



## Town of Seabrook Planning Board Minutes

Tuesday, September 4, 2007  
NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Mike Lowry, Clerk; Robert Moore, Ex-Officio Aboul Khan; Peter Evans, Vice Chair; Paul Himmer; Elizabeth Tibodeau, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent: Mark Preston; Paul Garand, Code Enforcement Officer, Alternate;

Chair Foote called the meeting to order at 6:30PM.

### **Minutes of August 21, 2007**

Foote asked if everyone had had the opportunity to review the minutes.

<b>Motion:</b>	<b>Moore</b>	<b>to accept the Minutes of August 21, 2007 as written.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous Abstained: Himmer</b>

Foote said Tibodeau is sitting as the alternate for Preston.

### **SECURITY REDUCTIONS**

**Case #2004-19. Mike Bergeron requesting a security reduction, [extended from July 17, 2007. ]**

Foote read the Bergeron request for a security reduction to \$5000 for maintenance. Foote noted the remaining balance must remain designated for construction security rather than for maintenance, and reported that the Code Enforcement Officer has indicated that retaining that amount for the construction completion is sufficient. The Sewer Superintendent requests another \$3000 be held for incomplete sewer issues. Evans asked if the \$5000 figure was for the maintenance amount.

<b>Motion:</b>	<b>Foote</b>	<b>. To reduce the construction security held in connection with Case #2004-19/Bergeron to \$8000 or to ten percent of the original site security, whichever is the greater amount</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Foote continued Case#2004-19 to May 6, 2008 at 6:30PM in Seabrook Town Hall.

### **CORRESPONDENCE/ANNOUNCEMENTS**

#### **06-46 Border Winds**

Foote read a letter from Henry Boyd of Millennium Engineering his activity during the site work and stating the site work is done. Boyd believes the work performed meets the intent of the Planning Board's decision, and asked [road acceptance] be sent to the Board of Selectmen as soon as possible as Mr Benoit will be departing for South America in October. Kravitz said this is on the Agenda for September 18, and noted Morgan is reviewing the revised deed. Moore asked if the DPW Manager had written a letter as he would be the one to oversee administer the site. Foote



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said she had visited the site with the Town Manager and the DPW Manager who would also be discussing what form of paperwork would be required. Boyd said at the site walk the DPW Manager said he would not write a letter unless requested by the Town Manager. Foote noted the DPW would ordinarily have to abide by the approved plan and the actual work differs. Ultimately the decision is up to the BOS. Morgan said Planning Board action should wait for the next meeting when this and related cases are on the agenda. Foote noted Case #2006-46 has been continued to September 18, 2007 at 6:30PM in Seabrook Town Hall.

Morgan said Mr Benoit has indicated he wants to also take care of the London Lane deeds. Kravitz said this will be a September 18 Agenda item; Mr Benoit has indicated he will attend that meeting.

Foote read a letter from **Demetra Migos of Tasty Subs and Pizza, 781 Lafayette Road, requesting permission to construct a shed for equipment storage on an adjacent lot.** Morgan asked the size of the shed. Migos said 12'x24, and added she owns and pays taxes on the two lots. Evans asked about a container on the lot. Migos said that is gone. Thibodeau said there should be input from the Code enforcement Officer. Foote said the CEO would deal with the placement during the building of the shed to keep down the expense of a full site plan review. Evans agreed, and asked if there would be sprinklers. Migos said the shed would be pre-built, without a foundation. Items to be stored are stainless steel equipment; no electricity would be used. Foote noted there is more than enough room for the structure

<b>Motion:</b>	<b>Lowry</b>	<b>to waive jurisdiction for the shed on the lot adjacent to 781 Lafayette Road owned by Demetra Migos at this time, and refer the proposal to the code Enforcement Officer.</b>
<b>Second</b>	<b>Khan</b>	

<b>Motion:</b>	<b>Evans</b>	<b>to amend the previous motion to limit the shed to not greater than 288 square feet and to require site plan approval for any other development on the site.</b>
<b>Second:</b>	<b>Thibodeau</b>	<b>Approved: Unanimous</b>

<b>Motion:</b>	<b>Lowry:</b>	<b>to waive jurisdiction for the proposed shed on the lot adjacent to 781 Lafayette Road owned by Demetra Migos at this time, and refer the proposal to the code Enforcement Officer, conditioned that (i) the shed is limited to not greater than 288 square feet, and (ii) site plan approval is required for any other development on the site.</b>
<b>Second:</b>	<b>Khan:</b>	<b>Approved: Unanimous</b>



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Foote referenced the updated Planning Board Rules of Procedure provided by Morgan from, his files. This is now the operative document. Foote reminded that the October 2 Planning Board meeting is another worksession/Public Hearing for any proposals for changes to zoning or subdivision regulations. Aspects of the discussion might alter the Rules of Procedure.

