

PLANNING BOARD MEMBERS PRESENT: Chairman Susan Foote, Vice Chairman Mark Preston, Peter Evans, Paul Himmer, Barrie Glidden III, Alternate: Michael Lowry, G. Keith Fowler, Asa Knowles. Others Present: Paul Garand, CEO, Thomas Morgan Town Planner, Michael Fowler Town Engineer

MEETING OPENED: Chairman Susan Foote opened the meeting at 6:00 p.m

Susan Foote explains that agenda format has been changed so that issues concerning correspondence, driveway permits, minutes, etc. are handled at the beginning of the meeting and then the board addresses informal discussions.

MINUTES of June 1, 2004

MOTION: *Peter Evans* *To accept the minutes of May 18, 2004 with the following amendment:*

Page 1 - "Katherine Evans" to read "Catherine Evans"

SECOND: *Michael Lowry* *UNANIMOUS*

PUBLIC HEARING ON AMENDMENTS TO PLANNING BOARD RULES OF PROCEDURE

S. Foote asks board and advisors if they have any additional comments to the revised Rules of Procedure. S. Foote then asks the public if they have any questions or comments about revised Rules of Procedure.

Wayne Morrill, Jones & Beach Engineers, Inc. - questions that Meeting Schedule which strikes the specific time and day and if meetings will now be started at 6:00 p.m. S. Foote - states that, in general, public meetings will begin at 7:00 p.m., but striking the specifics of day and time takes away the restrictions. S. Foote gives examples of meeting with large caseloads and having meetings adjourn at a reasonable hour.

Angel Jean Chiamida, Newburyport Daily News - questions if the days will stay the same. T. Morgan - explains that if a situation occurs that this board had to meet under different circumstances, it would not be in violation of its Rules of Procedure. T. Morgan - apprises Angel Jean that the board will be in summer schedule during the months of July, August and September - meeting only on the third Tuesday of those months.

SECRETARY'S NOTATION: Planning Board secretary will contact A. Chiamida via email if there are any additional meetings, etc.

MOTION: *Peter Evans* *To adopt the Planning Board Rules of Procedure revised as of May15, 2004.*

SECOND: *Mark Preston* *UNANIMOUS*

Town of Seabrook PLANNING BOARD

June 1, 2004

T. Morgan will make clean copy of new Rules of Procedure, for signatures, by June 15, 2004 meeting.

S. Foote - states there will be a Case Compliance Hearing for the Planning Board on June 29, 2004. Would like to review bonds with T. Morgan, F. Welch, S. Foote, P. Garand, C. Perkins, M. Huddell and E. Sanborn by June 13, 2004. Will review all bonds two years and older. Some projects still have work required, bond has expired, but has not been released or closed. Some projects are finished and paperwork needs to be completed and case needs to be closed. For all open and unfinished projects, the applicants will be receiving a certified notice for the compliance hearing. Will be inviting John Starkey and Warner Knowles to hearing, for their issues on some of these projects. Needs to confer with F. Welch - believes incomplete projects have 30 days to come into compliance - if not, board begins procedures to revoke plans. **S. Foote - reiterates the importance of the June 29 meeting to board members.**

CORRESPONDENCE

- NHDES #2004-647, John Leary, 5 Merrimac St, Tax Map 22/Lot 23-2 - approval. 5/17/04
- NHDES #2004-698, Ghazi Azoury, 207 Bristol St., Tax Map 20/Lot 207 - approval. 5/17/04

- Altus Engineering Inc. - Inspection of Merrimac Street Roadway Construction and concerns. - 5/24/04

S. Foote - relates conversation she had with John Starkey, DPW concerning Altus Engineering/Merrimac Street. That contractor did not comply with engineer's suggestions. J. Starkey suggested that this be noted on file, for future reference, if sidewalks should experience deterioration as a result. T. Morgan - states need to make sure bond does not expire and that Maintenance Bond is large enough to cover the sidewalk. M. Fowler - states that he believes there is a \$40,000 bond in place for that project, but questions that there was any provision made for Maintenance Bond - something to look at as the project comes to closeout. S. Foote - states that paperwork given to applicants by the Town states that when bond expires, it will rollover into a Maintenance Bond. By the applicant signing the bond papers, that issue is covered. T. Morgan - yes, but it is still good practice if board gives clear direction concerning Maintenance Bonds. P. Evans - asks what are the consequences of failing to moisten the sub-grade prior to concrete placement and how long will it take for any detrimental effect to show up. M. Fowler - the wetting of the sub-grade is usually for compaction purposes - plate compactor is sometimes used. You don't want to have an un-compacted sub-grade. Does not anticipate any issues if they get proper compaction. P. Garand - states that there could be slower curing rate with moistened sub-grade. S. Foote - questions M. Fowler, if there should be problems, would they show up in two years. M. Fowler - it is possible, but if compacted properly and good concrete was delivered to the site, probably not. S. Foote - questions if Maintenance Bond on sidewalk should go beyond two years. States she will talk with J. Starkey concerning this. M. Fowler concurs.

