



## Town of Seabrook Planning Board Minutes Draft

August 16, 2005

Meeting called to order at 6:05 PM. Members present: Sue Foote, Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans (arrived 6:15 PM), Keith Sanborn, Patricia Welch, Secretary.  
**Foote:** First item on agenda are minutes of the meeting August 2, 2005 and the special meeting August 3, 2005. Does anyone have any questions, concerns, comments, corrections?  
**Sanborn:** can we do them separate because I wasn't here on the 2<sup>nd</sup>.

**Motion:** Lowry To approve minutes of August 2, 2005

**Second:** Garand Unanimous with Keith Sanborn abstaining because he was not at the meeting.

**Motion:** Garand To approve minutes of Special Meeting August 3, 2005

**Second:** Lowry Unanimous

**Foote:** Public Hearing to amend the Subdivision Regulations. The reason why they were not detailed throughout the entire Public Notice because it was quite extensive to our regulations. There are not major changes. It's more to bring them in compliance with the way things are being done and to make them compatible with our other regulations. I will open the public hearing at 6:08 PM. Chair Foote read the notice and the Board reviewed each change individually.

Amend the Subdivision and Site Plan Regulations. The Planning Board proposes an extensive number of administrative "housekeeping" changes to the regulations in order to ensure consistency between references and to clean up inconsistencies that currently exist in the regulations. A copy of the proposed changes is available at the Planning Board Office, and the Town Clerk's Office at Town Hall, 99 Lafayette Road, and at the Seabrook Library, 25 Liberty Lane.

Subdivision Regulations Article II, Definitions: Application Acceptance. The intent is to remove " on the last weekday of the month when the Town Planner or his designated agent" and replace with "upon a majority vote of the Planning Board after said Board determines that the proposal constitutes a substantially complete application." Do we want to vote on them individually?

**Garand:** just go through them, I think they're pretty self explanatory.

**Foote:** are there any questions on that change in definition on Application Acceptance? Does the Public have any questions? Henry Harrison Boyd, Jr.: Madam Chairman, I would just suggest that although I am in favor of most of the changes, I think you should go through and talk about each one and discuss each one.

**Foote:** what we can do is go through three or four and if there is no objection or big discussion we can approve up to that point and then continue on. How does that sound?

Okay, then that's what we'll do. Next change of definition to Complete Application: we're replacing the words "Town Planner" with "Planning Board". Next change, which actually was done on July 19<sup>th</sup> that changed the definition of a minor subdivision. Now we go into Article III Procedures Section D Maximum duration of Planning Board review. "The Planning Board Shall act to approve or disapprove the application within 65 days of the, we're removing receipt and replacing it with Board's acceptance of a substantially complete and then it continues on complete application. And it adds, the applicant may approve an extension by submitting a signed request for extension. Any questions or comments on this?"



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**Morgan:** I suggest a wording change that might avoid some debates in future. I would suggest taking out substantially complete other wise you might get into a debate with an applicant as to whether they think their application is complete or not when what you really intend is that the Planning Board is going to make the final call on whether the thing is acceptable. So if you take out those two words, you'll avoid that type of argument.

**Foote:** I just put that in because back in the definitions where we have application acceptance, the Board accepts it if it considers it substantially complete and that's when the 65 day clock starts.

**Sanborn:** shouldn't you do that on Article II, too; you've got the same wording in article II

**Morgan:** I don't have any problem with the way it was done there; but this one I'm trying to avoid a situation.

**Sanborn:** I do. Substantially means they can do whatever they want to after you vote it in. I'd rather have it be complete before we vote on anything. Not substantially, but complete.

**Morgan:** what Keith said is similar to what I'm trying to get across. What I'm trying to avoid is an applicant either arguing with you or with the court that you are somehow bound to accept it because it was substantially complete. The way I prefer to see it is you guys determine whether it's complete or not.

**Foote:** after the Board's acceptance of the application

**Morgan:** replace substantially complete with just the application

**Foote:** okay

**Morgan:** what I'm proposing more closely aligns with state law because what the state law says is the 65 day clock starts to run as soon as you accept the application, so I'm trying to make this reflect that.

**Foote:** okay.

Secretary: then you have to change the definition too?

**Morgan:** no, I think that is fine because those are definitions and this is procedure and I'm trying to make it align with state law.

**Foote:** so once we've made the determination and accepted it, then the clock starts, so it's not necessary in procedures to include substantially complete. It's just that once we've accepted it, the clock starts.

**Morgan:** yes and you want the applicant to know that you guys decide whether it's complete or not.

Secretary: what does it mean that the Board can apply for an extension?

**Foote:** and the applicant can also approve and sign requesting an extension. I believe the protocol with the Planning Board applying for an extension is when the 65 days is about to run out and we haven't made a determination and the applicant is not willing to sign an extension on their own, then we can request from the Board of selectmen the extension. Why an applicant wouldn't want to go for an extension and force us to a vote when we haven't really come to a conclusion yet, I don't know, but...

Any other comments from the Board?

**Boyd:** I just had a point of clarification on something that is already in your procedures that has never come out and I guess you'd have to have a public hearing to change it, but it's something you really ought to know right in the first part of Article III Procedures, it says in order to subdivide land, adjust lot lines, i.e., move or eliminate property lines, merge lots, or record perimeter surveys prior approval of the Planning Board is required. That is not so. It is not accurate. The last two items that they are talking about do not require Planning Board approval. Lot merger, the applicant or land owner is allowed by statute, planning board has to be notified, procedurally they check off the document, so that's kind of splitting hairs, but on the last one, I take really issue to because the Planning Board does



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not take jurisdiction or they should not take jurisdiction, and they do not need to approve any perimeter survey. Procedurally in the state they are supposed to be given a copy of the plan that goes to the registry, the registry does forward all plans to the Town. I've been somewhat disobedient with the regulations myself because I don't want people having to pay more money to appear before this Planning Board. As a matter of fact, having to pay not only a fee, but notification for the Planning Board to take jurisdiction over the perimeter survey when they have no authority to do so. That should be reworded. That's not true and it's not appropriate.

**Morgan:** I agree with Henry is the reason that wording is in there is because it was some years ago that was what State law did require, but that was changed several years ago. **Foote:** but we do have the voluntary lot merger form and Scott was talking with me several weeks ago about perimeter surveys, wanting to know if we received copies of them because I guess he has several instances when there has been a perimeter survey that the lot configuration ends up being somewhat different than what the tax map thinks the lot is.

**Boyd:** that should be the case

**Foote:** even to the point where on the tax map it's rectangular and in the survey it's sort of rectangular with a triangle hanging off the end of it and he was asking if we had received copies of that and I said no that we had never received perimeter surveys and Scott said that he felt that they should be provided to the Town so that they could correct the tax maps and if it was a mutually agreed upon property line between two lots, that there should be legal documentation between two property owners that they mutually agree that that's where the line is.