### **Case #04-51/Patel, 5 Main Street**

Foote read a letter from the Code Enforcement Officer indicating the work is substantially complete and recommending the site security be reduced. Foote said this case is now in conformance.

<b>Motion:</b>	<b>Evans</b>	<b>to return all site security held in connection with Case #2004-51/Patel, 5 Main Street, and close the case.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case #2007-13 - Proposal by Sandra Randall, Tina Harley, and Bruce & Cynthia Brown for a lot line adjustment at 38 & 40 River Street, Tax Map 23, Lots 38 & 40, continued from June 19, 2007.**

Foote read a request from Attorney Mary Ganz to continue case #2007-13 because the applicants are not yet ready. Foote continued case #2007-13 to October 16, 2007 at 6:30PM at Seabrook Town Hall.

### **OTHER BUSINESS**

#### **SPECIAL WARRANTS FOR IMPACT FEE STUDY AND MASTER PLAN UPDATE**

Attending: Bruce Casassa, Seabrook School Board;

Foote called attention to the school enrollment figures for the past five years provided from the school department, showing the average pupil population, and construction, transportation and special education average costs. She noted the School Board representation in attendance. Discussion on impact fees is relevant because the Planning Board budget is being prepared. Since the costs for preparation of an impact fee study and ordinance, as well as for the Master Plan, are expected to be above \$5000, they each will require an RFP and special warrant article. Morgan said he has contacted Bruce Mayberry for an estimate on an impact fee study. Foote asked if RFPs should be published to gain estimates for special warrant articles. Morgan said he will ask Mayberry for a specific proposal. Foote noted any commitments for schools must be projected in the [Capital Improvement Program.]. To expend funds, the Seabrook School District will need to submit requests through the CIP process using the new forms designed by the Town Manager.

Evans asked if the School Board anticipates the downward enrollment trend will continue. Casassa, said "no". The costs would not go down because \$75,000 to \$155,000 will be needed for special education, and future costs, and numbers of students and their ages, are unknown because student needs are determined at the beginning of the school year. Casassa said they will work on the CIP form and warrant articles for future construction items. Evans asked about the current building capacity. Casassa said the only capacity in the schools is the two gyms and the cafeteria. Individual



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classroom size is holding steady. Evans asked how many classrooms would be needed if the school district was to embark on building new facilities. Casassa said he could not estimate this; there is a large turnover and the total number of students has remained flat. The elementary level has the greatest need, but that could change. Evans asked if trailers are being used. Casassa said one module is used for special ed, for example, for reading classes.

Foote said there appears to be a mini-baby boom trend nationally. Moore asked if this is reflected now. Foote said probably in four or five years schools would be affected. Evans commented these are only guesses and asked Casassa if the potential impact on schools of another 60-100 students spread through the schools could be absorbed. Casassa said this could not be absorbed because the requirements of the No Child Left Behind Law change from year-to-year. The push is for all-day kindergarten for which there is not now sufficient classroom space. Evans noted that student increases also mean increasing the number of teachers and salaries. Foote asked Morgan if impact fees can support staffing. Morgan said they are for infrastructure only. Foote asked for further comment from the Board or those in attendance; there being none. Foote thanked Casassa for participating in the meeting.

**John Leary asked the status of Merrimac Street.** Foote said the comments on the revised deeds when ready, and the drainage issues, are being submitted to the attorney. She noted that at least one end of the retaining wall appears to be substantially in the right of way. Also, compliance with the Dredge & Fill Permit needs to be reviewed. Foote said Case #02-30 issues could be heard on the September 18<sup>th</sup> Agenda, but this may be insufficient time for the Attorney to respond.