- Letter from F. Welch, Town of Seabrook - RE: Gould's Way Bond reduction. 5/20/04

Town of Seabrook PLANNING BOARD

June 1, 2004

T. Morgan has copy of letter with Inspection Reports attached for board's additional review. M. Fowler - good paper trail, recommend that bond be reduced to \$55,000.

MOTION: Mark Preston To reduce Gould's Way Bond to \$55,000.
SECOND: Peter Evans UNANIMOUS

- BOA Notice of Decision - Pineo, Stard Road/Mill Lane, Tax Map 4, Lot 14 - Denied request for rehearing - 5/28/04.

T. Morgan - looking for detached duplex. S. Foote - questions definition of detached duplex. T. Morgan - two single family dwellings on one lot. W. Morrill - that is correct, two individual homes on one site instead of attached by some type of awning. S. Foote - questions if we have anything in our regulations concerning detached duplexes. T. Morgan - yes, they are prohibited, in that our regulations state that there will not be two single dwellings on one lot.

- Standard Dredge and Fill Application - Henry Camacho, River Street

S. Foote - does not recall Planning Board reviewing Dredge and Fill applications in past meetings. Questions if they are suppose to go to Planning Board. T. Morgan - one copy is supposed to go to Planning Board - not sure why they haven't in the past. S. Foote - states five (5) copies are submitted: two (2) to Concord, one (1) to Conservation Commission, one (1) to P. Garand's office and one (1) to Board of Selectman. T. Morgan - offers that Town Clerk should review distribution.

DRIVEWAY PERMITS

- **38 Belgian Drive**

S. Foote - J. Starkey's comments "the Contractor must insure that the driveway "shall not" impact the correct flow of the stormwater or allow the stormwater from the road to enter this property". P. Evans - questions who is responsible for following up on Mr. Starkey's recommendations. S. Foote - Mr. Starkey, once the driveway is built. S. Foote - if any of the driveways are not correct, then we don't reduce the bond until they are correct.

MOTION: Mark Preston To accept 38 Belgian Drive driveway permit
SECOND Paul Himmer UNANIMOUS

- **84 Pembroke Street**

P. Himmer - offers that Pembroke Street plan does not depict work that was actually done. The driveway already exists. M. Preston - recommends sending this permit back to J. Starkey for him to check on. S. Foote - concurs.

INFORMAL DISCUSSIONS

- A) Proposal by Oliver & Evelyn Fowler for a minor modification to Nicholas Way. Henry H. Boyd, Jr. presenting.

H. Boyd, Jr. proposes revised plans. The original cut was through sewer and drainage easement and into an 18-inch trunk line - it was 15 feet deep. Instead of coming through last manhole that was proposed and cutting the trunk line and dog-housing a manhole over that line, they are instead proposing to shift this manhole back and take a different sewer easement across Lot 4C, which is parallel to the railroad bed, and have a 9 foot cut instead of the 15 foot cut. Gave copy of profile, with the numbers, to M. Fowler. H. Boyd, Jr. continues to explain changes to plans - stating that it is a much easier installation - they are proposing to core the existing manhole instead of cutting the trunk line. Also proposing to move sidewalk from right side of the street, to the left. Also proposing to move the hydrant back 20 feet from the previously proposed area of on the lot line between lot 3E and 3F. H. Boyd, Jr. asking board to adopt the new engineering design and allow Lloyd Perkins to build the road for the Fowlers in this manner.

S. Foote - questions T. Morgan is this needs Public Notice. T. Morgan - suggests Public Notice. H. Boyd Jr. cites that he considers this to be engineering change, fees for Public Notice, delays for L. Perkins and that sites have not been conveyed at this time. S. Foote - asks if costs for Public Notice could be avoided if board received letter from current landowners stating that they are in favor of changes. T. Morgan - No - State Law requires Public Notice when there are substantial changes to a plan. T. Morgan inquires about work schedule for this project. He suggests a Public Hearing - it will cost \$50 to notify the abutters - in the meanwhile tell them to start building the road. S. Foote - suggests that this proposal be the first item for the June 29, 2004 meeting. H. Boyd, Jr. - inquires if allowed to install the water main and sewer main. T. Morgan - asks the board if they have any problems with this project starting. M. Fowler - offers that new design makes much more sense. G. Keith Fowler - inquires if Warner Knowles has seen plan to date. H. Boyd, Jr. - not yet. G. Keith Fowler - adds that it could cause problems if W. Knowles does not agree with changes and work has been started. A. Knowles - asks if plan could be accepted as read with changes coming up. H. Boyd, Jr. - Yes.