**Boyd:** there are three parties that can specify where a property line is with the state: a licensed land surveyor duly charged by the State to do it; two property owners when they are in dispute, and we don't know where the line is, they can come up with it per a judge (the Town can't be involved with it)

**Foote:** I don't believe he is trying to dictate where the property line is, it's that if the property line changes, the square footage and physiology of the lot changes and he has to adjust his assessing record

**Boyd:** what you're not

**Foote:** one lot gained almost a quarter acre

**Boyd:** but no it didn't it always had it, it was always mapped improperly. The tax map is a device simply to approximate area to be taxed by the Town, so it's not that anything gains or loses, it was never mapped properly. There are still lots in Seabrook that have never had a survey done. So they are defined by somebody who didn't know how to compute acreage or area and didn't know what they owned and they are incorrect, they have always been incorrect. Sometimes we know where to put the line, sometimes we don't and we will suggest several boundary line agreements. But I'm telling you that I've been disobedient that I don't provide copies to the Planning Board, because the Planning Board in my opinion is charging the poor homeowner to come before them. I gladly will give you copies as a courtesy to every boundary survey that we do on record but if somebody is going to be assessed at coming before this Board and have to pay for it, I'll continue to be disrespectful. It's not right. It's not the right thing to do and I will always try to protect what's right. I will gladly always provide either the assessor or the Planning Board, the Planning Board should have these plans, they should receive them, but they should not be forced to sign an application abutter notification and come before this board. That's not the purpose. When you see the plans that go to the registry, you'll notice that the registrar will only take them under two circumstances: if I myself as a surveyor state that under the statute that there are no new lines shown on this plan, they will receive it; otherwise, if I don't have that



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statement, it has to have an approval and a signature by a Chairman of a Planning Board. Those are the only two circumstances that the Registrar can receive those plans.

**Morgan:** do I understand that if we eliminate this \$50 fee, you'll provide us with some property plan?

**Boyd:** gladly. And I'll even go so far to say that I will provide the Town and the Planning Board with a recorded copy of the plan with a recording number on it each and every time I don one. That's a promise. And I'll even put a statement on the plan that the Planning Board of Seabrook is to receive a copy of the Plan.

**Foote:** those items wouldn't require public notice anyhow.

**Boyd:** I'm just opposed to them having to pay \$50.00 when they probably had to pay \$2500 or \$3000 to have their own property surveyed. People don't have that kind of money this is requiring. It's not right.

**Foote:** so back to the changes in our regulations. That we can't really take any action on right now because it wasn't anything that was highlighted.

**Boyd:** I understand.

**Foote:** as far as changing. What's your call on that Tom? It wasn't highlighted as changing but the wording in the public notice was to

**Morgan:** My call is anything in this book needs a public hearing to change it. That should be pretty easy to do.

**Foote:** but it can't fall in under the definition of tonight's public hearing?

**Morgan:** no

**Evans:** would it be more proper to strike or record perimeter surveys?

**Foote:** because it wasn't highlighted as one of the items that we were going to discuss for changing

**Morgan:** I was going to draft up a notice for that too. Sometime soon.

**Boyd:** and I'll still give you plans in the meantime for changes.

**Foote:** now on to

Secretary: I don't understand this last sentence here: the applicant may approve an extension by submitting a signed request for extension. Isn't it that the applicant may request an extension not to exceed 90 days?

**Foote:** no, the applicant is approving the Planning Board to extend it on. If we reach our 65 days, either the applicant has to approve allowing us to continue, or we have to request the Board of Selectmen to be able to continue. If we don't have approval from the applicant or the Board of Selectmen, then at that 65 days we must either approve or deny. Is that correct in my reasoning? (to Planner). Because he's not requesting an extension, he's approving us to have an extension.

Secretary: he's waiving the 65 day requirement is what our waiver says

**Foote:** on to Article III Procedures section G: at the end of that paragraph we're removing 50% of the estimated total cost as determined by the Town Planner and replacing it with a \$1000 escrow account with unexpended balance to be refunded to the applicant, see inspection fee below. H. roadway inspections was already taken care of I believe in our last meeting. On to O revisions. Adding any change to any item on a previously approved plan requires a public hearing and abutter notification in addition to a newly revised plan indicating it is an amendment to the originally approved plan. There shall be noted a detailed description on the amended plan indicating said changes. Any questions, comments?

**Sanborn:** how are you going to enforce that?

**Lowry:** so you're doing away with minor change and major change so it's any change?



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**Sanborn:** you just did that at the last public hearing. You changed everything around without even a revised plan. You took the grass out of the sidewalks and everything else up to Border Winds. Plus you added lighting.

**Foote:** he's to supply us with the revised plan that shows us the changes that we recommend and would like to see and if he doesn't supply us with the revised plan, his only option is to go back to the original plan.

**Sanborn:** we're just getting into more messes here.

**Lowry:** so this means any change period, whether it's minor or major?

**Foote:** the reason for this is because different department heads have different ideas about what's minor and what is major and they on-the-fly do it in the field and no one else knows about it and then we go out to inspect for being built to the plans and it's not correct.

**Lowry:** I understand that.

**Foote:** this is pretty much saying that if they are making a change it's going to be noticeable, visible, on the plans, as to what's in the field. They can make changes that are not on the plans in the field, there are lots of little things that they do here and there that aren't specifically on the plans

**Evans:** but we need to allow them to correct spelling errors, or Parker Survey on a Millennium plan, or things like that

**Foote:** generally, hopefully we catch that before we sign it and record it in Rockingham County Deeds.

**Boyd:** this statement if you adopt it as a result of leaving what's in black and adding what's in blue is contradictory within itself because it says: subsequent to planning board approval minor changes to the proposed land development may be undertaken only after blah, blah, blah...and it talks about submitting rough sketch and the Building Inspector shall immediately forward revised plans to the Planning Board. Then you say any item previously approved requires a public hearing and abutter notification, newly revised plans indicating...so it seems contradictory.

**Foote:** no, you left out the key statement: the Planning Board may determine that additional information and or hearings are necessary.

**Boyd:** right, but then the very next sentence begins by saying Any change. I think it needs to say any change other than something deemed by the Planning Board to be a minor change.

**Foote:** that's where we've gotten into trouble time and time again.

**Boyd:** you're right because it has been left up to the department heads in the past. What I suggest

**Foote:** no we've made decisions for instance London Lane, utilities in the air or in the ground. We made the decision the decision that it was okay to leave them in the air only to find out after the fact that we never should have made that decision. They should have been underground all along.

**Boyd:** I understand, but are you saying that there is never a minor change?

**Foote:** there can be minor changes in the field.

**Boyd:** who determines that, though, because you're still in the same boat, who determines that? I think it should go before

**Foote:** if it's something that's shown on a plan, and it's changed, then it has to come back for approval and rehearing. If it's not on the plan, say out in the field it's not on the plan, but Paul's says I want to see you use this instead of that. Then that's okay because it's not specifically on the plan stating that you were going to use this. There are a lot of variables when it comes to building.

**Boyd:** I know and what you are trying to do is contain this so that it's not all over the place and I understand that

**Foote:** if it's on the plan and there's a lot of stuff out there that happens that are not on a plan



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**Boyd:** I'm talking about stuff that is on a plan. If you have to move a catch basin for some reason because when you actually excavate and the sewer is not shown properly on the plan or something, that should also be a field procedure approved by the department head too, because he has the expertise to tell you. But you're telling me

**Footte:** problem is that our department heads are not making necessarily good direction

**Boyd:** but technically, to move a drain line, something that is shown on the plan, it would have to a public hearing, abutter notification, everything?

**Footte:** yes. Because twenty years from now they are going to pull up that plan D/lalala  
And say this water line is right here

**Boyd:** no they won't and that's why this Town has failed because they have not required as built

**Footte:** we require them, we never get them

**Boyd:** you require them now, you just started doing this methodically and religiously over the past year and a half

**Footte:** it's been in our regulations for at least the past eight years and they are never getting submitted

**Boyd:** you don't have to release the bond. And that's what holds them. And your very next sentence here at the P, it flies in the face of everything we just talked about. It says any alterations approved pursuant to sub paragraph O, the approved plan shall require an as built plan to be submitted. I think what this should say is that as built plans will be required for every subdivision that requires a roadway. Every subdivision that requires a roadway, there is no question about it.

