



## Town of Seabrook Planning Board Minutes

August 15, 2006

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Paul Himmer; Keith Sanborn; Aboul Khan; Peter Evans; Mike Lowry, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary.;

Members Absent: Mark Preston, Vice Chair; Robert Moore, Ex-Officio.

Chair Foote opened the meeting at 6:00pm.

<b>Motion:</b>	<b>Sanborn</b>	<b>To accept the minutes of July 18, 2006 as amended to change the reference on page 4 paragraph 1 from "Hannah" to William Spear, and to accept the Minutes of August 1, 2006 as written.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

### REQUESTS FOR SECURITY REDUCTION OR EXTENSION

**Request re Case #2002-03 Belgian Drive/Lloyd Perkins & Irving & Anita Brown**, for review by department heads of road-work done on Belgian Drive; to formally have this road accepted by the Town; and to request a waiver of the 10 percent holdback on maintenance security as the road has gone through 2 winters. Foote said the Town Manager can be asked to send Department Heads to review the property status, after which the waiver can be addressed.

### CORRESPONDENCE

Foote referenced a letter forwarded from the Town Manager from a Katelyn Way abutter who attended the July 18, 2006 Public Hearing. Copies are available from the Secretary

### BUDGET

Foote distributed copies of the proposed 2007 Planning Board Budget to Board Members and noted the opportunity to submit capital improvement items. For example, a special warrant article to update the Town Map of Roads could be considered. Foote also suggested the Master Plan might be done in segments with three or four Chapters addressed per year. Spreading out the cost would also make it easier on taxpayers.

### PUBLIC HEARINGS - 6:20PM

Sanborn asked if the 20-minute rule could be imposed due to the large number of cases. Foote said an attempt would be made to do this.

Proposal by the Planning Board to amend the Seabrook Subdivision Regulations' provisions governing performance securities by amending Article IV Section C of the Seabrook Subdivision Regulations eliminating the following text from Article IV Section C: "regardless of whether the roadways or other improvements are accepted by the Town within two years".

Foote noted this proposal had been previously discussed and read the proposed rephrasing of Article IV Section C referring to maintenance site security. Foote explained the Planning Board has been advised by legal counsel that under the current language the developer is responsible for maintaining a road for a full 2 two years, and the Town could not accept a road during that period. In the past and in other towns once a road goes into its maintenance phase generally the Town assumes the responsibility and provides town services including plowing. However the maintenance



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site security is held for two years in case the road doesn't stand up to natural wear and tear during at least two winters and repairs must be made.

Foote polled the board for any comments, receiving none, she inquired if any of the public had questions. Angel Chiaramide asked if a town warrant is needed to effect this change. Foote said this is part of subdivision regulations controlled by the vote of the Planning Board, unlike zoning ordinances that go to the Town for a vote. There being no further comments or questions:

<b>Motion:</b>	<b>Sanborn</b>	<b>To amend Article IV Section C of the Seabrook Subdivision regulations eliminating the following text from Article IV Section C: "regardless of whether the roadways or other improvements are accepted by the Town within two years."</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

**Case #2006-27 continued from June 18, 2006: Proposal by Ray Grasso, Trustee of 120 Ledge Road Realty Trust of 2006, for a condominium conversion at 103 Ledge Road, Tax Map 5, Lot 8-120.** Wayne Morrill of Jones and Beach Engineers appearing for the applicant asked for a continuance of at least two months. Continued until October 17, 2006 at 6pm. Foote noted a waiver may be needed.

**Case #2005-29: Review of proposal from Ed Adams for the restaurant pad site on Route 1.** Wayne Morrill of Jones and Beach Engineers appearing for the applicant. Driveway and wetlands permits have been obtained for the site but there is not yet a tenant. Continued to October 17, 2006 at 6pm.

**Case #2006-30 Proposal by Steven & Margit Bergeron and Herbert Ludeke Family Trust for a 2-lot subdivision at 48-50 Ledge Road, Tax Map 3, Lot 6-11.**

Attendee: Herbert Ludeke

Henry Boyd Jr. of Millenium Engineering appearing for the applicant.