### **PUBLIC HEARINGS**

Foote opened the Public Hearings at 7:12PM.

### **ONGOING CASES**

**Case #2004-50 Paulo & Lisa Cabral & Cheryl Willis for a subdivision off of Ledge Road, 94/96 Blacksnake Road, Tax Map 3, Lot 4-1;**

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Foote reminded that the Zoning Board of Adjustment variance had been through several court decisions. Foote asked if the lot-lines are unchanged from the plan submitted to the ZBA. Boyd said they are the same; there has been some updating. The application had been through department head review. It could go back to the Technical Review Committee. Foote noted some department heads are new.

Foote asked how the stormwater regulation changes since 2004 would be addressed. Morgan said the question of the extent to which this case is grandfathered should be posed to the Board's attorney. Boyd said at the time it wasn't stormwater/treatment didn't have to be addressed for a minor subdivision. Morgan said an opinion of counsel is needed. Boyd said it is unusual for applicants to have suffered for four years. There were two or three Planning Board meetings, and he wants to assure that equity occurs. They've done more than the regulations require. Evans said the alternative is to comply with current regulations. Boyd said this isn't possible as a fifty-foot right-



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of-way would give no ability for a family sub-division. Foote read the Zoning Board of Adjustment variance requesting a special exception re dimensional requirements or expansion of a non-conforming use with respect to reduced frontage, depth and/or width, debris removal, single homes, and town sewer et al. Drainage flow across the property is to be improved. Compliance is to occur before the building permit is issued.

Foote said the variance did not deal with "major" subdivisions, or "minor" subdivisions which at the time allowed a road to service three lots or less. There are 2 lots on Blacksnake Road and 3 on Azor Way. Boyd said these lots take their frontage and access of Blacksnake Road. This is double injury. This case was submitted under the subdivision regulations at that time; two lawsuits caused the delay. The application was accepted and reviewed in 2004. Evans said going back to 2004 isn't feasible, because the ZBA didn't address minor subdivision problems. Boyd said there was no minor subdivision problem at the ZBA because there was an ordinance at the time; it should be valid at this time. Morgan said the ZBA has no jurisdiction over subdivision regulations. The Town did injury to these people.

Foote referenced two letters from Anthony George who is concerned about site activity and the subdivision classifications. [George provided copies]. Foote noted there were different regulations for minor subdivisions in 2004. Boyd said it was done as a minor subdivision road in a major subdivision, as were other such projects. Morgan noted the confusion was resolved in 2004 and that policy should be researched. Boyd said he would bring documentation for similar subdivisions approved around that time. Also, drainage from the George property goes across the Cabral property. George said this case was accepted as a major subdivision. Foote noted this property required extensive variances to create the lots. Boyd said that's why the case went to the ZBA. It has been through Superior Court; the Supreme Court would not review it. Morgan said to accept Boyd's offer to research like cases at that time. Foote noted Boyd's contention that the three Azor Way lots constitute the minor subdivision. Boyd asked the case be sent to Technical Review. Foote scheduled Case # 2004-50 for Technical Review on September 24, 2007 at 10AM at Seabrook Town Hall, and continued the case to October 16, 2007 at 6:30PM in Seabrook Town Hall.

**Case #2006-61 - Proposal by Edwin F. Adams and Griffey Seabrook LLC to construct a 89,911 sf Kohl's Department Store, a 12,500 sf retail establishment, and a 5,495 sf restaurant off Lafayette Road, between Lowe's and the Seabrook Recreation Center, Tax Map 9, Lots 62, 238-1, and 240, - Traffic Impact and Site Access Study, continued from July 17, 2007.**

Attending: David Walker, Rockingham Planning Commission; Jim Grafmeyer, Developers Diversified Realty; Robin Bousa, VHB, Attorney Richard Uchida,

Appearing for the Applicant: Robert Korff, Griffey Seabrook LLC; Wayne Morrill, Jones & Beach Engineers; Scott Mitchell; Attorney Mary Ganz; Stephen Pernaw, Pernaw & Company;

Foote noted there have been concerns from department heads about extensive changes, including the addition of irrigation, and three requests to return the plans to Tech Review. Morrill said the original tech review was in March. A lot of the changes were requested. The comments from water and sewer are all technical items. Morrill said he isn't sure what would be accomplished in Tech



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Review other than responding to those technical comments. Foote said one issue is that irrigation was added without an onsite well. Morrill said that irrigation would be removed and any issues are technical. Morgan asked if there is an objection to Technical Review. Morrill said there is as it has been to tech review twice and four revisions have been submitted.