**Footte:** it already says that.

**Boyd:** I don't see it saying that. I'm just trying to help you guys too. It doesn't matter what the design plan says. That can't be trusted. There is no such thing as a perfect design plan, or perfect survey plan, you have to make field decisions sometimes. That needs to be documented on an as built plan. But to suggest that somebody needs to come back for a public hearing to move a catch basin from here to that podium is insane. It's insane to have them notify abutters, to pay fees, to go through all the public hearing. I just don't see it. When obviously to protect your interest show it on an as built plan that's what you're trying to do is protect in the future where it is. That's just my thoughts?

**Footte:** Tom?

**Morgan:** I think Henry makes a good point in that some readers are going to read a contradiction into some of this stuff so we should concentrate on getting our message home and eliminate some of the verbiage.

**Footte:** and what do you recommend?

**Morgan:** first the Board has to decide whether they want to hold public hearings for every change. If so, the blue print (referring to the ink color on the original) looks pretty good if that's the Board's intent. If you adopt the blue print most of the black print isn't really necessary.

**Footte:** well, how do you weigh in on changes in the field? You've known the problems we've been going through. If we had something like this we would never have had a Border Winds. In theory.

**Garand:** or a London Lane

**Morgan:** I'm pretty comfortable drafting language. What I want to do is get a sense of the Board as to what the policy is going to be. Putting words together isn't that hard.

**Evans:** I've been trying to think of a way to frame it, change in dimensions springs to mind, but I think Henry's point that there are certain dimensional changes that could be tolerated such as moving a catch basin a couple feet one way or another



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**Foote:** until you find out that that catch basin that's being moved all of a sudden ends up in the middle of an electric conduit because one department head doesn't know where the electric company put it because two weeks earlier there was a change that wasn't recorded and the as built's aren't in and all of a sudden they go to move and dig up and bamo they're digging into some pretty high wire.

**Boyd:** how would the planning board know the electric conduit was moved?

**Foote:** we wouldn't, but if every department head, says, well it's a minor change to move it fifteen feet, and three days later another department head comes out and says, you can move that fifteen feet

**Boyd:** I think they should all be coordinated. I think your point is right. They should all be coordinated. Maybe there should be a checklist that the Planning Board is notified of it. The Building Inspector is notified. That all the department heads are notified so that everybody is on board that this has happened. And it has to be shown. The failure is not having it in perpetuity on an as built plan that the Building Inspector can pull out of those files and know exactly where that stuff is. I think it's a procedural thing.

**Evans:** I'm concerned about doing first and then begging forgiveness afterwards. I think there is an awful lot of that going on.

**Boyd:** that's not what I'm asking

**Evans:** certainly items that would require a waiver would constitute a major change

**Foote:** how do you define what needs a waiver?

**Garand:** exactly. We've been in trouble already just by the utilities on London Lane.

**Foote:** we're in trouble out at Gove Road, or Jean Drive. There again, it was utility company come in and say we don't want to do it here we want to put there and then water department says we don't want to do this, we want to put it there and then all of a sudden we've got a sidewalk in the middle of everything. And now they're saying, well we don't want to do the sidewalk because the utilities are under it. We don't want to have to dig it up.

**Boyd:** honestly, I think you were on the right track with the Technical Review Committee. I'm very happy that I attended the last meeting and I think I had a little bit more liberty than I ever believed that I would have and it made for a better project but, I think that is the forum to deal with something like this. That at the next technical review when people ask for an appearance and an audience through them, those people on that committee technically are the TRC. They should be aware of what's going on and I think maybe they should be given some authority to

**Foote:** so you are suggesting that

**Evans:** any changes be submitted to the Technical Review Board

**Foote:** and the Technical Review Board decides if it's major or minor and kicks it up to the Planning Board?

**Boyd:** it's a company of all the people that are supposed to have the technical knowledge. I'm not asking for a developer to have carte blanche here because there are some rotten people out there. But I think that would be the place to do it because sometimes you have abutters that can be a pain in the behind; they can drag this down. I'm trying to protect my Town as well, to let you know how some of the other towns that I deal with, but that would be the perfect audience for something like this and they should have the ability and no body can do anything to any plan that isn't specified. I give them hell when they do something that's different on our plans. But, you know what, sometimes we make mistakes on plans and a good contractor will catch it and call us before they install it and say you've got this catch basin on the high point of the road, shouldn't it be at the low point? But to come back to the Planning Board because it was mis-designed in the first place is insane, if you ask me.



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**Morgan:** I like Henry's idea of sending it to Tech Review and that's fairly minor revision. Where it says in the last black print sentence that the Building Inspector will forward revised plans to the Planning Board, you could have him forward it to the Technical Review Committee and the Planning Board. And then in the last black sentence will give the Planning Board the option of jumping into the fray if you think something major is happening.

**Foote:** I'd like to, but that still leaves us with the minor changes up in the beginning.

**Morgan:** and the Planning Board in the last black sentence determines whether the minor thing really is that minor and whether a public hearing is required.

**Foote:** I'd like to change minor to any changes.

**Garand:** any changes must be submitted for Tech Review

**Morgan:** just delete the word minor

**Foote:** because that's our big hang up, someone saying I figured it was okay, it was a minor change. Boyd; and that doesn't get it to a public hearing, but it gets it to the people that should be hearing it and if they say you know what, this is beyond us, you really ought to go back to the Planning Board, the Tech Review committee views it as not a minor change or whatever you want to call it

**Morgan:** so if you insert Tech Review Committee in the second to last black sentence, the Planning Board will still be in the loop. You'll have the information but you won't necessarily act unless you feel like it's appropriate.

**Evans:** so we have a check on the Technical Review

**Morgan:** you'll be looking over their shoulder

**Foote:** so it's going to say, subsequent to Planning Board approval, any changes to the proposed land development may be undertaken only after the applicant/contractor and the appropriate municipal department head approve, sign and submit a rough sketch with written explanation to the building inspector and Planning Board.

**Morgan:** no, just the way it's written out. It says the Building Inspector after he has this shall immediately forward revised plans to the TRC and the Planning Board. And then the rest of the black stays the same and gives you the option of jumping in if you think that's appropriate. But the Tech Review will be doing most of the heavy lifting.

**Lowry:** Right.

**Evans:** because we want their opinion any way.

**Foote:** the intent of this was to be I don't want the person to say, here you go Building Inspector, I'm doing these changes and goes out in the field and immediately does them. Meanwhile, it's fifteen days later when the Tech Review gets to look at it and they go, oh, my word, I can't believe this.

**Morgan:** Paul has to say, hold the show buddy, don't do anything...

**Garand:** I also think it should be the department head.

**Foote:** it should be in here that no changes shall occur before Tech Review or Planning Board approval. That's my point.

**Garand:** I agree with that. Because then each department head should be responsible for tech review submittal. Water, Sewer, Building, each department so I'm not running after each department head making sure they are doing their job. It should be up to that department's change or whatever they want to prove is a change submitting it for tech review.

**Morgan:** all right. So at the very, second to last black sentence. Changes require approval by TRC

**Garand:** and it shouldn't be by the Building Inspector it should be by department



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**Foot:** I don't like putting the onus on Paul. I don't think submitting a rough sketch to the building inspector with a written explanation; that's putting too much responsibility on the building inspector.

**Boyd:** you're going to get an audience at the tech review

**Foot:** should be submitted rough sketch and written explanation to the Planning Board Office and scheduled for the next Tech Review meeting

**Garand:** exactly. That way it stays with the file permanently so that it's not out of office at the same time.

Secretary: reviews wording. Are you still going to say something about no changes should occur until the tech Review or Planning Board has acted.

**Garand:** no changes shall occur

**Morgan:** changes require prior approval by the Technical Review Committee

**Foot:** changes in the field

Secretary: no changes shall occur until TRC or Planning Board...

