

**SEABROOK PLANNING BOARD
SEPTEMBER 17, 2002 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Paul Garand, Philip Stockbridge, Mark Preston, Alternate Keith Fowler and Selectmen's Rep. Karen Knight. Others Present: CEO Robert Moore, Town Planner Thomas Morgan, PB Engineer Michael Fowler and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:03 P.M.

MINUTES: S. Foote made a motion to approve the minutes of September 3, 2002 meeting. P. Garand 2nd the motion. Members K. Knight, M. Preston, P. Stockbridge and K. Fowler, not present at this meeting, abstained. Motion carried.

**CASE #02-06 – WAL-MART STORES AND CBL FINANCE, INC – SITE PLAN FOR
OUTDOOR STORAGE AREA AT 270 LAFAYETTE ROAD – TAX MAP 9, LOT 49 – FORMAL
CONTINUANCE**

Attorney William Privis and Todd Morey presented the revised site plan for a storage facility at the Wal-Mart Plaza for the board's review and approval. T. Morey said that what has been done is the storage area has been relocated to the rear of the store with the displacement of very few parking spaces. Morey said that the storage facility is now less than 5,300 square feet and that the relocation would not be practical for loading. Loading would be from the current garden center.

Morey told the board that the directional signage would remain on the plan for directing traffic to Route 1 North and the three way stop sign would also remain on the plan. P. Garand asked that emergency access only be added to plan and that stop bars painted on roadway for customers to see. M. Fowler recommended the bond be somewhere between \$15,000 to \$25,000. T. Morgan recommended the bond be broken down into two bond amounts and for a specific number of years.

P. Stockbridge recommended that the approval be conditional on that there will be no more outside sales and the conditions of the BOA.

P. Garand made a motion to approve with the following conditions: BOA conditions met, stop bar at each exit, no loading at back storage area, no exiting except for emergency, no other outside sales except for area of storage and a bond recommendation of \$10,000 for 1 year for fencing and \$10,000 for 3 years for trees, signage, etc. S. Foote 2nd. Vote: unanimous

**CASE #02-25 – PROPOSAL BY BATCHELDER REALTY TRUST AND WATERLINE
INDUSTRIES TO ERECT A 9,000 SQUARE FOOT BUILDING AT 130 BATCHELDER ROAD
– TAX MAP 6, LOT 15 – SITE PLAN – FORMAL CONTINUANCE**

Dennis Hamel of Cammet Engineering and Owner Ralph Dunke presented the plans for a 9,000 square foot storage facility at 130 Batchelder Road across from Woodworker's Way for the board's review and approval. Mr. Hamel said that it would be a warehouse storage and would have very little usage. He submitted a lighting plan that only requires hooded lights over the doors for security purposes.

P. Garand made a motion to waive the photometric grid. P. Stockbridge 2nd. Vote: unanimous.

D. Hamel said that it would not be a site for customers and would only have 2 employees and 6 parking spaces. Ralph Dunke told the board that there would be a 70' foot long tractor trailer on the site and that his main facility was across the street.

M. Fowler told the board that Mr. Dunke had already submitted the bond and that sewer and water had been addressed. S. Foote noted that the plan had not been stamped by a soil scientist but she could attest to the fact that 95% were not wetlands. The board also pointed out that there should not be any outside noise. There were no abutters present.

Paul made a motion to approve the plan with a bond recommendation of \$25,000. P. Stockbridge 2nd Vote: unanimous.

CASE #02-27 – PROPOSAL BY OLIVER CARTER JR AND HANNA INTERNATIONAL FOOD, INC. TO CONSTRUCT AN ACCESS DRIVE FROM 93 RAILROAD AVENUE NORTHLEY TO HANNA'S PROPERTY, TAX MAP 8, LOTS 61 & 66

Henry Boyd of Millennium Engineering introduced the applicants that were present, Mr. & Mrs. Carter, Mr. Hanna and his Attorney Peter Shaheen. Mr. Boyd said that presently Mr. Hanna accesses his property through Depot Lane and is proposing to create a driveway access through the property of Oliver Carter at 93 Railroad Avenue. H. Boyd went over Tom Morgan's letter of review as follows:

#1 Mr. Morgan stated in his review that the proposed driveway would run through the residential zone and for this reason the planning should inquire as to the anticipated truck traffic and in particular determine the maximum volume of traffic anticipated and the hours in which these trucks would be operating. H. Boyd said that a worker at the warehouse calculated that there was now a maximum of 5 trips a day and that the hours of operation were from 7:A.M. to 7 P.M. Mr. Hanna said that his business is growing and that he did not want to be restricted by the number of trucks and the hours of operation and if this was a problem they should let him know now.