Foote noted the consent has Mr Ludeke's signature but not the Bergeron's. Boyd said the Bergerons have been out of the country and their signatures will be obtained. Boyd said the Bergerons were a party to the variance process for the 2½-acre lot width and frontage. The plan is to produce two lots consisting of 1.2 and 1.3 acres. The existing duplex is to remain. Warner Knowles' request to review the utilities will occur. Morgan asked about the right-of-way to lot 11A. Boyd said the access for sharing the existing driveway is on Sheet 2, and full access and utility easements for Lot 11A in the rear has been provided. Foote said the Wetland Scientist stamp is missing. Boyd said two mylars will be produced with the Wetland Scientist and Boyd's stamps in place. Morgan asked about the two-foot contours. Boyd said one house was being built and that didn't seem necessary. Morgan said a waiver request is in order. Foote asked for the intended location of the dwelling and structures. Boyd said he doesn't know the location at this point and feels this isn't needed so long as the house is placed within the building setbacks. When they decide where they want the house they will need a building permit. Foote asked about the Board of Adjustment ruling on the variance. Boyd said this reference is on Note #5 on Sheet-1. Foote asked



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if there is a note stating the applicant is responsible for the water meter purchase and installation which will come up when they seek a service permit from the Water Department. Planning Board regulations now require draft deeds citing easements and wetlands to avoid incorrect meets and bounds being recorded. Boyd said these will be delivered with the mylar

<b>Motion:</b>	<b>Himmer</b>	<b>To accept Case #6-30 as proposed by Steven &amp; Margit Bergeron and Herbert Ludeke Family Trust for a 2-lot subdivision at 48-50 Ledge Road, Tax Map 3, Lot 6-11 as administratively complete for deliberation, pending receipt of the wetland scientist stamp, the mylar, draft deeds and the waiver.</b>
<b>Second:</b>	<b>Sanborn</b>	<b>Approved: Unanimous</b>

There being no further questions or comments from the Board or abutters:

<b>Motion:</b>	<b>Himmer</b>	<b>To approve the plans for Case #6-30 as proposed by Steven &amp; Margit Bergeron and Herbert Ludeke Family Trust for a 2-lot subdivision at 48-50 Ledge Road, Tax Map 3, Lot 6-11, conditioned on receipt of the wetland scientist stamp, the mylar, draft deeds and the waiver.</b>
<b>Second:</b>	<b>Sanborn</b>	<b>Approved: Unanimous</b>

**Case #6-31 Proposal by Developers Diversified Realty (DDR) Seabrook LLC for a 4-lot subdivision at 700 Lafayette Road, Tax Map 8, Lot 55; and**

**Case #6-32 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;**

Attendees for the Developer: Jim Grafmeyer, Senior Development Director, DDR; Stephen Lehmann, Project Director, VHB; Jake Tinus, Wetlands Scientist; Robin Bousa, Traffic Consultant, VHB Gordon Leady, Landscape Architect, VHB; Bill Wilcox, Wilcox & Barton environmental consultant; Frank Campione, ADP Create, Buildings Architect

**Attorney Malcolm R McNeill Jr representing the Applicant**

Planning Board Member Lowry recused himself from deliberations on Cases 2006-31 and 2006-32 because he is a nearby abutter and also works in a business that is an abutter.

### The Subdivision.

McNeill introduced the DDR Group. McNeill said a Lot Consolidation/Voluntary Merger signed by the Planning Board Chair on July 21, 2006 created a lot of 50.851 acres. The applicant proposes to establish four lots: Parcel 1 (1.529 acres), Parcel 2 (1.530 acres), Parcel 3 (1.523 acres) ,and Parcel 4 (46.269 acres) which is addressed in the shopping center application. All of the lots stand on their own in compliance with the regulations for frontage and any other dimensional considerations. After the Murray property was combined into the site it was consolidated into three out-parcels



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and one large development parcel. The applicant believes the subdivision plan is complete and seeks Planning Board acceptance and approval at this time.