MOTION: *A. Knowles* *To accept plan, as read, with changes and stipulations forthcoming. H. Boyd, Jr. to meet with Warner Knowles.*

SECOND: *P. Himmer* *NO VOTE*

H. Boyd, Jr. - states that if there are any minor revisions, he will submit them to the board. S. Foote - asks if this motion's intentions are to forego a Public Hearing. A. Knowles - states he doesn't like it waiting so long, but if you want to add that to motion, go ahead. G. K. Fowler - states he feels that there is no need for motion tonight, if this project is going to Public Hearing. He considers changes to

the plan are major changes. A. Knowles - states he made this motion based on T. Morgan's comments. T. Morgan - reiterates that he was suggesting to H. Boyd, Jr. that he could get started, with Public Hearing on June 29 for board to vote on it. T. Morgan - states that they can get going and come back on the 29th. P. Garand - states get going as long as he has W. Knowles approval. G. Keith Fowler - reiterates to H. Boyd, Jr. that this has to come to Public Hearing on June 29, that none of this

discussion means a thing if this isn't brought before the board formally. H. Boyd, Jr. - asks if there is an application fee. T. Morgan - states whatever it costs to notify the abutters.

D) **Proposal by Stanley Saracy to amend the Bill's Way subdivision off of South Main Street, Tax Map 15.** Henry Boyd, Jr. presenting.

H. Boyd, Jr. states that this subdivision was approved in 1998. Stanley Saracy Jr. is present at meeting. Would like to change the name of the road from Bill's Way to Stan's Way, in honor of S. Saracy Jr's father. Talked with Fire Chief and he states no problem with changing name. The road is gravel to a point, there is pump station with one pump in it. Superior Concrete has given specs to S. Saracy, Jr. to retrofit this for additional pump and this has been discussed with Warner. Bond has lapsed on this project. S. Saracy, Jr. states that paperwork is ready for a self-calling letter of credit. He also states that he wants to finish what his father started and desires to move to that area. H. Boyd, Jr. - has recalculated the pitch of the road bringing the road profile up. He has talked with M. Fowler on this. Also believes that change of road name should come through the Planning Board. T. Morgan - concurs. Fire Chief has written letter stating that this project doesn't need a hydrant. S. Saracy, Jr. would like to have a hydrant at the front of the road. S. Saracy, Jr. discusses reasons for wanting hydrant. States that it is approximately 250 feet from each hydrant on either side of the road. S. Saracy, Jr. - states general intentions for subdivision. M. Fowler - reviewed their provisions. The pump is a relatively minor item, the road grade is not an issue, he recalculated the bond to \$95,850. T. Morgan - asks board if they want Public Hearing. M. Preston - asks S. Saracy, Jr. who lives there. S. Saracy, Jr. -states Bruce Felch owns three lots on east side, S. Saracy owns three lots on west side. M. Preston - notes that Bruce Felch is in meeting, so all abutters are present. S. Foote - asks B. Felch's opinion of this proposal. Bruce Felch states that he is fine with it - no problem. S. Saracy, Jr. states that he cannot get building permit until he places a bond to finish the project. S. Foote - states no need for Public Hearing because it is already an approved plan, the two owners are present and the changes are relatively minor. What is needed to bring this plan into compliance is to get the bond established and posted. S. Saracy, Jr. - presents copy of M. Fowler's letter concerning update of construction bond cost of Bill's Way subdivision. He restates amount of \$95,850. M. Fowler - states that that figure was essentially a "start from scratch" figure. S. Saracy, Jr. - states that some of the work has been done already. P. Garand - asks if the letter of credit is for the \$100,000 ± figure. S. Saracy, Jr. produces irrevocable letter of credit, that hasn't been dated or signed. Will have this signed and dated if it is acceptable.

MOTION: Mark Preston

To reaffirm the subdivision off South Main Street, currently known as Bill's Way subdivision, Tax Map 15. To change name of road from Bill's Way to Stan's Way. To set Construction Bond in the amount of \$95,850 to last for the term of two

years, and that the bond shall be an irrevocable, self-calling letter of credit, or cash, or passbook in a New Hampshire Bank or FDIC Bank that has offices in New Hampshire.

SECOND: Paul Himmer

UNANIMOUS

MOTION: Mark Preston

To set Maintenance Bond for subdivision off South Main Street, currently know as Bill's Way subdivision, Tax Map 15 in the amount of \$9,585 to start when the Construction Bond is released, and shall remain in effect for two years.

