to state that all water used on site must be metered, (iii) moving the liberty elm tree to a spot on the property satisfactory to the Building Inspector prior to occupancy permit, (iv) the granting of the driveway permit adjustments by the New Hampshire Department of Transportation, and (v) the Town Planner’s satisfaction that the changes are incorporated into the final planset revisions.
SECOND:	Moore	Approved: Unanimous

Hawkins complimented Morrill for highlighting the changes in the revised planset.

Case #2010-27E – Proposal by James Geekie to make site improvements to an industrial site at 148 Batchelder Road, Tax Map 6, Lot 36, continued from October 5, 2010.

Attending: James Geekie

Hawkins said that at the last Planning Board meeting Geekie was requested to (i) keep the set-back to at least 25 feet, (ii) show where the stones will be located, and (iii) demonstrate how ponding will be avoided. [A drawing provided by Geekie was distributed.] Foote asked if there were a detention pond. Geekie said that the current owner dug the pond, put in a driveway and the silt fence but then ran out of money. The site has languished since then. Hawkins asked if Garand was satisfied with the drawing. Garand said it shows the setback, there are no drastic changes, and some fill would be added to make the site more useful. He thought it a marked improvement. Hawkins said the Board’s request was meant to have an enforcement document for this project. Janvrin asked if the back area would be for wood storage. Geekie said that is the purpose. Hawkins said gravel would be added to the parking lot; his previous drawing did not show how close he would be to the wetlands. Foote said it was a good building.

MOTION:	Janvrin	to approve Case #2010-27E – James Geekie to make site improvements to an industrial site at 148 Batchelder Road, Tax Map 6, Lot 36;
SECOND:	Foote	Approved: Unanimous

NEW CASES

Case #2010-28E - Proposal by Nova USA Wood Products, LLC and 920 Lafayette Road One Two Realty Trust, Robert Bialobrzkeski, Trustee, to establish a retail flooring store and associated storage totaling 8,150 square feet at 920 Lafayette Road, Seabrook Common North Unit 1, Tax Map 7, Lot 91-101,

Attending: Robert Bialobrzkeski, Anne Bialobrzkeski, 920 Lafayette Road One Two Realty Trust;

Hawkins noted that this is a change of use. Anne Bialobrzkeski said that Mark Hildebrand, the Applicant’s representative, was delayed en route but had given her permission to present the case which she did not



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
NOT OFFICIAL UNTIL APPROVED

think was a change of use as it had previously been a store. Hildebrand had forwarded a letter addressing the intended use of the property, which she asked to read as follows:

... "Uncle Hilde's Lumber Outlet is a successful retail company currently operating in two locations – Tilton since June 2007 and Merrimack since May of 2009. We specialize in selling discounted lumber products; primarily hardwood flooring, exterior decking (both wood and composite), solid wood paneling and trim boards. We do not sell hardware, millwork (doors and windows), hand tools, power equipment, plumbing, electrical, or any other type of construction equipment. We do not do any type of manufacturing. We do not do any rentals. Our business model is very narrow and focused.

We are very interested in opening a third location at 920 Lafayette Road to be used for the display, storage and sale of the product groups mentioned above. No major changes to the building layout would be required.

Due to the limited yet specialized variety of products we sell, our stores have a low volume of activity during the typical work day. Our 2 existing stores average 30 transactions per day. Rarely are there more than 3 customers in a store at the same time.

During the initial stage of loading up inventory into the store, there may be the occasion we would do so with tractor trailers. However, over the long term most of our deliveries are done via straight truck, box truck, or with an F350 pickup hauling a 16 foot heavy duty trailer.

This is a cash and carry operation. We do not have any delivery trucks. Everything sold is paid for and loaded on the customer's vehicle before it leaves our yards.

Initially we would staff the Seabrook facility with 3 employees. But to give you an idea of our growth, our original store in Tilton currently employs 8 people.

As with our other stores, we would install a security system on the premises including our surveillance cameras. Our hours are M-F 8-5 and Saturday 9-4.

We feel this location is extremely well suited for our plans to add a third store in southern NH in 2010.

Thanks for your time and consideration regarding this matter. I look forward to working together with the Town of Seabrook to get a new business up and running"...

Anne Bialobrzkeski said the packet shows the original approved site plan for the condominium, and a floor plan. Heldebrand wants to take out the wall in the back of the store; the display area would be in front. She said parking would be less impact than the hardware store. They want to remove the side garage doors and have an overhead door on the side. The sign in front would be the same although she thought they might want additional signage and take care of that with the Building Inspector. Morgan asked about lighting changes. Robert Bialobrzkeski there are three existing lights outside. The store closes early; panel board would be on display in the windows and that would probably be lighted. Ann Bialobrzkeski said she did not check that off because of very little time to submit the application. Sanborn thought that the existing lighting would be sufficient. Hawkins asked where the trailer would be kept. Robert Bialobrzkeski said merchandise is stored at the Tilton store and small box trucks would deliver to the Seabrook store. He has suggested they deliver early morning to avoid the noon traffic.



Town of Seabrook Planning Board Minutes

Tuesday, October 19, 2010
NOT OFFICIAL UNTIL APPROVED

Thibodeau did not see any problems. Hawkins liked the idea of filling something in that store. said there should be a larger door. Ann Bialobrzkeski said when the building was first built there was a larger door. Robert Bialobrzkeski said they would need a larger door for the lumber. Garand noted that would take a building permit. Garand asked about waivers. Ann Bialobrzkeski said after thinking about it she did not think they needed waivers.

MOTION:	Foote	to accept Case #2010-27E as administratively complete for jurisdiction and deliberation.
SECOND:	Moore	Approved: Unanimous

MOTION:	Foote	to approve Case #2010-28E - Nova USA Wood Products, LLC and 920 Lafayette Road One Two Realty Trust, Robert Bialobrzkeski, Trustee, to establish a retail flooring store and associated storage totaling 8,150 square feet at 920 Lafayette Road, Seabrook Common North Unit 1, Tax Map 7, Lot 91-101,
SECOND:	Janvrin	Approved: Unanimous

OTHER BUSINESS

Hawkins said there were issues at the 100 Lafayette Road convenience store in terms of parking in the street. A letter would be written to Chief Manthorn asking for some diligence in watching the area and moving along the truck drivers or ticketing to cut down on the truck parking; make it a little more expensive to park illegally. Foote saw a Coca Cola truck actually parked at the turn around and carting his stock across the road. Hawkins said it is not a very good situation. Janvrin suggested alerting the State police; Hawkins did not think that would work. Foote wondered when someone saw a State cruiser on Route 1. Kravitz told of an incident at the Walton road intersection when a car shot out of the 100 Lafayette Road parking area and took a left turn to get onto Walton Road. She said it was just too close. Sanborn said it's not allowed but people still do it. Foote said everyone knew that that application would be a headache but there wasn't something to do about it.

Hawkins asked for other business; there being none.
Hawkins adjourned the meeting at 7:50 PM.

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board