Foote said it appears there are some technical review items to address but basically this case should be considered administratively complete as to the Subdivision. Sanborn requested the Fire Chief speak on commercial usage questions. Foote said that discussion would be appropriate for the site plan discussion and asked Chief Brown if he had any concerns about the subdivision. Brown said he had no concerns about the Subdivision; the Site Plan is his concern. There being no further comments from the Board or abutters:

<b>Motion:</b>	<b>Evans</b>	<b>To accept Case #2006-31 as proposed by Developers Diversified Realty Corporation for a 4-lot subdivision at 700 Lafayette Road as administratively complete.</b>
<b>Second:</b>	<b>Himmer</b>	<b>In Favor: Foote, Himmer, Evans, Kahn Opposed: Sanborn Approved: [4-1]</b>

Foote referenced the letter from VHB dated August 10, 2006 responding to the Town Planner's Checklist and attached comments Notes #1-5 relating to the Subdivision, and asked whether the cross-easements have been noted. McNeill said these are addressed in the site plan. Foote asked whether the point at which Provident Way turns into the South Access Road is shown. Morgan said this is now clearly depicted on the plan. Foote noted total acreage and the revision block are now on the Case #2006-32 plan and the signature block has been relocated. Foote stated DDR has complied with the Town Planner's concerns and comments on the subdivision plan. Morgan said DDR has complied with his comments in Notes #2-5 and the subdivision plan is complete enough to accept. However, Morgan said his Note #1 addressing access issues into and out of the shopping center is complicated and requires more thought. Accordingly, Morgan recommends approval should not yet be granted. Morgan added that if approval were granted at this meeting out-parcels 1,2, and/or 3 potentially could change hands at any time. McNeill said there are provisions on the plan with regard to access which are dependent on cross-easements and are anticipated to be required as part of site plan approval. In this regard, McNeill said the Planning Board would not be giving up its regulatory authority by approving the subdivision plan. Sanborn moved to deny. Kahn said he would follow the Town Planner's advice and look to resolve problems at future meetings. Evans asked the status of the lot line removal. McNeill said a voluntary lot merger has been agreed and signed by the Chair. Foote noted the Murray property was a part of the voluntary lot merger which has been recorded with the Rockingham County Registry of Deeds. Evans was concerned that any easements relating to access be shown on the plan. Sanborn said the Planning Board should listen to the Town Planner. Himmer said proposed access to the large lots should be shown.

Foote asked for comments from abutters on the subdivision plan. The representative of Florida Power and Light (FPL) asked if the plan would show easements and said FPL has been working with DDR but can't comment about granting easements without seeing the actual access points. FPL employees don't want traffic to back up on Route 1. Lowry said now is the time to get all access points for safety purposes. McNeill said DDR is negotiating with FPL on this issue and hopes to



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finalize an agreement shortly. Based on the concerns of the Board and the remarks of the Town Planner, McNeill suggested this approval be continued to the next meeting unless the Board reconsiders it after the site plan discussion to follow

McNeill asked if the Board would consider a special DDR meeting on September 12, 2006. Foote said because this is a large deliberation and the Board would not be meeting on September 5 for lack of a quorum, the Board might consider meeting on a night dedicated primarily to the DDR project. After polling the Board, Foote said the Planning Board will hold a special meeting on September 12, 2006 at 6 pm primarily dedicated to DDR items that may be continued with respect to Cases #2006-31 and #2006-32.

### **Case #2006-32: The DDR Site Plan Review**

McNeill representing the applicant, with the same consultants introduced for the subdivision plan.

McNeill said DDR's goal is to have this site plan accepted for jurisdiction at this meeting based on completion. Utilizing architectural renderings, McNeill described the shopping center parcel as 46.3 acres provided the subdivision plan is approved. The existing building of 377,000 square feet previously occupied by approximately 700 employees is to be demolished. DDR is applying for site plan approval for a 441,290 square foot single building shopping center. The proposed retail buildings are of various sizes ranging from approximately 10,000 square feet to 129,800 square feet for the proposed Target store. Primary access is proposed from Provident Way (the public road) with right-in/right out access at Route 1. All of the retail uses are permitted as a result of a special exception granted by the Zoning Board of Adjustment for the entire site.

McNeill said the initial application was filed on July 18, 2006 with a 41 page plan relating to all elements of the site plan proposal. Additionally, a drainage report, a storm water management system, inspection, and maintenance plan, traffic report, numerous environmental reports have been presented. A landscaping and lighting plan are contained in the plan set. DDR has also applied to the State for site-specific permits, wetlands approvals, sewer discharge and other environmental permits. A favorable recommendation was received after an appearance with regard to wetlands considerations before the Conservation Commission. DDR has agreed to make a contribution to the Town of Seabrook Conservation Fund in the amount of \$140,000. Various comments received from the Technical Review Committee, including extensive comments from the Town Planner, have been incorporated into an August 10 supplemental submission.