Evans asked why the Tech Review request. Foote said several department heads have complimented the Board on getting the Tech Review up and running. They value the interchange with each other. Thibodeau said to proceed to Tech Review. Mitchell said the case began in March and they were done. Khan said if two department heads want Tech Review, it is the right thing to do. Foote said the focus for this meeting is traffic and several individuals are attending to discuss it. The case should go back to the Tech Review process. Khan submitted a newspaper article concerning a recent fatality at the intersection of Route 1 and Lake Shore Drive, and describing the narrowing of the lanes as contributing to the accident. He believes this problem is relevant to this project, and said several people have asked that the engineers look at this. Mitchell said the comments are minor and not appropriate for going back to Technical Review. Foote asked if department head comments had been provided. Kravitz said Morrill now has copies of comments and other communications received since the last meeting. Foote scheduled Case #2006-61 for Technical Review Committee on September 10, 2007 at 10AM at Seabrook Town Hall. Morrill said revisions will be ready for the meeting.

Foote referenced the traffic related communication from David Walker of the Rockingham Planning Commission commenting on the Kohl's/Route 1 situation, and the letter received today from Jim Grafmeyer of Developers Diversified Realty' outlining a proposal to up-front the costs for Route 95/107 Bridge improvement, provided other developers eventually contributed. [Board Members studied these items] Additionally, the Police Department has provided a memo concerning vehicles cutting through the Town Fair Tire site. Morgan said the DDR letter is very interesting. Foote said this offered a potential solution. Mitchell said the two letters were only provided today, and they weren't seeking Grafmeyer's approval on this project. Morgan said the DDR letter appears to allocate twenty-percent of the trips over the Route 95/107 Bridge to the Kohl's project. Mitchell said Pernaw did a traffic impact study which had peer review by Bayside Engineering. The Department of Transportation letter stated what the offsite mitigation, including the dollar amount, should be. Morgan noted several traffic experts were in attendance, and he was interested in the extent to which their opinions agreed or disagreed about the impact of this project on the Bridge. Foote said the DOT letter implied the Town should be responsible for holding escrowed funds for roadway improvement in anticipation of collecting the full amount needed within six years. Should sufficient funds not be collected by that time, the monies would have to be returned. This would mean the project would have been built without paying the relevant roadway impact costs.

Morgan asked Mitchell for his view of DDR's assertion that Kohl's will be responsible for twenty-percent of the impact on the Bridge. Mitchell asked Pernaw to respond. Pernaw asked for the derivation of this figure. Morgan asked Pernaw if his study had come up with a "ballpark" figure as to the impact of Kohl's on the Bridge. Pernaw said his study had projected a generation rate through the interchange of approximately forty trips during peak hours; this could be higher when certain turns are considered. Morgan asked where the "twenty-percent" came from. Bousa



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disagreed with the Pernaw average rate figure explaining that VHB had used a regression formula yielding a higher trip estimate. Bousa explained the VHB distribution model used for the Kohl's is the same as was done for the DDR project, and stated the cost distribution would be more equitable when future development projects could share in the cost. Morgan asked how far apart the Pernaw and VHB estimates of the impact on the Bridge are. Bousa said Pernaw thinks 40 trips and VHB thinks it is closer to 200 trips, noting that VHB applied a more regional perspective to Route 1 that wasn't looked at in the Kohl's traffic study.

Pernaw said the trip rate and trip generation regression methodology are both acceptable. Both were discussed at the DOT scoping meeting where the trip generation method was favored. He is not satisfied with the DDR/VHB trip distribution theoretical estimates. The Pernaw Study looked at hard data, including that of Lowe's, Home Depot, WalMart, and Southgate Plaza; the average was 48 to the north and 52 to the south. The trip distribution also depends on the location of the site; the Kohl's is closer to the Massachusetts border. The Kohl's study trip distribution was reviewed and approved by the DOT, and Pernaw said he is not interested in adding to the study. However, if authorized by his client, he would look at the VHB numbers and compare notes to see where the differences are. Bousa said she would check her notes from the DOT scoping meeting, but asked if there are 300 customers entering and then exiting the Kohl's site, why would 600 parking spaces be needed. Perhaps there is a middle ground.