#2 Driveway lighting should be examined in view of its proximity to nearby residences. Additional vegetation might help to buffer noise made by passing trucks. H. Boyd said that the Hale's, who are abutters to the driveway, would have the shrubbery of their chose and that the lighting is on the plan

#3 Sloped granite curbing is not included in the legend on Sheet C2. H. Boyd said that granite curbs along the entrance have been depicted to work with existing drainage

#4 Presumably, the plan is depicting no changes to the Hannah facility. Mr. Morgan stated that it is his understanding that the application before the board at this time is for a driveway only and this should be confirmed. Mr. Boyd said that the proposal for the addition was approved on August 15, 2000 and this driveway plan ties the necessary drainage from the street pavement to the driveway. Chris York of Millennium Engineering said that manholes have been added and the drainage will go to the pond.

#5 Sheet 2 of the site plan shows the driveway pavement to be 22 feet in width. The Seabrook Driveway Regulations limit driveway width to 20 feet. A waiver would be necessary in order to approve this plan. H. Boyd said that they would be requesting a waiver.

Chairman Brown polled the board members for their input. Keith, Paul and Phil had no comment at this time. S. Foote said that she had noticed that there was 2 six inch PVC vent pipes at the rear of the property and asked what they were. H. Boyd said that he thought it was just debris and said that it would be removed. S. Foote asked to be notified before removing anything. She said she wants to see what it is before it is touched. Chairman Brown said that he could see why the owner did not want to be held to the 4:30 P.M. time limit but he did not want refrigerated trucks left

running all night or parking on the roadway. Brown said that he thought 7:00 P.M. was a reasonable hour.

Abutter Debra Mckinney asked if there was a fence depicted on the plan and if Depot Lane would be closed off. George Hannah said that he would put a fence if that is what was wanted but Depot Lane would not be closed because he would use it as a u-turn. Mr. Hannah said that a certain neighbor was not making it easy for him and if the board wanted him to stop and go away tell him now. H. Boyd said that Mr. Hannah wants to be able to function at full capacity.

Abutter Jodi Hale asked if the 22' driveway would mean that another foot would be taken on her side as she was concerned that she was only 6' away from the driveway now. She said that no matter what speed the trucks were going if they jackknifed they would go through her house. She also had concerns with the safety of the children in the neighborhood. Richard Davis of 94 Railroad Avenue said that the drainage in the front of his house doesn't work and if the trucks made a wide turn it would be dangerous. M. Fowler said that the manhole should be flushed or cleaned out. Martha Settles said that the water in the gutter freezes in the winter which could cause problems.

M. Fowler recommended a bond of \$59,500 for this project. P. Garand asked if the driveway could be moved closer to the Carter house. G. Hannah said that could be done. R. Moore said it would be better for traffic flow. Faye Gerrish said that moving the driveway closer to her property was not a problem but she asked why access could not be through the power plant access road. H. Boyd explained that they had tried to get access from the power plant three years ago and that they had anticipated new ownership of the plant which might take until 2003. He said that because of what had occurred on 9/11 all negotiations had seized because of security reasons. D. Mckinney asked that a fence be put on both sides of the driveway so that the children in the neighborhood could not go across the driveway.

Lynn Borges asked that a letter from her attorney, Peter Loughlin, be entered into the record. Mrs. Borges complained that there was already more than 3 trucks a day and car traffic was 30 cars a day or more. She said that she bought her home in good faith and that the trucks come in at 4:45 A.M. She said that there is no one to enforce the restriction so unfortunately we had to get a lawyer. Mr. Borges said that there needs to be a sound barrier because the road is only eight feet from our home. She said that she has a video of how loud the trucks are. She said that she has enough traffic now and does not want to be on a u-turn. Abutter Faye Gerrish attested to the fact that the braking system on these trucks make a terrible noise and it rattles her windows. L. Borges also said that these trucks do not stop when they come out and have almost hit her and her neighbor. Chairman Brown suggested that a stop sign be placed at the end of Hannah's property coming out onto the road. Charles Brown said that a driveway doesn't need a stop sign.