Additional comments received today from the Town Planner will be addressed subsequently but DDR believes issues are resolvable during the approval process but shouldn't affect the acceptance of the application. DDR estimates the value of the shopping center after development at approximately \$101,000,000, and that it would generate real estate taxes based on Seabrook's current tax rate of \$1,316,000 representing 5.6 percent of the Town's overall tax base. All experts in attendance would be prepared to provide testimony, although, based on the materials supplied and the comments of the Town Planner, DDR believes that the plan has been well studied and reviewed and is complete enough to be accepted. McNeill then asked the Chair if there were any other comments on the issue of completeness with regard to the acceptance process to which DDR would be happy to respond.



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Sanborn expressed great concerns with respect to the letter from Fire Chief Brown with which he agrees, and requested Chief Brown be allowed to speak. Foote said the Board first needs to decide whether it will accept the application as administratively complete to begin deliberations. Sanborn said the Fire Chief should speak before the Board accepts anything. McNeill said DDR understands this would be a subject for the approval process but Brown's letter is not about the completeness of the plan or technical violations. Sanborn said this is about safety and operations and read the last sentence of the Chief's letter. Evans asked if Brown needs any further information for an informed opinion. [Brown indicated no] Evans referenced the Town Planner's checklist and asked about draft deeds. McNeil said they won't know what the parcels look like until the subdivision plan is approved and expect any condition of approval to be a part of the deed. Two waivers have been requested relating to the lighting. Sanborn asked if the Fire Chief should wait until September 12. Foote referenced this meeting's heavy agenda and said definitely the Chief should speak on September 12.

Morgan explained his checklist and comments addressing the original application and plans. VHB responded to the comments and also submitted revised plans dated August 10. [Attachments are available from the Secretary.] Evans asked if the comments on wetlands had been addressed and Morgan said "yes". Jake Tinus, certified wetlands scientist # 228, said his stamp is on the report book and will be fixed on the site plan. Evans asked for the sign details and the elevations. Lehmann indicated where these have been located on the plans. Sanborn asked about the in light pole dimensions. Foote explained application procedures. Evans said DDR informed the Board about the lighting issue in a thorough manner and provided appropriate exhibits. Kahn asked for the status of the pending court action. McNeill said the case has been briefed and is in the process of being scheduled for argument. Foote said while we are aware of the court action, it is the decision of the developer to go forward concurrently. There being no further comments from the board or abutters:

<b>Motion:</b>	<b>Evans</b>	<b>To accept Case #2006-32 as proposed by Developers Diversified Realty Corporation for site plan review in connection with the proposed shopping center at 700 Lafayette Road as administratively complete</b>
<b>Second:</b>	<b>Kahn</b>	<b>In Favor: Foote, Himmer, Evans, Kahn Opposed: Sanborn Approved: [4-1]</b>

Foote said now that the plans are accepted as administratively complete the Board needs to decide whether it has regional impact. If this is the case, the abutting towns and the Regional Planning Commissions must be notified and provided with copies of the plan and allow them an opportunity to review and make comments. McNeill said the six potential criteria for deciding regional impact are: relative size or number of dwelling units; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke; proximity to aquifers or surface waters which transcend municipal boundaries; or shared facilities such as schools. McNeill asked which criteria would be used. Foote said traffic and aquifers. Evans asked to define dwelling units. McNeill said this usually refers to large housing projects and not to commercial sites.



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<b>Motion:</b>	<b>Evans</b>	<b>To notify Hampton Falls, Kensington, Salisbury, South Hampton and the Rockingham Regional Planning Commission that there is a proposed project in proximity to each of their towns with potential impact on the transportation network and aquifers.</b>
<b>Second:</b>	<b>Kahn</b>	<b>Approved: Unanimous</b>

Kahn asked if any shopping center occupants could be identified. Grafmeyer said there is a proposed Target store and there are ongoing negotiations with numerous others with recognizable names but not yet in Letter of Intent stage. Evans asked to take the Town Planner's comments in order. Morgan suggested going through his checklist and comments and allowing time to digest his August 15 comments and the waiver requests. Sanborn does not want to address approval at this time and moved to continue review to a special meeting for this development on September 12 to allow more time for review of documentation.

