

**SEABROOK PLANNING BOARD
DECEMBER 16, 2003-6:30 P.M.
SELECTMEN'S OFFICE**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Peter Evans, Mark Preston, and Karen Knight. Alternates William Cox and Michael Lowry. Also present: Town Engineer Michael Fowler, Town Planner Thomas Morgan, CEO Paul Garand, and Secretary: Keely Perkins

MEETING OPENED: Chairman Brown opened meeting at 7:05 P.M.

MINUTES: Sue Foote made a motion to postpone adoption of the December 2 minutes. Sue will get together with Secretary Keely. The minutes will be edited by e-mail so Keely will have a better idea of what the board expects of her minutes. Peter Evans requested that when the minutes are edited that they will be e-mailed to the rest of the board. Foote moved to postpone action on the December 2 minutes until January 6. Karen Knight 2nd. Vote unanimous.

Case 3-45 Proposal by Grady Builders, Inc. For a condominium conversion at 21 & 23 True Road, Tax Map 2, Lot 16

Henry Boyd of Millennium Engineering represented applicant John Brady. Chairman Brown stated there was a note regarding no Jurisdictional wetlands on the site but there is no wetland scientist's stamp or signature on the plan. Sue Foote stated for the record that she is familiar with the property and there are no wetlands on the site. Chairman Brown asked if any abutter had comments or questions. No abutters were present. Foote made a motion to approve the application, as it complies with the condominium regulations. Mike Lowery 2nd. Vote: Unanimous

Case 3-46 –Proposal by GRA Real Estate Holdings, LLC for truck sales and storage at 11 Stard Road, Tax Map 4, Lot 16

Henry Boyd of Millennium Engineering presented the application. He provided a revised plan that better indicated the curb cut. Rusty Laven from GRA commented on the curb cut be. Mike Fowler had concerns with sufficient site distance at the present curb cut location. Boyd and Fowler will meet at the site to resolve this issue.

Boyd stated that the proposed limit of disturbance is less than 100,000 square feet. He indicated a very heavy line on the plans show the current development plans. Additionally grade stakes in the field will be well marked for this line.

Paul Garand stated that he had informed the applicant that an expansion beyond that depicted on this plan would require another trip to the Planning Board. Boyd said they that they are well aware of that and it is noted on the plan.

Boyd stated it is the applicant's intent to have utility connections to the sales trailer. He recommended that the appropriate department head designate the water and sewer line

locations. P. Evans asked where the water and sewer lines end up. Boyd replied that when they are installed ties will be taken to them and they will be documented. There are future plans to expand the site and put in a permanent structure out there at which point the ties would be documented on the proper site plan

The applicant is not purposing any lighting or signs at this time. W. Cox states that they can't put signs up after the fact. Boyd states. Mr. Laven is aware of this.

S. Foote asked what they intend to use as a soil surface. Boyd says they will be driving on 12 inches of processed gravel.

M. Preston asked if the proposal includes more than just trailer storage. Boyd replied that they anticipate sales. There is a sales office there. The reason they went with the processed gravel to that depth is because they eventually they want to pave over it.

S. Foote is worried about the spring muck factor. Boyd stated that the gravel is to be 12 inches deep. They are only taking the top layer of soil off and not getting into sand at all.

Regarding the proposed topo lines, Foote asked if are they will be changing the topography in the future. Boyd replied yes, in the area indicated by the bold black line. S. Foote asked if the stream goes all the way to the wetlands. H. Boyd isn't sure. S. Foote asked then why are the lines even out there. Boyd said because it will eventually be done.

Chairman Brown asked Boyd if he knew where the poles are. Boyd stated yes and showed the board. He also stated that the power company has seen this plan and they are ok with it.

Mr. Laven produced a letter from the power company regarding their interest in an existing utility easement they hold on the parcel. Chairman Brown read the letter and noted that it states they don't want any grading, excavation or filling within 30ft of their structures. Brown said that if there are any poles within 30 feet, the plans will need to be revised. Boyd had not been aware of the letter, and agreed the utility companies concerns will need to be addressed in a revised plan. Chairman Brown stated that all the issues need to be addressed.

S. Foote questioned if construction activity was permitted prior to an approved plan. She noted that her attention was brought to this site because of citizen's concerns about tracking soil onto Stard Road. She requested before any more activity goes on that there be a stabilized construction entrance. Garand said that he informed the applicant he needed an approved site plan when he became aware of the activity. There has been no work on site since then.