Chris Basti of 87 Railroad Avenue said that his concern was that the Planning Board should be addressing the increase in truck traffic in the future and what will this do to our kids. Joe Daley questioned whether another access from the residential zone would be making this zoned industrial. He asked could the town as an entity get the power plant to give access to this parcel. S. Foote explained the position of the power plant. K. Fowler recommended a fence along both sides of the proposed driveway. Charles Chase said that he has lived here longer than any other of the neighbors and he said that he has not been bother by the trucks. He said the smell from the Bailey Plant still exists.

Chairman Brown polled the board members for their comments. K. Fowler requested fencing. P. Garand said that the sound barrier and the fence should be defined. P. Stockbridge said that with the moving of the road over, he could see going in and coming out of the new road. Mrs. Borges said

as long as there are only three trucks on the road going by her house. H. Boyd said that a sound barrier and fence would be erected and noted on the plan. P. Stockbridge asked how many employees. G. Hannah told him 50 to 60 people everyday from 7:00 A.M. to 7:00 P.M. Borges said its from 6:30 A.M. to 7:00. Jodie Hale said that there were at least ten kids at the bus stop and she was concerned about their safety. She asked how many shifts a day. H. Boyd said this would depend on what limits are to be set. Chairman Brown said that we cannot change the BOA restriction of 3 trucks a day on the old road. H. Boyd said that the restriction was on the road not the business. S. Foote said that the approval of the addition was for 5 trucks a day and 7:00 A.M. to 7:00 P.M. H. Boyd asked what the stipulations for the new driveway would be. Attorney Shaheen said that Mr. Hannah needed to know what the meaning of hours of operation and what the BOA meant when they issued their restrictions. He said Mr. Hannah should be given the same rights as other businesses and that he should have the right enter his property anytime.

H. Boyd said that they would move the driveway closer to Oliver Carter's house, erect a fence and erect a sound barrier. He said the fence would be erected on the property line between Borges and Hannah. Oliver Carter said that he has a business operating and that he had no problem with trucks. Chairman Brown said that excessive use would require a traffic study. T. Morgan said that the 2002 approval had restrictions on the number of vehicles and the hours of operation. He said that if the board intends to put limitations on this application they should let Mr. Hannah know. S. Foote asked if 12 trucks a day would be enough. Mr. Hannah said yes. Foote said that if the number of trucks exceed 12 a traffic study has to be done. Hannah said that if his business doubled 12 tractor trailer trucks would be enough. T. Morgan recommended the dual fences. H. Boyd said that the stop sign and bus shelter will be added to plan.

S. Foote made a motion to continue this application to October 1, 2002 at 7:00 P.M. K. Knight 2nd.
Vote: unanimous

CASE #02-29 PROPOSAL BY ARLEIGH GREEN AND FOUR SEASONS DAYCARE TO ESTABLISH A DAYCARE CENTER AT BAERT MARINE BUILDING AT 6 CHEVY CHASE ROAD, TAX MAP 8, LOT 54-2:

Kathy Gilman and Mike Renault presented the plans for a daycare at 6 Chevy Chase Road for the board's review and approval. Robert Moore explained that the daycare that Ms. Gilman worked at just up and left leaving the children without a place to go. This lot is part in Zone 2 & 3. M. Renault said that the existing fence at the rear would be used and that they would be adding bathrooms as soon as possible. Gilman & Renault went over the requirements for daycare. R. Moore said that they would have to meet the parking and fencing requirements by the state.

P. Stockbridge asked about the hours of operation. Ms. Gilman said that it would be from 6:30 A.M. to 5:30 P.M. P. Garand asked about the location of a dumpster. M. Renault said that there would be one located away from the playground. M. Fowler said that there was existing water and sewer.

S. Foote made a motion to approve the daycare and for the Chairman to sign the plan after the addition of the dumpster and dumpster hours of 7:00 A.M. to 7:00 P.M. M. Preston 2nd Vote: unanimous.