Mary Aylward, 48 Rocks Road, said she has attended meetings for several projects near to her and wants to know if there will be at least a blinking light to stop traffic so Rocks Road residents can get out. Foote said this is an item sure to be discussed during the deliberations on the traffic impact. A project of this size is expected to have several meetings and items can be addressed methodically by going the checklist. Evans said in the interest of gathering more information, he would like to respect the attending abutters and hear them at this meeting without discouraging them to attend on September 12. Foote read a letter expressing concerns from certain Rocks Road abutters written after a meeting last week arranged by the Developers. Among the concerns are a soundwall and its location and landscaping, delivery hours, dumpster/compactor hours and noise, exhaust, PA systems, overnight tractor-trailer parking, height of poles and fixture shields, wall-mount lights on buildings, and prevention of drainage onto abutter property. Foote said abutter comments will be requested as individual items are addressed.

Kahn asked to hear the Fire Chief's comments. Brown said as a department head doing a technical review he looked for compliance with codes and State laws, suggestions to improve or enhance safety, and whether the service provided by the department would be impacted by the proposal -- which is the area his letter addresses. The plan meets fire code or State laws. And he is sure that the building will comply with fire codes and will be looked at with the codes Seabrook enforces in mind. In terms of access, if a tractor-trailer truck can make it around the building a fire truck can. According to the site plan there is adequate fire protection in the building as the site plan shows sprinkler systems in every building. The impact will be on services as this is the most significant construction project the Town has seen since Seabrook Station. Brown's concern as stated in his letter is whether the potential impact Fire Department services would prevent it from responding to this proposal. Enhanced number of calls and volume can be handled. That impact is probably not enough to say "stop". Brown estimates at least 150 to 200 extra calls annually; that is not enough to say "no". However, with its current capabilities the Fire Department cannot respond to this proposal because of an equipment issue. This 400,000 square foot building is 15 stores, all attached. Operationally, if there is a fire in any one space, the department must assume there is a fire in all of them. During construction, the department looks at firewalls, sprinklers, and alarm systems but



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operationally would need to rely on mutual aid. to stop a fire. Seabrook has a 75 foot ladder truck but to effectively operate the department would have to call on mutual aid. The area needs 3 or 4 aerial trucks. Additionally, other towns rely on Seabrook. If it takes 10-12 minutes to get an aerial truck to the site a firefighter may get hurt.

Mc Neill noted the original plan had separate buildings for Target and national retailers. He said the experts would provide brief overviews if requested. Lehmann said initial concerns included access to the site, a signal on Provident Way, the right-in/right-out on Route 1 and the drainage. Venture discharged to the back. The plan is to create a detention basin and feed into the wetlands and detention area with all of the discharge points at or below previous conditions. Intent also is to show truck circulation running through the site as well as some heavy-duty concrete loading zones. Landscaping is to be irrigated through an existing site well which also is used for construction and other activities requiring water to address the Town's water ban.

Campione has worked in Merrimack and Nashua areas. And said DDR is one of the few developers who can "push-back" on National tenants to achieve a cohesive architectural theme using materials familiar to the area. Target, the lead store, now advertises as "upscale discount" with a clean crisp classic look. which Campione intends to carry out while also accommodating prototype needs of the other stores.

Bousa did the traffic study and is trying to follow the standard Department of Transportation process and listening to comments from Seabrook. For example, the traffic plan signaled a driveway off Provident Way rather than off of Route 1. The traffic study looked at the surrounding population ,how far people will drive to get to the shopping center, and what routes would they take. Also considered were Route 1 traffic trends and how to streamline the traffic through the Route 1 intersection to keep the impact to a minimum. Additional thought was given to the potential project on the other side of Provident Way. Bousa described the mitigation plan using the site plan renderings.