Boyd went over Attorney Craig Salomon's letter and stated that all concerns mentioned have been addressed. S. Foote made a motion to continue this application until January 20, 2004 at 7 PM. Mark Preston 2nd. Vote: Unanimous.

Case 3-42-Proposal by the Tiki Trust, TK Properties, Ray Grasso, Edwin & Maureen Adams, and Mark Investments, Inc. for a lot line adjustment at 403 Lafayette Road (opposite the Southgate Shopping Plaza), Tax Map 8 Lots 44, 45, & 46; and Tax Map 9, Lots 62, 231, 238, 238-1, 238-3, 239 & 240

Scott Mitchell introduced Kevin King of Prompto. S. Mitchell represents Mr. Grasso who owns the old McDonalds and Tony's Diner, and Richard Parker. Attorney John Daley was here to let the board know the purpose of the lot line adjustment, i.e. turning 6 existing lots into 3 new lots of .69 acres, 1.37 acres and 16.108 acres.

Mitchell presented a diagram based on tax maps. Mitchell asserted that Richard Parker is the only one that has paid taxes on one of the lots. Mitchell also has a statement to this effect from Edwin Adams. A title research shows that Edwin Adams may have an interest in an adjoining lot.

Sue Foote stated that there is a question were the zoning line falls in respect to this parcel. Bill Cox noted that the zoning ordinance gives the board the authority to interpret the zoning line if there is a question. Sue Foote said that the deed for the front parcel is big enough to lead them to believe that the rear line might represent the zoning boundary. Scott Mitchell presented documents from title specialist Don Wilson. A copy was given to the board. The only thing they are proposing for the back of the parcel is a detention pond.

Bill Cox stated he would not be comfortable saying that the zoning went to the back of this parcel with out a variance. Foote asked Cox if he would have any problem having a detention pond in the rear. Mitchell says the ordinance is ambiguous. T. Morgan stated that the zoning boundary determination is the boards call. Foote asked if the determination should be that Zone 2 stops at the end of the first long parcel, would the board have a problem with a detention pond in Zone 2R. T. Morgan noted that at some point the board is going to have to determine whether a commercial detention pond is a permitted use in Zone 2R.

Wayne Morrill addressed Morgan's memo of December 1. Morgan noted that Tax Map 9 Lot 238 is depicted in two locations. Morrill replied that the tax map shows one lot. Morgan said that is the reason this application resembles a subdivision. Mike Lowry asked if the Assessors office had given these lots new numbers. Lowry stated that there has to be two different numbers. Morgan stated that at some point the Assessors office got the idea that this is one lot.

Morrill said that for the plan to be correct they would have to go to the Assessors office and ask for a new tax map number for the parcel that is in the west. Morgan repeated that if this is all one big parcel, the board has a subdivision proposal before it. Parker owns some more land further west. Title research notes by Don Wilson were given to Morgan.

Morrill noted that he brought with him a plan that shows more easements. The easements are not on the earlier plan.

Foote asked why the Irving oil easement has not been depicted. Mitchell stated that Irving chose not to record their plan. Mitchell provided Jones and Beach with a copy of the Irving easement. It referenced on a plan by Frank Montarro. Morrill will put the Irving easement on the next plan revision.

Mitchell resisted a stipulation of approval for the lot line consolidation plan that would require the applicants to provide a covenant to guarantee at least two cross access easement to take effect when Phase II is implemented. Foote stated that this issue would be revisited.

Foote moved that the board interprets detention ponds as a permitted use in Zone 2. Mark Preston 2nd. Vote: P. Evans and M. Lowry opposed. All others in favor. Motion carried.

Foote moved that if this plan is accepted for subdivision and consolidation, that the line marked L1 between “ownership unknown” and “no Tax Map data” is to be considered the zoning boundary between Zone 2 & Zone 2R. Mike Lowry 2nd. Cox opposed. All others in favor. Motion carried

Foote moved to continue this public hearing to January 6. Mark Preston 2nd. Vote: unanimous.

Case 3-43-Proposal by Mark Investments, Inc. To construct a Lowe’s Home Improvement Warehouse store at 403 Lafayette Road (opposite the Southgate Shopping Plaza), Tax Map 8 Lots 44, 45 & 46; and tax map 9, Lots 62, 231, 238, 238-1, & 238-3 & 240

Scott Mitchell presented the application along with Wayne Morrill & Eric Saari of Jones & Beach Engineers, Developer Robert Karp, Rob Jest from Lowe’s, traffic engineer Steven Pernaw, Attorney John Daley, and wetlands specialist Adel Theoro of NH Soils.