**Morgan:** that's why I said prior to

**Garand:** no changes prior to tech review

**Morgan:** I would say we've done enough mixing around here, we should probably continue hearing on this item until the next meeting so we can all see what the wording looks like. Which would be what?

**Foot:** September 6<sup>th</sup>. Then we get into P, which we will have to continue to the 6<sup>th</sup> because it says provisions of all above but it says submitted to Building Inspector and that should have been submitted to Planning Board. It's not one of the highlighted things. Now down to **T - Subsequent Sale of Land:** All Planning Board stipulations and conditions of approval shall be incorporated as permanent provisions into all applicable deeds. *We are adding A draft copy of the deed for each lot created shall be submitted prior to final approval of all subdivisions.* This is primarily because there are conditions that we or DES have instituted as far as wetlands permits that are supposed to be put into the deeds and when we finally get the deeds, months later, they don't reflect what is supposed to be reflected in the deed and it's kind of hard after the fact to tell the owner who has been occupying the place for 60, 90 180 days that the deed he received and paid good money for isn't a true and accurate deed. It's a lot easier to get the deeds written properly before the parcel is sold. So that's why we're now asking for draft copies of deeds. One more thing to review. Any questions or comments on that? We are going to be continuing O, do we want to make a motion at this point for everything up to? Ok, let's finish this page. **U- Prior Approvals:** It's removing the word *site plan* applications because it implies it only goes toward site plan applications, not subdivision applications. And then **V - Private Roads** we added that *said intent must be indicated in the plan* if a person wants to keep a road as a private road. That way when we're reviewing the plan, we know right up front that they want it to be a private road. I think that's what has come back to bite us a couple times in the past couple years is that we've approved plans and after the fact the person says, well, I always meant to keep it as a private road, I didn't mean, you know.

**Lowry:** we should know up front.

**Foot:** so if it's indicated on the plan then there will be no question and anyone that buys a lot and does a little bit of research and looks at their plan will know it also. So, do we want to take a motion at this point to cover what we've done so far?

**Evans:** I'm going to abstain from participating in this vote because I missed the initial discussion here of this section here.



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**Motion:** Garand To amend Subdivision Regulations from Article II through III V excepting Article III O & P and Article III Procedures (first paragraph regarding merge lots and record perimeter surveys) and Article III E (regarding the fees for voluntary lot line merger and perimeter survey), which are continued to the Planning Board Meeting on September 6, 2005 at 6:00 PM

**Second:** Lowry In favor: Garand, Foote, Lowry; abstain: Evans; opposed Sanborn

**Garand:** From this point on you have a full board, so I am no longer needed as an alternate.

**Foote:** okay. We are adding section W and X. section W –is A certificate of monumentation, stamped by a licensed land Surveyor, shall be provided to the Planning Board prior to project closure. And X - Upon project completion, the project owner shall provide a letter to the Planning Board indicating project completion. The Planning Board shall initiate a final review of all project requirements and if satisfactorily completed, shall officially close the case. These are a couple things that have been recommended to us by certain individuals and we are running into a problem that people don't realize that when they are done they are supposed to notify us that they are done so we can close the case. Article IV - Performance Bonds. Virtually everything that was done in this was deleting the word bond and replacing it with the word security because bond implies something done with insurance and we don't accept those types of securities. Article V

**Morgan:** before we leave IV there Sue I guess I am a little surprised by the inference that it involves insurance companies. It hasn't been my experience.

**Secretary:** in that list on bonds we get from the finance office there are references to insurance bonds, that's what they used to use.

**Morgan:** I understand that an insurance bond is a type of bond. I'm not going to object or anything, I like the word bond better than security.

**Foote:** I know that I've had several rather lengthy discussions with the treasurer and town manager regarding using security in place of the word bond.

**Morgan:** I don't object to the word bond, I just don't see why it needs to be changed because you say above that the only bonds you accept are cash or letter of credit.

**Sanborn:** we've always done it by bond and it should stay as bond. I don't like putting security next to a bond.

**Foote:** you mean security in place of a bond?

**Sanborn:** yes. If the developer can't read that then I feel sorry for the developer. But it's clear. It's clear and decisive.

**Evans:** seems to be a semantic difference to me. I can't really tell. I know that our Town Manager likes the word security. But,

**Foote:** Town Counsel likes it too. Town Counsel has pointed out several other towns that have run into court issues with using the word bond as opposed to using the word security.

**Boyd:** haven't you also accepted things other than the two things that

**Garand:** that's why they want to have it changed to security because basically it allows you to have a much broader spectrum of what you can accept

**Foote:** if it's security we can for instance, take a deed on a lot because that secures the project

**Boyd:** right it's any time of security that the Planning Board deems appropriate or sufficient



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**Garand:** exactly just like we just had a developer hold one lot in lieu of putting up cash

**Boyd:** I know that helped young Stanley when he did that. He didn't have to come up with any money out of his pocket or pay for a bond.

**Morgan:** I would suggest we not spend too much time on Article IV because the semantic difference is not that great. Give it a six-month trial run and see how the public responds.

**Evans:** my feeling is that because our Town Counsel suggests we use the word security, I think even though it seems like a semantic difference to us, there is apparently a difference in legal definition so.

**Morgan:** I defer to Town Counsel.

**Evans:** I would also and therefore

**Motion: Evans**      **To adopt the substitution of the word security for the word bond in the places indicated in Article IV.**

**Second: Lowry**      **Unanimous with Sanborn opposed**

**Foote:** Next, *Article V - Exhibits & Data Required For Final Review*. Number A we changed from eight paper copies to ten paper copies.

**Morgan:** that would mean Henry's applications tonight are incomplete and we can't accept them

**Foote:** that's primarily to get enough for department review and have one in the file, one for the Town Planner and Town Engineer. Eight copies is just not enough.

**Secretary:** do we want to say anything about the size? Because we don't have to have those great big ones do we, or do we?

**Morgan:** the ones that need to be recorded are going to run into some size requirements at the registry

**Secretary:** right, that's the mylar.

**Foote:** for the original submission, I think that we could get by with the reduced size the 11x17 for initial review, give us

**Evans:** I disagree. I think you can't read them sometimes.

**Boyd:** if it's a 50 scale drawing and you send it to the fire chief or Warner to look over, they'll never be able to see the detail in that reduced copy.

**Lowry:** right.

**Boyd:** I hate to bring in other towns, but what they do is actually, on the stuff that comes back, they have reduced scale copies for the planning board. I've got five copies tonight because you don't want ten when you come back. But it's a waste of paper when we come back with revisions. I think after you go through the TRC you require less. But, on some of those plans, Peter is absolutely right, you can't read them. At a 50 scale they are hard to read to begin with even on a 22 x34 sheet, if you get it on a 11x17 you'll never see the detail.

**Foote:** plan content we're starting to get a little specific as to where we want things. Primarily because of ease the way we fold our plans, the ease of being able to pick it up and see what it is. We've added that it has to have a title block containing the name of the subdivision and we're stating that it has to be located in the lower right corner of the plan, that way it stays consistent. We're adding that the stamps did not indicate that you needed a stamp from a soil scientist, I believe it was 18 months to two years ago that the State said that if wetlands are delineated they must be stamped by a licensed soil scientist.

**Boyd:** it's not soil scientist, it's wetlands scientist

**Morgan:** yes, wetlands scientist



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**Boyd:** they are two different things, but what you are asking for is a wetland's scientist

**Morgan:** it's a minor change so we don't need to delay that

**Foote:** next we're getting down to Profiles, cross sections, and construction details of all existing and proposed streets and utilities. *Proposed underground utilities shall provide two four-inch ducts for use of the municipality and all overhead poles shall provide space for the use of the municipality at the sub-divider's expense.* That was added per request of the Department Heads.