Aylward said with 2 lanes able to exit the shopping center and take a right turn onto Route 1, the bottleneck will be that 2 lanes become 1 lane. This makes it worse for Rocks Road residents. Foote said the issues for Rocks Road would be discussed in the in depth deliberations, and when taken with other impacts on Rocks Road, could lead to a light at the intersection. Raymond Mace, 19 Rocks Road, the main problem is the traffic getting out of the site. The main problem is the narrowing into single lanes at the Route 107 Bridge. Getting people out of town after shopping is the main concern with the project. Brendon Kelly, 17 Ayres Circle, said he is one of hundreds of families in Seabrook who can't get off their property without getting on to Lafayette Road (Route 1). The traffic keeps getting heavier, often backed up into Salisbury. Foote said the Board Members have similar concerns and DDR's representatives have been working with the DOT to try to resolve the traffic issues.

McNeill said DDR would like the Board to send out the traffic study and any other technical study the Board deems advisable for peer review right away. Additionally, the applicant wants to demolish the existing building and crush the concrete on site. Mc Neill asked for direction as to which town department will make this decision if this is not a Planning Board matter. Evans said this proposal



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could be part of the construction sequence. Foote read a letter from the Code Enforcement Officer stating that his office has denied the earlier request due to a lack of information as to the contamination of the materials to be processed or information to support that the process would not be a nuisance to the surrounding properties. The Secretary indicated the Concrete Reuse Evaluation Paperwork and Demolition Documents were forward to the Town Engineer for review at the request of the Code Enforcement Officer. Foote said the Planning Board might have some comments but asked Morgan if demolition on an active site is a Planning Board matter. Morgan applauded the Code Enforcement Officer's concern but could not recall a precedent for Planning Board jurisdiction in demolition. As Conservation Commission Chair, Foote did meet with Garand and applicant representatives to discuss the demolition and potential crushing. Long-term stability is a concern as concrete has high alkalinity and if this eventually makes it into the salt marshes that it will not have a negative effect on the salt marshes which are basically peat. This was a concern with the overflow runoff during the Seabrook Station construction that killed a large grass area. Evans said experts are called for but the Code Enforcement Officer would take the significant role. McNeill said DDR wants to get to a decision and it has engaged Wilcox for assistance. Evans asked if the Town Engineer has the resources and suggested peer review. Sanborn said the Board of Selectmen should have that decision. Morgan added that one potential effect would be noise and agreed this is a Board of Selectman area. Mc Neill will direct demolition related materials to the Town Engineer and the Code Enforcement Officer and be clear that DDR will assist with any needed outside help.

Mc Neill also asked about peer review for the general site plan. Foote said the Town Engineer has provided some comments. Morgan said DDR has offered to pay for peer review of the drainage and traffic reports. Foote expressed concern about overburdening the Town Engineer and recommended contacting Steve Pernow. re the traffic study. Sanborn described the potential impact on the Power Station and through the Route 107/ Route 95 bottleneck. With 5 lanes going into two, the Police and the Fire Department will be tied to that corner. Most of the public service including trash trucks comes out of Rocks Road where there are also many children. What five years ago was a five-minute wait to get onto Route 1 now takes an hour; four lanes both ways will go into one. Route 1 traffic can never be straightened out. The Board ought to think through very hard about adding a 15 unit Shopping Center. The Bridge needs to be fixed; a traffic study is needed as well as easements from FPL. The FPL representative said the biggest concern for FPL was the potential for an employee cut-in partway down the road. McNeill said for all these reasons DDR favors a traffic study.

<b>Motion:</b>	<b>Foote</b>	<b>To contact Steve Pernow to provide a peer review of the Traffic Study submitted by DDR.</b>
<b>Second:</b>	<b>Evans</b>	<b>Approved: Unanimous</b>

Evans suggested peer review for the Drainage Study. Sanborn agreed referencing low spots on Rocks Road. Morgan said DPW Manager, John Starkey, has had a positive experience with Altus Engineering.



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<b>Motion:</b>	<b>Evans</b>	<b>To engage Altus Engineering to assist the town engineer with peer review of the drainage study provided by DDR.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

Lehmann offered to provide reports on at least 1 DVD or CD. Foote asked if any other preparation is needed for the September 12 meeting. Evans suggested consulting with Bill Cox on the lighting issue.