CASE #02-31 - PROPOSAL BY SCOTT MACKENZIE TO CONSTRUCT A 6,000 SQUARE FOOT INDUSTRIAL BUILDING AT 9 WHITAKER WAY, TAX MAP 4, LOT 19-60:

Wayne Morrill of Jones & Beach Engineering presented the plans for 60' x 100' industrial warehouse on lot #60 at Whitaker Way. Mr. Morrill said that the building would have two garage doors 30' wide and 13 parking spaces. He said that the building would have a 1" water line and 6" sewer line.

Morrill said that the plan showed the landscaping, snow storage area, dumpster to be enclosed, dumpster hours of 7:00 A.M. to 7:00 P.M. and the drainage from the original subdivision.

Morrill said that they would need a waiver for the lighting and there would be wall pack with hoods. He said the parking would be adequate and that there would be sloped granite curb. K. Fowler made a motion to waive the photometric grid. P. Stockbridge 2nd. Vote: unanimous.

M. Fowler recommended the minimum bond of \$5,000. S. Foote made a motion to recommend a bond in the amount of \$5,000. K. Knight 2nd. Vote: unanimous.

S. Foote made a motion to approve the site plan. P. Garand 2nd. Vote: unanimous.

CASE #02-28 - PROPOSAL BY SEABROOK HOLDINGS II, L.L.C. TO CONSTRUCT A 10,880 SQUARE FOOT CVS PHARMACY AT THE NOTHEAST CORNER OF LAFAYETTE ROAD AND THE SOUTH ACCESS ROAD, TAX MAP 8, LOT 51:

Wayne Morrill of Jones & Beach Engineering presented the plans for the board's review and approval. Mr. Morrill told the board that this site received approval as a restaurant in December of 2000 but is now being proposed as a CVS Pharmacy. Morrill said that it would be a 10,880 square foot building instead of the original approval of 6,500 square feet with 59 parking spaces instead of 74 with a drive through. He said that the open space was now at the back of the building on the South Access Road.

Morrill addressed Tom Morgan's letter of review as follows:

- 1) Sheet C1 shows that the State of New Hampshire owns South Access Road. Deed submitted.
- 2) Sheet C2 shows one free standing sign and the sign for the library that was voted on the town warrant.
- 3) Note #4 on sheet C2 was rewritten to addresses the detention pond.
- 4) Detention pond approved previously.
- 5) Scott Mitchell submitted the architectural elevation.
- 6) NH DOT permit in file.
- 7) M. Fowler recommended a bond in the amount of \$15,000 for lighting an as-built.

Morrill said that William Cox had been at the site and hand picked the lighting. In answer to Warner Knowles inquiry as to how many gallons of water they would be using, Morrill said it would be 100 gallons a day for sink and bathroom.

P. Stockbridge made a motion to approve the site plan with a recommended bond of \$15,000. S. Foote 2nd. Vote: unanimous.

Members K. Knight and M. Preston left the meeting at 9:55 P.M.

CORRESPONDENCE & EXPENDITURES:

Tom Morgan distributed the correspondence and Chairman Brown signed the bills.

DRIVEWAY PERMITS: S. Foote made a motion to sign the driveway permit for 103 Washington Street. P. Stockbridge 2nd. Vote: Unanimous

CIP: T. Morgan gave the members the finalized copy of the Capital Improvements Plan and told the board that the numbers are coming together.

OTHER BUSINESS: Robert Moore informed the board that Grapehill Associates are planning to develop a fourth road in the Blacksnake Mobile Home Park. Moore said that he could not see were

they had any vested rights to do this. He said that he had become aware of this through a wetland application. S. Foote said that she would E-mail Dori and Dave about this application and that the Planning Board will be seeking a legal opinion on this matter.

P Garand made a motion to seek legal counsel on the Lago Mobile Home Park and the Wally Sullivan subdivision plan. S. Foote 2nd. Vote: unanimous

P. Stockbridge had a concern with the swale at Austin's Way.

M. Fowler read the report on Border Winds that had been submitted by J. Starkey the DPW Director. The board discussed briefly their options.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:20 P.M.

MINUTES TAKEN BY: Emily A. Sanborn, secretary.