**Morgan:** what is the municipality going to do with these ducts?

**Foote:** fire alarms, there is an assortment of things that we might need in the future. It's nice to know that there are several extra conduits laying underneath that street in case technology changes. If it's owned by the Town,

**Evans:** super conducting wires

**Morgan:** you could get radio programs beamed to your house and eliminate interference

**Foote:** we're also saying that the plan needs the proposed street name if the plan includes a street, a proposed street. There are times when plans have come in without street names on them.

**Evans:** you don't have a "Foote Path" in Town do you?

**Foote:** not yet, my driveway

**Boyd:** footpaths everywhere

**Foote:** we are adding to plan content extent of wetlands and have added *intermittent or perennial streams, ponds, or tidal creeks.*

**Morgan:** that wasn't in there before?

**Foote:** no

**Morgan:** that was an oversight.

**Foote:** we've also added *revision block to be located to the left of the title block in the lower right corner of the plan*

**Evans:** gee, I don't know. Usually it's in the top right corner that's the anti-standard right?

**Boyd:** revision blocks, we put them in the lower right corner

**Foote:** usually on the plans we see it's a title block with the revision block right beside it so this is just stating that that is where it should be located. *Plan acceptance signature line* located above the title block because those tend to float all over the page wherever the designer can find a place to stick it

**Morgan:** question. When you say accepted signature are you talking about after the Planning Board accepts the plan or approval?

**Foote:** should be *plan approval signature line*

**Morgan:** once those registry ladies see your signature, that's getting recorded

**Foote:** *intended locations of all dwellings or other structures* which is something we've asked for verbally in the past, I think it refers to it zoning wise, it alludes to it but there is nothing specific that says we want to know where the buildings are going to be located here. *Size and location of all impermeable surfaces*, which is something that is recommended by Phase II Stormwater. It will help us be able to realize where an impermeable surface is and where the runoff and drainage is going to go.

**Evans:** and it is also consistent with the Master Plan

**Foote:** Master Plan and Stormwater Phase II guidelines. Plus *All appropriate setback lines such as but not limited to: primary dwelling, wetland, and stream set backs.* Do we want to discuss this section before we go on? Do you have any questions, comments, concerns, Keith?

**Sanborn: Lowry:** No

**Evans:** I don't hear any developers complaining about having to put in ducts or so forth, so I have to say it is probably good for the Town.



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**Footte:** Tom?

**Morgan:** no

**Footte:** any members of the audience have any questions or comments on this section? (No response.)  
Do we want to vote before we go further? This section covers quite a bit.

**Motion:** Evans To accept Sections A-E of Article V as read and amended

**Second:** Lowry Unanimous

**Lowry:** so we're getting digitals from all engineering firms?

**Footte:** not necessarily. If an engineer such as Mr. Cote doesn't have the software, has never had the software, we can't deny accepting one of his plans, we can't force him to go out and buy software and go through the learning curve of how to use it. As far as the digitals. On to the next page. Section G We added *and street* because it said just lot numbers and we have come to understand from the assessor that at the time he assigns the lot numbers he also is aware of what the street number is going to be. And that way it will make it easier on the plan. It doesn't necessarily have to have the street number on the plan, it usually specifies the lot number in the circle on the plan but a lot of times in the title page what comes to us is a plan for the subdivision by Clayton Gould. If it says 128 Adams Ave we know a little bit better where it is.

**Boyd:** we do that

**Sanborn:** 911 changes that

**Boyd:** we're talking about subdivision plan content. I see lot numbers and street numbers that are assigned by the assessor meaning new lots.

**Footte:** proposed lots shall be assigned lot and street numbers by the Seabrook Assessor.

**Boyd:** so it wouldn't be down in that title block because it could be a division of say 12 south main street and we get ten lots out in the back and each one would have assigned lot numbers and we started doing this because the assessor wanted them. Then they got them on there and they changed their mind after and it was recorded at the registry. I said you really shouldn't have the street numbers on there on the mylar. The assessing map lot numbers I guess that's okay. They don't even need to be on there then, but the street numbers, they renumber it and the 911 stuff and all that coming, they are going to change.

**Sanborn:** they'll change before then

**Boyd:** I wouldn't put street numbers on. If they have them in the title block for the parent tract that is being divided it's essential as the registry requires it as part of the plat law that's just been passed in January, but I'm not in favor of the assessor providing new street numbers for the individual lots.

**Evans:** I think you make a good point Henry that these street numbers are bound to get abandoned as things change

**Footte:** lot numbers change also. It's just as likely to change as a street number.

**Boyd:** what I've resolved with the assessor...

**Footte:** this is at his request

**Boyd:** then he's changed his mind again. We've been back and forth. I don't care.

**Evans:** what do you have to say about the Chairman's comment that lot numbers change? How do you identify the lots?

**Boyd:** they do change, but they don't change as frequently. Usually what changes are map and lot numbers, a division of that lot, which have to be created by the Planning Board and under their approval so the new plan technically would show that as well.



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**Morgan:** how about, just to throw a curve ball here. Is paragraph G really necessary?

**Evans:** I was going to say, it doesn't actually say that they have to end up on the plan specifically.

**Boyd:** it says plan content

**Foote:** Plan content

**Evans:** it's an exhibit right?

**Foote:** Plan content doesn't necessarily mean that it's got to show exactly on the lot itself, it could be in your notes on the side that these lots shall be comprised of lot number and street number blah, blah, blah.

**Evans:** the article is titled Exhibits and Data required for final review. It's not in plan content.

**Boyd:** Look at the plans, especially for condominium conversion, subdivision, you'll see that's a lot of work between Scott (the Town of Seabrook appraiser) and I and though we have assigned street numbers when he's wanted to and he's held off in the past on some. I don't have a problem doing it, they just might change, that's all.

**Evans:** it doesn't have to be in the plan. It's its own paragraph.

**Foote:** the key thing here is that it shall be assigned by the assessor. Because we still have people engineering firms, that don't work with us that often, that are still coming in and making up their own lot numbers using some formula that they use up in east Oshkosh.

**Boyd:** I don't want them on the plan at all even map and lot numbers because I don't care, I can call my lots Tom, Dick and Harry if I want. It's the assessor that has all authority throughout the Town to assign them any map and lot number he wants to and he can do that after the plan is recorded at the registry. I just try to work with him to make it easier downstairs.

**Foote:** it makes it easier for us if it's on the plan when we reference the plan someday in the future that we know specifically where this parcel is

**Boyd:** I agree. But like I told you, I'm going to get you a copy of the Plat Law. Most of the things you have on here are part of it. Like look at our plan they are compliant with plat law and have been for a number of years. But, it shows all of these things, what the registrar requires, what the state requires to be on this plan. And you have to have an address and you have to have the recorded owner in the title block and all of those things. But we're talking about recordable plans and you're talking about site plans too that are a little bit different, but I don't care if you take the rule out.

**Foote:** this is subdivision review. It doesn't state that it has to be in the lot block itself, it can be in the notes on the side at least that way we know what it's referencing. On to the next K department review, we're deleting *and signed by*. **K - Departmental Review:** No application will be considered complete and ready for Planning Board Review until the plan is reviewed *and signed* by authorized representatives of the following municipal departments: Sewer, Water, Police, Fire, we are adding *Department of Public Works* which inadvertently got omitted. And that pretty much comprises the tech review.

**Morgan:** K predates the tech review. Wouldn't it be lots simpler just to say until the plan is reviewed by the technical review committee.

**Evans:** is there a definition of who is in the Technical Review Committee

**Foote:** no and I can foresee times when certain departments are not represented at the Tech Review but they do provide us in writing their analysis. And I think to leave it like this and I can foresee times when due to conflict of interest there might be only one person at the tech review.