<b>Motion:</b>	<b>Evans</b>	<b>To contact Bill Cox to consult on lighting issues or to recommend a qualified alternate.</b>
<b>Second:</b>	<b>Sanborn</b>	<b>Approved: Unanimous</b>

Kahn said in previous meeting signage has been an issue. Foote said the signage is laid out in the August 10 revised plans, and asked Morgan if the changes are significant enough to run by the Department Heads. Morgan said the water and sewer department are studying the revised plans but most issues are addressed in his comments. McNeill asked for copies of department submissions. Foote said this would occur. The pattern of providing comments in hard copy and digital needs to be reestablished by the new Secretary so materials can be provided as attachments to the parties. The Planning Board does not have scanning capability.

Foote asked if abutters are satisfied the items they raised will be addresses during the deliberations. Mace said he is not opposed to the project at all but police, fire, sewer and water service must be provided in the Town after such a project is in operation. In other areas on a project this size contributions are made to help the Town cover the cost for increased services to the project. Seabrook is turning into a city. Why should the burden be on the taxpayers? If [they] want to bring their business to Seabrook that's fine but what about helping the Town on a daily basis. More thought needs to be given to pinpoint what the community needs to operate. There being no further comments from the Board or abutters:

<b>Motion:</b>	<b>Sanborn</b>	<b>To continue Case #2006-32 to September 12, 2006 at 6pm.</b>
<b>Second:</b>	<b>Evans</b>	<b>Approved: Unanimous</b>

8:45pm Chair called for a 15 minute recess.

9pm Chair reopened the Public Hearing.

Lowry resumed his Planning Board seat.

### **Case #2006-33 Proposal by Builders Land Co., LLC for a condominium conversion at 18-20 Jean Drive, Tax Map 7 Lot 50-90**

Wayne Morrill, Jones and Beach, appearing for the applicant

Morrill referenced the plan and Technical Review comments. The project is a condominium conversion with individual water and sewer for each building; water shut-offs are on the property with access to the Town of Seabrook to shut off water gates; limited common area goes through



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the entire property. The attorneys have prepared a new warranty deed; the property is in sheet rock state (Lot 110 is occupied) hoping to close at the end of August. Foote said the mylar has not been submitted with the plans.

<b>Motion:</b>	<b>Lowry</b>	<b>To accept the Case #2006-33 proposal by Builders Land Co., LLC. for a condominium conversion at 18-20 Jean Drive, Tax Map 7 Lot 50-90 as administratively complete for deliberations.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

Foote polled the Board for further questions, comments or concerns. Merrill said all the wetland markers have been installed and this is noted on the plans. Lot 110 submitted a surveyor's certificate. There being no further comments:

<b>Motion:</b>	<b>Himmer</b>	<b>To approve the Case #2006-33 proposal by Builders Land Co., LLC. for a condominium conversion at 18-20 Jean Drive, Tax Map 7 Lot 50-90 in so far as it complies with the Condominium rules of the State of New Hampshire and pending the provision of the mylar the Chair will sign the plans</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case #2006-34 Proposal by Bruce and Cynthia Brown, David and April Dellaporta, and Rayenold and Torie Perkins for lot line adjustments at 7A & 19 Adams Avenue and 26 Katelyn Way, Tax Map 15, Lots 110, 110-4, and 112-10.**

Henry Boyd, Jr. of Millenium Engineering appearing for the applicants.

Boyd said a one-foot strip was left when these parcels were divided. The Browns' lot is quite large and they will be conveying to the Perkins a piece of uplands. The Dellaportas agree to convey the strip but want to add a foot behind their property. In a series of conveyances the new lot configuration and lot lines were achieved and the legal descriptions can be made clear. Evans asked if the new 110-4 lot is of duplex size. Boyd said it is not large enough. The frontage has not been altered and there is no construction. Foote asked if the development of Katelyn Way was after the requirement of posting wetlands and if the jurisdictional wetland boundary signs are posted, Boyd said he did not know. Foote said this was a requirement of the dredge and fill permit. This needs to be followed up with Mr Kutcher as does the correct spelling of the street. Evans asked when the Brown parcel loses uplands if that creates a non-conforming lot. Boyd said no.