Mitchell said he has done business in Seabrook for twenty years. He had never been at any Planning Board, in Seabrook or elsewhere, where a traffic impact study was done, the board selects the peer reviewer, and then another traffic study was done. He's not here to please DDR and understands it wants to put as much burden on [the Kohl's project] as they can. He referenced the work done to put the project together and the revisions, including right in/out and sidewalks etc, made for the Planning Board. Mitchell said we've done everything we can do", noting the DOT letter stated the offsite mitigation and the Bayside peer reviewer's comments had already been discussed. Evans said the Planning Board is getting all of the information it can, noting the professionals are safeguarding the interests of their clients. Ultimately it is up to the Planning Board to make the decision. There is input from RPC and DOT. Morgan said the DDR letter is the first time the Routes 95/107 Bridge is acknowledged as a serious problem with a concrete proposal offered to fix the Bridge. Neither the DOT nor the Corridor Study talks about the Bridge.

Korff asked the nature of the proposal and was provided with a copy of the DDR letter. Morgan said the proposal indicates that DDR would put-up eighty-percent of the costs. Grafmeyer said DDR's proposal assumes a fair-share contribution would come from other projects generating traffic off the Bridge; it's been acknowledged that one developer can't fix it all. DDR would consider taking the lead if the Town would work with it to arrive at a cost-sharing agreement. Korff asked what the basis would be for allocating a project's fair share.

Uchida said by statute the Planning Board has the ability to impose extractions for offsite improvements. The proposal is for DDR to take the lead in getting an improved situation and, as future developments occurs, a monetary value would be assigned to the number of trips such a project generates, and require that project to contribute financially toward an improvement that



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may already have been created. In this situation, if DDR's share were at 80 percent, and Kohl's at 20 percent, each would get money back based on trips generated by future projects. The Planning Board has the power to create such an exaction schedule and recoupment mechanism. The State has created the problem for the Town by ignoring please over time by this Planning Board for help. DDR decided to put forward a proposal that allows for some cost recovery, because it shouldn't bear everything, but allows for some improvements to get going. Developers should be part of the solution. Morgan asked if the proposal is to put \$3,200,000 million in escrow. Uchida said the figure is approximately \$4,000,000. Foote said the need is for the physical work to be done with reimbursement afterwards. Evans said DDR pays for it, builds it and then new developers pay DDR according to the amount of trips generated.

Grafmeyer said DDR would pay all of the cost now and reimbursement payments would go back to it. This solves the concern about maintaining funds in escrow. Foote said DDR's proposal is an innovative suggestion never seen by the Board, where a developer proactively moves to help solve a problem for Seabrook with the justifiable request to recover some funds in the future when other developments add burden to the road system. Mitchell said \$1,000,000 was spent to create five lanes on Route 1 as part of the Lowe's Phase 1 construction, and it was known this included a 100,000 square foot Phase 2. This developer should get credit for this. Foote said this is a conceptual discussion trying to solve a serious problem for the Town. There are not hard numbers

nor was anyone saying that past work wouldn't be considered. Foote asked Walker if the RPC was familiar with such proposals. Walker said there are such public/private partnerships and referenced Lowe's and WalMart in Epping and along Route 125. It's a good option to look at with the lawyers and engineers. Realistically this is how such improvements will need to work because the DOT has no money. Foote asked how the DOT would respond to the Town's concerns about putting funds in escrow. Walker thought if the Town and developer had a better plan, the DOT would be accepting of getting the work done.

Morgan asked for suggestions about how to come up with a workable formula. if there were firms Uchida said to begin with comments from the peer review engineering firm, and he [Uchida] can supply some examples. Morgan asked for suggestions of "neutral" engineering firms that specialize in developing formulas for such projects. Lowry asked for the boundaries and scope. Uchida said the idea is to establish a trip generation threshold that would trigger a developer contribution. Grafmeyer said this proposal is based on the Route 107/95 Bridge corridor. Evans said the scope is whatever the Board decides it should be. Moore noted that other exactions had been discussed. Grafmeyer said DDR wants to solve the Board's problem.