**Lowry:** then it's not a tech review

**Foote:** that's right. But that person showed up at the stated date and time scheduled and no one else did.

**Morgan:** okay.



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**Foote:** further down under M. Storm Water Pollution Plan, we've added *Stormwater management maintenance manual detailing routine maintenance tasks for all stormwater infrastructure and responsible party to perform said tasks*. This is something we've been requiring for probably year but we didn't have anything in our regulations specifying that it must be.

**Morgan:** make Eric happy

**Foote:** on to P, a **Draft deed:** *A draft deed shall be submitted for each parcel to be created, including: all meets and bounds, proposed easements of any sort including but not limited to: drainage, stormwater treatment, conservation, other entity access to or across parcel, delineated wetlands.*

**Boyd:** how do you put delineated wetlands in a deed? When you reference parcel 10 on the recorded plan that deed, the plan is part of the deed legally by the fact that it's mentioned in the deed.

**Evans:** the deed refers to the approved plan

**Boyd:** the plan resolves all issues of confusion about a deed if there is anything miswritten or anything and if it has wetlands it will be shown on that plan

**Foote:** I think possibly in the deed you just should reference that because they also don't call out specifically proposed easements, or conservation land, but it referenced in the deed that there is an access easement per plan D blah and it could also say that there are, I think it's specifically so that when the person buys it and reads their deed they realize there are wetlands on it.

**Boyd:** but what do you want it to say? Give me an example.

**Evans:** I would suggest that it should say, there are wetlands on this parcel as shown on the plan.

**Foote:** yes.

**Boyd:** but when you say lot 10 and you get the plans, it has it already. I mean it's redundant so some fool can't

**Foote:** a lot of the DES wetland permits are now specifying that it must be noted in the deed.

**Boyd:** but you are talking about even when there isn't a wetland permit specified as long as there are jurisdictional wetlands on that parcel you want it specified not only on the plan but also in the deed as well

**Foote:** correct because a lot of people never receive a copy of their plan. Hopefully, they receive a copy of their deed and they read it.

**Boyd:** tell you what. If I was going to spend \$150,000 on a lot I would want to know

**Foote:** 150, they're going for half a million now

**Evans:** I have one question regarding the spelling of metes. I believe it should be metes.

**Foote:** further down, Article VI- Subdivision Standards. *F. Drainage Ways*. We are deleting the phrase *In other than minor subdivisions*. I believe that was already deleted when we did minor subdivision revisions.

**Morgan:** I don't think so, but it should have been.

**Foote:** *Section O, Flood Hazard Areas*

**Morgan:** good catch

**Foote:** changing the date from *2004 to 2005*. We're also changing subdivision proposals or other proposed new development greater than, we're changing *development greater than* we're dropping it from 50 lots to 10 lots and we're dropping the size of lots from 5 acres to 2 acres, *whichever is less, shall include base flood evaluation data*. This results out of a conversation with Chris Northrup, OSP, who recommended that all the seacoast towns because they are so densely populated now, he says he doesn't believe that there is a 50 acre parcel intact in any of them.

**Morgan:** especially Seabrook

**Foote:** correct. And he said because of the flood elevation data that we should really request

**Evans:** is it necessary for us to refer to the revision of the Flood Insurance Rate Map?

**Morgan:** feds get kind of touchy about that Peter, so it's best just to please them

**Evans:** you can't just say the current one in effect?

**Foote:** no because they never know what's in effect. Moving on to **Q - Streams:** *No seasonal, intermittent, or perennial stream shall be rerouted without the prior approval of the Planning Board, nor shall any such*



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*stream be routed into a storm drainage system. The change is it used to be A ten foot wide vegetative buffer. We propose a fifteen foot wide no cut –no disturb vegetative buffer shall be maintained along each bank of the stream.*

This also culminated from talking with Chris Northrup and talking with Earth Tech as afar as water quality, Clean Water Act, EPA Phase II Stormwater.

**Evans:** leave that loosestrife alone

**Footte:** a fifteen foot buffer that's no cut, no disturb goes a long way towards preventing surface pollution getting into our water ways. Actually I added the no disturb because we've sometimes found that no-cut is not understood by some people. No cut no disturb tends to state it a little bit stronger.

**Lowry:** no cut, not trim

**Garand:** no rape

**Footte:** does any one have any questions, comments, concerns?

**Evans:** what's the penalty for disturbing?

**Morgan:** we'll have to address that at the next meeting.

**Footte:** can we impose penalty? That's up to the Board of Selectmen isn't it?

**Morgan:** according to your Zoning Ordinance you can impose a fee but it has to go to Town Meeting

**Footte:** I'm hoping to incorporate this section here, the fifteen foot wide no cut no disturb into a zoning regulation. On to the next page. Down toward the bottom, *resident plants* replace the word *should* with *shall*.

**Morgan:** how did that word should get into our regs in the first place?

**Footte:** got no idea.

**Morgan:** probably time for a motion

**Evans:** do we really want to allow people to plant dandelions as part of their herbaceous ground cover

**Footte:** yes, they are very beneficial

**Evans:** a good way to annoy ones neighbor

**Footte:** then the neighbor needs to be advised as to just how beneficial dandelions are

**Sanborn:** they'll be applying weed kill

**Lowry:** some people make wine out of it don't they?

**Boyd:** hemlock will take care of those

Secretary: are we going to vote? Article V G-P and Article VI a-T

**Footte:** do we have any other comments on what we've covered? Otherwise, we're looking for a motion.

**Motion:** Evans           **To approve Article V: from G to P and Article VI from A to T.**

**Second:** Lowry       **Unanimous with Sanborn abstaining**

**Footte:** and next we go to Article VIII has already been taken care of. We're deleting in Article VIII *in which four or more lots are created.* And then Article X we already took care of at the last meeting. Then Article XI Administrative procedures talks about *as built plans required.* It said *submitted to the Building Inspector.* We are changing that to *Planning Board.* No reason to deliver them to the building inspector. And then the last one under the Site Plan Regulations, Article XI, Condominium Conversion, B Utilities, it's also stating: *Proposed underground utilities shall provide two four-inch ducts for use of the municipality and all overhead poles shall provide space for the use of the municipality at the sub-divider's expense.* So that puts it in two places. While site plan regulations directly refer to the sections in the Subdivision Regulations that include them, this helps to make sure that it's well covered.



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**Evans:** I think we should make sure that this article XI is formatted in the same font as the rest of the document. Times New Roman

**Lowry:** is that a motion?

**Evans:** that's a motion,

**Lowry:** I'll second

Secretary: I'm not using Times New Roman.

**Evans:** someone did

Secretary: but the regulations are in the Comic Sans MS font on my computer. It's only in Times New Roman on Tom's and Sue's, which is where she printed it out. It takes a whole lot less space in this particular font.

**Morgan:** you're claiming we're lacking consistency here

Secretary: you're lacking consistency because Sue did the first part and I printed the site plan changes

**Evans:** there is no complaint then, I withdraw my motion

**Morgan:** are you complaining about the font itself?

**Garand:** I'm complaining that we're going too slowly

**Foote:** let's continue on, we still have public hearings to address

**Morgan:** I thought we were here to overturn those

**Motion:** **Evans**            **To approve Article VIII A, Article XI D and Site Plan Regulations Article XI B.**

**Second:** **Lowry**        **Unanimous with Sanborn abstaining.**

**Foote:** we will continue

Secretary: Revision O, P, Article III E, those are the places about the merging of the lots that Tom was going to rewrite, Henry was rewriting for us.