<b>Motion:</b>	<b>Evans</b>	<b>To accept the Case #2006-34 proposal by Bruce and Cynthia Brown, David and April Dellaporta, and Rayenold and Torie Perkins for lot line adjustments at 7A and 19 Adams Avenue and 26 Katelyn Way, Tax Map 15, Lots 110, 110-4, and 112-10 as administratively complete for deliberations</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>



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Boyd said he hopes to get a waiver for the wetlands stamp on the mylar to save the expense. The stamp was on the mylar previously recorded at the Registry and is noted on the plan. Foote said to provide a written waiver with the mylar. There being no further questions from the Board or abutters:

<b>Motion:</b>	<b>Foote</b>	<b>To conditionally approve the Case#2006-34 proposal by Bruce and Cynthia Brown, David and April Dellaporta, and Rayenold and Torie Perkins at 7A &amp; 19 Adams Avenue and 26 Katelyn Way, Tax Map 15, Lots 110, 110-4, and 112-10, pending receipt of the mylar, a written waiver for the wetlands stamp, and jurisdictional markers in place after which the Chair will sign the plans.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case#2006-35 Proposal by JD Hospitality to amend an approved site plan for a hotel by adding three additional guest rooms at 11 Rocks Road, Tax Map 7, Lot 99.**

Attendee: Shailesh Patel, JD Hospitality, Tim Deaigneault, Opechee Construction  
Henry Boyd Jr., Millenium Engineering appearing for the applicant.

Boyd understands this to be an administrative separating of Fred Attalla's restaurant from the hotel site. It had been kept as one site when there was only one owner. Much of the plan is the same other than the new footprint on Sheet 2 which has been provided by Opechee Construction. Parking, drainage and engineering is the same. Warner Knowles had asked for additional depth on the sewer which has been done. Boyd displayed the new rendering of the hotel building. Permits were in place. Morgan asked about the specific commitments made to the traffic lights. Boyd said despite the fight for a traffic light and much of the funds committed, the State has not yet given approval. Patel said the total commitment of Attalla and himself for the traffic light is \$25,000. Foote said another \$25,000 from the tire store is in escrow for a total of \$50,000. If there is a light and a crosswalk, hotel patrons can walk to the shopping center. The sentiment of the Board is to try every way possible to get a light at Rocks Road, whether or not the transfer station access remains or goes to the South access. Foote said a light is needed at Walton Road, as well. Boyd pointed out that as bad as the traffic is, the residents of Railroad Ave can get out because of the light. The problem on Route 1 will still be the Route 107 Bridge over Route 95.

<b>Motion:</b>	<b>Evans</b>	<b>To accept the Case #2006-35 proposal by JD Hospitality LLC to amend an approved site plan for a hotel by adding three guest rooms at 11 Rocks Road, Tax Map 7 Lot 99, as administratively complete for deliberations.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

Lowry asked the building height. Boyd said it meets the town requirements. Kahn asked how the light can be advanced. Foote said as part of conditions of approval, the funds for the light are to go into an escrow account or they will not receive a building permit. The State said the total cost for the light is about \$125,000. Foote said the State is not opposed to the light but has no funds to



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contribute. Boyd's concern is for the long-term Seabrook residents and the trucks turning. Boyd is doubtful of State support and said the car count was on a Saturday. Foote said the State appears to be counting the traffic on Rocks Road and not Lafayette Road. The key to approval would be fatal accidents. Evans is concerned about the left turns as well as the right-in/right-out turns. Boyd said the site plan tries to minimize the impact to Rocks Road within the State driveway regulations.

Mace said he hears there are to be bushes for a buffer zone between the hotel and his property. He likes the design but would not want to have people walking in his backyard. Boyd said Mace will be almost 200 feet from the arborvitaes. Mace also asked for a dead-end sign to help keep drivers from turning around in his driveway and said this would be a good addition to the Town. Jennifer asked for a small "entrance" sign. Boyd said a small, lighted entrance sign would be nice. Foote said that would require a visit to the Zoning Board of Adjustment or at least conferring with the Building Inspector.

<b>Motion:</b>	<b>Evans</b>	<b>To approve the Case #2006-35 proposal by JD Hospitality LLC to amend an approved site plan for a hotel by adding three guest rooms at 11 Rocks Road, Tax Map 7 Lot 99, subject to \$12,500 being placed in escrow prior to the building permit and all of the conditions of approval for the previous plan to follow with this approval.</b>
<b>Second:</b>	<b>Kahn</b>	<b>Approved: Unanimous</b>

Foote closed the public hearing at 9:42pm  
Foote said the Budget would be discussed on September 12 .  
The meeting was adjourned at 9:45pm.

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