SECOND: Michael Lowry

UNANIMOUS

H. Boyd, Jr. asks board if they have adopted any official policy to accept projects as complete, based on the as-built plan. S. Foote - states that she believes, to date, there has been nothing of that type. But plans to have procedure, with official motion, to finalize and discharge a plan.

B) Proposal by John Colliander and Border Winds Development LLC for land off of London Lane, Tax Map 5, Lots 8-41, 8-42, 8-43 and 2-10. Wayne Morrill, Eric Saari - Jones & Beach Engineers presenting.

W. Morrill presents 4 lots for approval. Lot 2-10 is Mr. Larry Imke's lot south of the self-storage, then Lot 40 that was separated into three different lots. Proposing four buildings: 80x180 building - 14,400 sq.ft. on first lot. Second lot is Mr. Todd Gerrish proposing 80x275 building 20,200 sq. ft. Third lot 75x160 building - 12,000 sq. ft. Mr. Imke's lot 75x250 building - 18,750. W. Morrill further explains the plans for lots, parking, driving docks, consideration of noise. Mr. Gerrish to build 10,000 sq. ft now, 12,000 sq. ft. for future building. One lot has wetland impact, but is not one of the lots that was subject to the wetland impact for the major subdivision. S. Foote - asks if that impact has been submitted to DES. W. Morrill - has not been submitted - permits are being put together. This is why they submitted these lots as four separate applications. S. Foote - states that, from her experience, DES will approve wetlands impact for lot access, not lot development. T. Morgan - suggests that there are enough uplands that building could be positioned without impacting wetlands. W. Morrill - points out elaborate drainage system hindering possible change. E. Saari - explains integrated drainage system. Suggests that could possibly push whole building forward and take out entire row of parking. T. Morgan - suggests changing shape of building to make everything fit and without impacting wetlands. P. Garand - concurs. S. Foote - suggests a convoluted parking lot around wetlands. E. Saari - recognizes S. Foote's concerns - will see what DES says. M. Fowler - questions integrated system and order in which lots are developed. W. Morrill explains. T. Morgan - asks who will be responsible to make sure everybody assumes their obligations. W. Morrill - Mitchell and Colliander will have to have maintenance agreements between the different landowners. M. Fowler - asks T. Morgan about bond issue. T. Morgan - states having heard about integrated system, feels it should be one big bond. S. Foote - states that there will have to be explicit, long-term maintenance agreement on the responsibilities for maintaining the ponds. E. Saari - envisions one company, one contract - cleans out all the sumps, wipes down all your grease

heads in you catchbasins, mows all you lawns in the detention basins and anything else that happens to go wrong, they'll maintain - send the bill and split it three ways. T. Morgan - suggests that this should be in the deed. S. Foote - almost like a condo agreement. P. Garand - asks if this will be part of the stipulations of approval. E. Saari - states that if system is maintained, it will work for 75-year use life. W. Morrill - explains utilities - each unit has its own pump station, own water service, own force mains, hydrant that caters to the three buildings. G. Keith Fowler - asks where hydrants are presently on London Lane. E. Saari - two on London Lane now. W. Morrill - states one will have to be relocated. Requesting waiver for lights - to give less illumination in deference to neighborhood. Elevations are done for each of the buildings. W. Morrill - reiterates Mr. Gerrish's hours of operation 11:00 p.m. to 7:00 a.m., noise level. Wants to be able to bring trucks in and unload them - sometimes 2 and 3 times in a night. Mark Preston - reiterates previous discussions concerning location of building, buffer areas, etc. General discussion of Noise Ordinance. A. Knowles - cites history of problems with residents when Wal-Mart does night work. P. Garand - inquires as to how large his truck is and would it be able to go into the building. T. Gerrish - states he has straight truck 24 feet and that he has two drive-in doors where he could bring trucks into the building. P. Garand - inquires that he could unload inside if he had to. T. Gerrish - right. A. Knowles - asks if he's talking about trailer trucks. T. Gerrish - on occasion we do bring in trailer trucks. Noise Ordinance - unreasonable noise from 10:00 p.m. or 11:00 p.m. until 7:00 a.m. P. Evans - questions about backup alarms on vehicles. Also concerned with vibration transmission in area. Catherine Evans concurs.

Catherine Evans addresses Todd Gerrish concerning lighting trucks, possible insulation, possible rubber mats. States there must be some way to help with the noise abatement. Concerned with his building/business and proximity to her house.

- C) Proposal by Raymond Fay to establish a mattress store at the corner of Walton Road and Lafayette Road, Tax Map 10, Lot 24. Mr. Fay informed T. Morgan that he would not be at meeting this evening. Will be at formal hearing on June 15, 2004.

MEETING ADJOURNED at 7:45 p.m.

Respectfully submitted,

Melanie J. Locke-Huddell