Evans said this is an interesting, innovative proposal. He asked Walker to highlight the traffic comments in his RPC letter on the Kohl's. Walker said his comments are in light of the route 1 Corridor Study which he is preparing. The Boynton Lane signal fits in the Corridor Study which also advocates raised center medians, eliminating left turns, and full pedestrian crosswalks. He said the Kohl's plan has no raised medians and only two crosswalks. The Corridor Study favors interconnecting parcels to signals, for example, to WalMarts and the Recreation Center. Walker



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said estimates for widening Route 1 from Railroad Avenue north to Route 107 are about \$800,000; estimates for work to the south are not yet in, but three different configurations with varied costs and impact are in progress running as far as the State line. Evans asked if the Kohl's impact runs from Route 107 south to Cains Brook. Walker said there is no judgement as to who should pay for such potential improvements.

Mitchell said for the Home Depot, twelve-foot easements were obtained from abutters because raised medians kill business. Foote agreed raised medians make Route 1 travel very difficult and negatively impact some businesses. However, it might reduce the risk from high-speed cars when turning into the Rec Center. Thibodeau said the restaurant at Routes 107/1 turned over three to four times as patrons can't access it because of the medians. Walker said raised medians are recommended at intersections (not universally) for safety and functionality; they add value to businesses and there are/will be alternatives for getting to the lights. Morgan thanked Walker, and asked when the Route 1 Corridor Study would be released. Walker said it is about ninety-percent ready and will first go to the advisory committee, hopefully, in October.

Foote asked Morgan to contact Bayside Engineering and the DOT about the DDR proposal/option, coordinate discussion among traffic specialists and other appropriate parties, and return to the Board with a summary. Grafmeyer suggested a worksession. Morgan agreed.

Khan said to Mitchell there has to be a way to get two-way cross-connection between the Recreation Center and the traffic light. Pernaw thought a two-way connect to the light would be a mistake. It would encourage short-cutting through the Rec Center. Also stacking on Route 1 should be avoided. It will be easier to take a left out of the Rec Center. Khan was not satisfied.

Foote scheduled Case #2006-61 for the Technical Review Committee on September 10 at 10AM in Seabrook Town Hall, and continued the case to the Planning Board meeting of September 18 at 6:30PM in Seabrook Town Hall.

**Case #2007-11 - Proposal by Frank H. Beckman, Jr., Bruce & Cynthia Brown, and Sunk Rock Real Estate, LLC for a 54-lot subdivision between Farm Lane and Causeway Street, Tax Map 13, Lots 50, 51, 52, 53, 54, 67, 90 & 91, continued from August 21, 2007.**

Lowry asked if this would be the last case to be heard as it was after 9PM. Foote noted the number of new cases and asked for the Board's consensus, which was to continue with the agenda cases.

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;  
Boyd favored the VHB peer review of the Beckman Woods traffic study. The next plan revision would occur after the traffic peer review and school impact information was received, and would include drainage aspects. Boyd noted that if there were 75 new students the impact over 13 grades would be 5 per class. There is nothing else he can do to satisfy school questions. Morgan asked if the applicant is willing to pay the cost of the traffic peer review. Boyd said Michael Green is ok with fair costs to all applicants. Foote asked if board members had had the opportunity to read the



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VHB proposal, and said it is a fair cost and recommended the Board go forward. Morgan noted some department heads were not happy with the original scope. Foote asked when and at what time the counts were done on Route 286, because she recently experienced about 56 cars traveling southbound between Walton Road and the Route 286 lights. Boyd said to look at the figures after the peer review. Boyd said if the pond is not filled it would be swampy. Also, he believes there is not a "dam". He will research the pond topography, and get more inspection fee numbers from the Dam Bureau which categorizes dams from "severe hazard" to "non menace". Boyd believes any fee assessments are paid over time.

<b>Motion:</b>	<b>Evans</b>	<b>to accept the Vanesse Hangen Brustlin, Inc., proposal for a peer review of the Case #2007-11 Beckman Woods Traffic Study</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Boyd asked for a copy of the contract to be sent to Michael Green. Bousa asked if VHB is free to speak directly with the study provider and with Boyd. Foote said "yes". Morgan recommended speaking with the Police and fire Chiefs. Foote continued Case #2007-11 to October 16, 2007 at 6:30PM in Seabrook Town Hall.