Mitchell stated that they are here to construct a Lowe’s Home Improvement Store. Mitchell asked Morrill go over the details of the site plan.

Mitchell noted that the construction plan is incorporated into the site plan. Foote stated that it would be preferable to prohibit the entry next to Irving from being used until after construction is complete. Mitchell says they will keep the way it is for now. They may have to move it when other parts are being constructed. They will have a secondary construction entrance but it won’t be used.

Proposed lighting is 35 feet high. On the rear of the building will be wall-mounted lights at 20ft elevation. They are also proposing a couple of lights along the back of the parking lot in the rear that are 30ft high. The proposed sound wall will prevent a lot of the light from spilling over into the residential area.

Cox made a suggestion that the poles out back be shortened. Mitchell will draw up a new diagram & meet with Cox to work out the details.

Eric Saari stated that this plan will need very little maintenance other than cutting the grass. The drainage infrastructure should last 10, 20 years. The actual structure will probably last more than 75 years. Mike Lowry asks if this will increase the level of Mary's Pond. Saari replied in the negative.

Traffic study results were presented by Steven Pernaw. Very little mitigation will be required. NH DOT has approved the scope of the study. Cox stated that left hand turns onto Lafayette adjacent to Irving has to be eliminated from the proposal due to the high potential for accidents. Pernaw disagreed. DOT is reviewing the design.

Karen Knight made a motion to continue this hearing until January 6th. Mark Preston 2nd.
Vote: unanimous.

Case 3-38- Proposal by Carroll & Faye Pineo for a 27-Lot subdivision between Stard Road and Mill Lane, alongside the Hampton Falls town line, Tax Map 4, Lot 14

Chairman requested that the board begin with T. Morgan's memorandum. Scott Mitchell went over their plan.

Mitchell wanted to make the board aware that Mr. Pineo's house is going to be sold and that he will be building a new house on a lot of his choosing.

Mitchell stated that the mylar fees will be paid as soon as soon as the amount of mylars is determined. Mitchell will seek clarification as to whether the Town has any water rights. Karen Knight suggested it be clarified with Warner.

Mitchell stated that all State permit applications have been submitted, but they don't have any permits in hand.

Wayne Morrill stated that they will monument the easements so they are easily found in the field.

Mitchell confirmed that the open space land would go for conservation purposes. Foote stated that if it does go to conservation, she would like to request that it be written into the deed. Mitchell will meet with Sue Foote to go over this matter.

Wayne Morrill notes that on the sheets, it shows the proposed light fixtures along the roadway.

M. Preston states that the street light committee has requested that they get a sign-off sheet and a copy of the plans. Wayne Morrill will meet with the committee to go over the lighting.

Morrill notes they do have a build able envelope for all lots. Morgan stated the board has the authority to waive the zoning envelopes, but not the lot width.

Morrill will modify proposed lots 6, 7, and 8, as well as 12,13, and 14 as requested by Foote. Morrill also noted that they will be modifying Lot 2, and he acknowledged that the Subdivision Regulations requires the depiction of off-site wetland situated within 25ft of the subject property.

Morrill noted they will include a note about permanent markers being installed. Foote suggested that when standing by one marker, the next be visible. Morrill will come up with something and go over it with Sue Foote.

Morrill will be taking a look at Lot #8 regarding poor design and will remedy the problem.

Karen Knight made a motion to continue this hearing until February 3rd. Preston seconded the motion. Vote: Unanimous.

Proposal to adopt the International Building Codes 2000 and the National Electrical Code 2002. The board decided to hold a public hearing on January 6 at 6 P.M.

Correspondence: Morgan distributed the correspondence.

Driveway Permits Applications: Mark Preston made a motion to authorize Chairman Brown to sign the three driveway applications. Lowry 2nd. Vote: Unanimous

Roadway Issues: This matter will be taken up at a future meeting.

Alternate Member: Foote moved to appoint Paul Garand as a Planning Board Alternate member. Lowry seconded the motion. All in favor.

Adjournment: Chairman Brown adjourned the meeting at 10:40 P.M.

Keely Perkins, Secretary
T. Morgan, Editor