**Foote:** So we will continue Article III to September 6.

**Evans:** at six pm?

**Foote:** correct. So we close the Public Hearing on changes to the Subdivision Regulations at 7:30 PM and open the Public Hearing for cases. The first case we have to review tonight is **05-40 Proposal by Seacoast Marine to demolish an existing building and construct a 7,500 square foot building, a 3, 430 square foot building and add 12 parking spaces at 177 Lafayette Road for boat storage and service, Tax Map 9 Lot 150.**

Secretary: are these new plans your laying out here?

**Boyd:** I have to tell you that I know these were due Friday and I understand that. One of the major things that we didn't have in our hands until we just got today was the lighting grid, the new lighting grid and I know Paul was very concerned about it and the Town Manager at the Technical Review. We had every thing else essentially done, but it wasn't complete so. I beg indulgence this evening and hope that you will review this plan because that was what we were waiting for so it was incomplete and I hope you can be merciful to hear that it wasn't their problem and it wasn't ours as well. I guess that's up to you.

**Foote:** I guess we have to leave it up to the Board's decision as to whether they are going to accept them or not.

**Sanborn:** shouldn't that say Cains Brook and not Pond?

**Boyd:** no, that is the Pond.

**Lowry:** so it's just the lighting grid?



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**Boyd:** that's all it was. Everything else was done and ready we just were waiting for them. And I know that was a major concern at the Tech Review meeting.

**Lowry:** does it conform?

**Boyd:** it does now.

**Morgan:** Henry, is the plan complete?

**Boyd:** I believe it is.

**Footte:** if you want I can go down through the checklist. NHDES application and approval.

**Boyd:** that's something that I wanted to talk to you particularly about, Sue, but also the Board in general. We had moved this and put it way over here to provide a lot more protection, I see Chris forgot to move the leader, but in looking at it, it made 100% sense to move it over there. Where it was coming out here before, even though we were leaving a lot the trees on the side slope to the pond here, we're allowed to even more. And the other great thing about it in looking at this we're actually going to add a lot more stone and the water, instead of cascading down over the side slope, it actually runs parallel and it doesn't release until here. So there is literally no energy in that water. So we're able to...

**Footte:** I know. I walked the site.

**Boyd:** putting it parallel with the grade instead of cross cutting it, it makes it 100% better situation. I guess I'm going to find out, there is some work within 100 feet of the pond and some within 50 feet. Technically I think they probably have to apply for a wetlands permit. There are no permanent structures there and this is all obviously native material, however

**Footte:** it comes within the Shore Land Protection Act

**Boyd:** it does. But before I submitted an application to the state, I wanted to make sure that the Planning Board and the ConCom was okay with the revisions to the pond. I wasn't going to send them an application and then have the Planning Board suggest we change it.

**Footte:** do we have building elevations?

**Boyd:** when we were at the tech review meeting, I thought that the Planning Board did have some that I think that Mr. Batchelder had brought over? Do we have something on that? I have asked Don Peacock and his son Alexander are here and I've asked them to come tonight to speak specifically about the building, what it would look like and we do understand that we need something for building elevations. I thought that they had submitted at least some draft forms, but apparently they have not. So I don't know if you want to hear about that now or a little bit later.

**Footte:** let's continue down through the checklist. Design of all proposed signs, we don't have cut sheets or details on what the signs are going to look like.

**Boyd:** not at this point. We also have to talk about lighting on the sign and some site details, but they are minor issues.

**Footte:** location of all outside lights? Are they now on the plan?

**Boyd:** they are on that other sheet and one of things you wanted is these letters blown up a little bit so they are a little bit bolder. You couldn't see them at all before. But if you compare that to sheet number three and look on the building and that's where they're generated from.

**Footte:** Details of advertising devices, details of outdoor lighting? Do we have the cut sheets for the lighting?

**Boyd:** no because that lighting grid just came back so we wanted to make sure that whatever we submit for Paul is going to be based on today's data. They just got it to us this afternoon.

**Garand:** Henry, these numbers still seem elevated in this front plan, here.



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**Boyd:** I think we've got .8 right at that corner. That's the best they can do apparently.

**Evans:** what's the limit, Paul?

Boyd and Garand review plans and discuss lighting grid numbers.

**Evans:** we have a problem along this side.

**Boyd:** I haven't had a ton of time to look at these. It just came back.

**Evans:** just so you know Henry, it's 2.4 here and .5 there so you can extrapolate

**Boyd:** so you can figure about 1.5 here. They're going to have to decrease the wattage or something. But we literally had no time to try to look at this and get them to send something back. We're at their mercy. Don and we have no control over making them work faster.

**Evans:** here's some up here too. 1.1, 1.3

**Boyd:** I looked at it and they were decreased but you're right. There are still some.

Boyd makes notes on overages.

**Garand:** you may just want to adjust the wattage

**Boyd:** one of the things I wanted Don to do is...

**Foote:** that's one of the things that was brought out by the tech review is reduce the candle power of the security lights

**Boyd:** absolutely and we forwarded it to them and told them where the areas were they needed to look at. One of the things I wanted to do is talk because you guys had a question about security on the site and I wanted him to be able to explain his business to you and what he thinks he needs and get your opinion on that. That's part of it. Obviously they have to redo it. I don't have a problem with that because it's wrong.

**Foote:** continuing down the checklist. Location and description of every outdoor lighting fixture including hours of operation.

**Boyd:** and that's something I want to talk to Don about.

**Garand:** there is a description of the fixtures, but there are no hours of operation shown

**Boyd:** we have hours of operation on here, but I wanted to talk to you and him tonight about the lights because you had specifically said that you wanted a note and it's a little bit further on that the lights were to be dimmed in off hours. So I really need to know exactly what he thinks he needs and compare that with your opinion of the site if we could.

**Foote:** we'll get back to that

Audience member: I live out behind that and the lights

**Foote:** you'll have time to comment later on that. Horizontal luminance we've already covered and the generated grid shows spill over. Foundation and pole light details.

**Boyd:** that again we haven't had time to respond to their...I don't think that this has changed but if you look on their sheet they specify everything that should be on the cut sheets that we provide to Paul, but we haven't had time to address it. We don't know how they've changed it.

**Foote:** that's the luminere schedule but that doesn't necessarily show the pole lights, the base

**Boyd:** there are a couple of pole lights that are shown on the other, but I'm just telling you that when we resolve this finally, we'll have that data on here. If you look, they are lamps, they are not real high, just to line the driveway to get down in, they're not elevated lights. They are actually a lot more like what we just did for Lupoli's up there on the Brick Oven Xpress. That's what we're proposing, just lampposts.

**Foote:** we are going to want some sort of detail on the plans or paperwork so that six years from now someone doesn't bring in football field stadium flood light system.



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**Boyd:** We'll let Don talk about that.

**Foot:** does plan minimize traffic congestion. Sheet one easement.

**Boyd:** the TRC noted that I have applied an easement to the State. The Town actually has a fifteen-foot easement already so it's within that so it's going to be within a highway easement granted to the State of NH.

**Foot:** minimize traffic hazards, TRC wants note that there is no backing into the site

**Boyd:** sheet two, note four.

**Foot:** we don't have any building elevations yet.

**Evans:** is this sign Pet City's?

**Boyd:** yes.

**Evans:** particle is hot in front

**Foot:** does plan minimize annoyance to other land users? Again the comment we don't have the lighting detail yet. Does the plan minimize road and other effects detrimental to abutter? That's what we were talking about, the spillway question. We want to minimize and prevent contamination by wastewater materials from boat hulls and no hull grinding and also to flip the pavement for the parking.

**Boyd:** which we did. On sheet two, what Sue was talking about. This was I think a very good idea that the TRC came up with. We actually had the pavement over here before and they suggested flipping it and we've done that.