**Case #2007-12 - Proposal by CBAN, LLC to erect a 30,600 square foot industrial building at the corner of London Lane and Ledge Road, Tax Map 5, Lot 8-50, continued from August 21, 2007.**

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineering  
Morrill said they are working on a Conservation Easement, and a Zoning Board of Adjustment variance has been granted. He requested the case be sent to Tech Review. Foote scheduled Case #2007-12 for the Technical Review Committee on September 24 at 10AM at Seabrook Town Hall and continued the case to the Planning Board Meeting of October 16, 2007 at 6:30PM in Seabrook Town Hall.

### NEW CASES

**Case #2007-19 - Proposal by Henry & Marilyn Imke for a lot-line adjustment between Seacoast Mini-Storage on Route 107 and London Lane, Tax Map 5, Lots 2-10 & 3;**  
Foote said this is a case of moving a lot- line to protect the land.

<b>Motion:</b>	<b>Moore</b>	<b>that Case #2007-19 does not require going to the Technical Review Committee.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

<b>Motion:</b>	<b>Moore</b>	<b>to accept Case #2007-19 as complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>



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<b>Motion:</b>	<b>Moore</b>	to grant the Case #2007-19 request for a topography waiver.
<b>Second:</b>	<b>Lowry</b>	Approved: Unanimous

<b>Motion:</b>	<b>Moore</b>	to approve to approve Case #2007-19 - Henry & Marilyn Imke for a lot-line adjustment between Seacoast Mini-Storage on Route 107 and London Lane, Tax Map 5, Lots 2-10 & 3, conditioned on the other owner signing all documents necessary.
<b>Second:</b>	<b>Lowry</b>	

Footo asked if any abutters had questions or concerns; there being none.

<b>Motion:</b>	<b>Moore</b>	to amend the approval motion for Case #2007-19 to include a written waiver for the topography.
<b>Second:</b>	<b>Lowry</b>	Approved: Unanimous

<b>Motion:</b>	<b>Moore</b>	to approve Case #2007-19 - Henry & Marilyn Imke for a lot-line adjustment between Seacoast Mini-Storage on Route 107 and London Lane, Tax Map 5, Lots 2-10 & 3, conditioned on (i) the other owner signing all documents necessary, and (ii) providing a written topography waiver, and (iii) allowing the Chair to sign once those conditions have been met.
<b>Second:</b>	<b>Lowry</b>	Approved: Unanimous

**Case #07-20 - Proposal by Joyce Addison for a two-lot subdivision at 2 Whittier Drive, Tax Map 8, Lot 38-2;**

Attending: Joyce Addison, Jimmy Perkins;

Appearing for the Applicant: Ernie Cote, [Cote & Associates];

Cote said the purpose of the lot-line adjustment is to create two parcels, each of which goes with an existing mobile home. No variance is requested; the lots will have the required frontage and area. The plan will be revised to better place the side lines, include the 100 square-foot box, town sewer and water, and eliminate the driveway or show the easement. Morgan said a sewer easement and a waiver for the topography is needed. Footo said to show the water service to both lots. Morgan asked if the plan is complete.



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<b>Motion:</b>	<b>Moore</b>	<b>to accept Case #2007-20 as administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

Morgan said the case does not require going to the Technical Review Committee. Foote said the property lines need to be bolder, a written waiver for the topography submitted, the water lines shown, and a redrawing of the driveway. Himmer said to show other utilities. Foote continued Case #2007-20 to September 18, 2007 at 6:30PM at Seabrook Town Hall.

### **Case #07-21 - Proposal by One Rocks Road LLC for an 11,000 square foot retail store at 756 Lafayette Road, Tax Map 7, Lot 98;**

Attending: Frank Attalla

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd said this parcel was already approved as a restaurant, but does need Tech Review. The wetlands stamp and easement is to come; the drainage analysis is done. Boyd submitted the elevations page.

<b>Motion:</b>	<b>Himmer</b>	<b>to accept Case #2007-21 as administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Foote scheduled Case #2007-21 for the Technical Review Committee meeting on September 24, 2007 at 10AM in Seabrook Town Hall, and continued the case to the Planning Board meeting of October 16, 2007 at 6:30PM at Seabrook Town Hall.

### **Case #07-22 - Proposal by Windsurf Realty LLC and 728 Lafayette Road Realty Trust for a lot line adjustment at 728-738 Lafayette Road, Tax Map 7, Lots 124 & 125;**

Appearing for the Applicant: David Baxter, Henry Boyd, Millennium Engineering;

Baxter described the lot-line adjustment to demark the L-shaped area belonging to Charlie Movadi. Morgan said to request a waiver for the 2' contours, and .that the case is ready for acceptance.

<b>Motion:</b>	<b>Himmer</b>	<b>to accept Case #2007-22 administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

<b>Motion:</b>	<b>Moore</b>	<b>to grant the Case #2007-22 request to waive the topography.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>



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Baxter said he will provide the digital and consult with Morgan on the monuments. Boyd said only new line monuments are set. Baxter said the other corners are existing. Boyd said the mylar will be provided.

<b>Motion:</b>	<b>Moore</b>	that Case #2007-22 does not require going to the Technical Review Committee.
<b>Second:</b>	<b>Himmer</b>	Approved: Unanimous

<b>Motion:</b>	<b>Evans</b>	to approve Case #07-22 - Windsurf Realty LLC and 728 Lafayette Road Realty Trust for a lot line adjustment at 728-738 Lafayette Road, Tax Map 7, Lots 124 & 125, subject to provision of the digital and the mylar.
<b>Second:</b>	<b>Thibodeau</b>	Approved: Unanimous

Foote noted lot-line adjustments are not recorded before thirty days following the date of approval.

**Case #07-23 - Proposal by Yvonne Colin and Yvette Bradley for a lot line adjustment at 3-5 Phoenix Way, Tax Map 16, Lots 56-2 & 56-3;**

Attending: Yvonne Colin, Yvette Bradley

Appearing for the Applicants: Attorney Mary Ganz

Ganz said the purpose of the lot-line adjustment is because one mobile unit is a little over the line. There are no changes in the driveway, wetlands or impervious surface. A waiver is requested for the topography. The mylar and digital are to come.

<b>Motion:</b>	<b>Moore</b>	to grant the Case #2007-23 request to waive the topography.
<b>Second:</b>	<b>Lowry</b>	Approved: Unanimous

<b>Motion:</b>	<b>Lowry</b>	that Case #2007-23 does not require going to the Technical Review Committee.
<b>Second:</b>	<b>Thibodeau</b>	Approved: Unanimous

<b>Motion:</b>	<b>Lowry</b>	to accept Case #2007-23 as administratively complete for jurisdiction and deliberation.
<b>Second:</b>	<b>Thibodeau</b>	Approved: Unanimous



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Footo asked if the Board or abutters had questions or concerns; there being none. Evans said to assure all proper easements are in place.

<b>Motion:</b>	<b>Evans</b>	<b>to approve Case #07-23 - Yvonne Colin and Yvette Bradley for a lot line adjustment at 3-5 Phoenix Way, Tax Map 16, Lots 56-2 &amp; 56-3, provided all proper easements are in place.</b>
<b>Second:</b>	<b>Thibodeau</b>	<b>Approved: Unanimous</b>

**Case #07-24 - Proposal by Camp Meeting Development LLC for a condominium conversion at 25 Dows Lane, Tax Map 12, Lot 14-30.**

Attending: Attorney Mary Ganz

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

Morrill requested this case be sent to Tech Review. Footo scheduled Case #2007-24 for the Technical Review Committee meeting on September 24, 2007 at 10AM in Seabrook Town Hall and continued the case to the Planning Board meeting of October 16, 2007 at 6:30PM at Seabrook Town Hall.

<b>Motion:</b>	<b>Moore</b>	<b>to accept Case 2007-24 as administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Himmer</b>	<b>Approved: Unanimous</b>

Footo reported receiving a letter stating a new series of licenses, including a landscape license, would be in effect as of July 12, 2007. This means a licensed landscape stamp is to be marked on a plan.

Footo adjourned the Public Hearing at 9:57PM and the Public Meeting at 9:58PM.

Respectfully submitted,  
Barbara Kravitz, Secretary  
Seabrook Planning Board