**Foot:** any petro-chemical pollution that might be brought into the garage or open storage area will be caught in the crushed stone as opposed to going on the pavement and running off

**Boyd:** there are preventions that we talked about before it even gets to the stone. If you look at note number six on sheet two, the floor is actually going to be pitched in this fluid service bay so everything runs to the center of it and also there is a moundable moat so that the actual floor has a lip berm on the front of it. Even if the whole floor filled, it still couldn't get out the door. And the stone is just another precaution beyond that.

**Foot:** drainage designed for a 50-year storm? Needs engineer and planner review. If I remember right at the tech review is when you submitted the Stormwater. The engineer's comments are here:

The Stormwater Management plan has been reviewed for compliance with Planning Board Regulations. The applicant proposes to construct a detention pond prior to discharge into Cains Pond. The drainage study and management plan is adequate.

The size of the proposed water service has not been provided. A  $\frac{3}{4}$ " service is specified on the detail sheet. However, the size of the service is not provided on Sheet 3. It is unclear whether the applicant is seeking to install a fire service or domestic service only. The existing water service should be cut and capped according to Town of Seabrook Water Dept regulations.

The sight distance for vehicles hauling boats off the premises should be considered. Standard passenger vehicles will not have a problem exiting the site but vehicles towing boats of various sizes may not be able to exit the property in an efficient manner especially given the taper from the Home Depot traffic signal less than 500 feet to the north.

If that's something that needs to be brought into consideration they might want to risk someone's life by having them stand out in the middle of the road and slow traffic while the boat's leaving?



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**Boyd:** there's pretty good sight distance this way. I understand what Mike's saying is that trucks turning and going south

**Foote:** I know leaving Pet City, you look, you start to go, and there's someone in your door.

**Boyd:** there's no controlled exit or entrance there. It's kind of a nasty situation.

**Foote:** I mean from the cars that speed away because it goes from two lanes down to one so everyone is flooring it because they aren't going to yield to the guy that's beside them.

**Boyd:** the only other thing I can say is this is further up the road and there is a middle lane there that provides some sense but I don't know what to tell you. I can't control the cars going faster than they should. And if we had to design for nitwits, you wouldn't be able to design anything.

**Sanborn:** the Army Corps of Engineers

**Foote:** (reading from checklist) Post development drainage flows on to abutting property no greater than pre-development flows? The post-development conditions indicate a decrease in runoff.

Construction of a detention pond and sheet runoff into a Cains Pond. OK. Groundwork installed in such a way to prevent erosion or sedimentation of streams or damage to abutting properties? Spillway concerns; concern about Cains Brook dredging effects; fill with same material that's in detention pond now. Swing spillway to back; 6" loam not 4"; no fertilizer to be used; note that site is governed by State of NH DES BMP's; No snow/water runoff protection.

**Boyd:** I honestly have to say when I reviewed these plans; I didn't see that Chris has added wood chips. That's something that you don't mention but that was specified in lieu of hay bales so that's something that I need to add to the plan and also he didn't remove the request to eliminate fertilizer. In that meeting we talked about using wood chips in lieu of the hay bales, so I'll have to revise these because I don't see it in there and I still see fertilizer.

**Foote:** I've noticed in some of my travels lately, my memory of where construction has happened and where the old silt fence and hay bales are, you can see a row of purple loosestrife where the hay bale used to be.

**Boyd:** not only that, they collect every bit of invasive species. They're a plant pot essentially.

**Foote:** silt fencing prior to timber removal

**Boyd:** that has been changed

**Foote:** fire safety codes, sprinklers are required in the garage, service bay, and office; you need a four-inch main

**Boyd:** I talked to the fire chief and he said that he doesn't care if the office is sprinkled but he definitely wants the garage and the fluid service bays sprinkled and if you look on sheet three, you'll see that we've accommodated a six-inch main to do that

**Foote:** with a one-inch water service off it.

**Boyd:** the domestic service comes off there with a tap.

**Foote:** one of the things we discussed at the tech review meeting is location of shut offs for commercial and industrial sites, that the regular occupant water be able to be shut off while still leaving the fire sprinkler suppression system on. Were you there at that meeting?

**Boyd:** no. I didn't hear about that. What you're saying is you want a water shut off here.

**Foote:** the theory being that if this place should become vacant and we shut off the water to the regular sales office because they've asked to shut off the water. Legally we cannot



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shut off the water to a fire suppression sprinkling system because worst-case scenario if the place is vacant and the place burns down, they could come back at the Town for shutting off the fire suppression system.

**Evans:** will there be any water using facilities in the garage area?

**Boyd:** There will be a bathroom and a sink?

**Lowry:** are they putting a well in?

**Boyd:** we haven't talked about that, you mean for irrigation?

**Lowry:** and for washing of boats

**Evans:** that might not do it if their water meter is over here

**Boyd:** we should talk about that while he's here

**Foote:** this he just pointed out, the water meter over here is not going to cut it;

**Boyd:** that's where Warner wanted it

**Evans:** with our new water shut off, we have to work out some way we can do what we just discussed

**Boyd:** why wouldn't that work?

**Foote:** even without the water shut off, all the water that's going in to here isn't going to be metered

**Boyd:** sure it is because it's coming by here

**Foote:** and your water meter is over here, after the fact

**Boyd:** but all of that water has to come by this point so anything that's being used on this entire line is going to be reflected in that water meter

**Foote:** but your water meter is after the fact. You're going to be siphoning off before you make it to the water meter.

**Boyd:** so why does he want it there then?

**Morgan:** so they can charge you in case they have to turn the sprinklers on

**Lowry:** but the sales office will be free

**Foote:** it doesn't make sense putting the water meter there and having a tap before the meter

**Boyd:** I see what you're saying, it should be here; it should be in this location

**Garand:** they should show a domestic service location going into the office area, then going underground to the garage so they can meter both bathrooms and have one backflow

**Boyd:** he only wanted one meter though

**Garand:** exactly, they can bring it underground from one building to the other because at that point you'll only have one backflow required and one meter required

**Boyd:** well, I've got to go back to Warner then because this is exactly how he wanted it

**Foote:** well, obviously he's not thinking because he's given the primary use of water free and the meter is going to in case there is a fire.

**Morgan:** that sounds like a good deal

**Secretary:** reads from checklist: what he said was: Domestic water to be tapped off sprinkler riser then through one meter and backflow, then to other building.

**Garand:** so you ought to show the water service to the office discontinued or off there and show it going underground here.

**Evans:** what is the boat wash down policy here? Is it part of his business?



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**Footte:** no. They are going to clean the boats from where they are hauled. They'll come clean to site. There won't be any scraping of barnacles, or marine debris. At least that's what was reported to us at the Tech Review.

**Boyd:** he's going to talk about that if you allow him to.

**Footte:** soon as we get through the checklist. Sanitary waste facilities in new buildings connected to municipal sewer system? Sampling manhole needed; more manholes; I remember him talking about changing the location so you could get away with just one and make it a sampling manhole.

**Boyd:** that's right and that's what we've done.

**Footte:** add two clean outs; detail sheet on test manhole

**Boyd:** there's a clean out here and a clean out here and the manhole details are on a later sheet We chose the drop-in like he likes it.

**Footte:** unloading of dumpster not to occur between 11 and 7; no dumpster indicated on plan. Will there be a dumpster on site?

**Boyd:** after talking with Don, he said that he can live with one being inside the building, but he'd like to put one outside which we'd have to add to the plan obviously.

**Footte:** I'm sure there's someplace on the way, it's just if it's going to be there we need to know where it's going to be. And have the comments on the plan the hours of operation for pickup.

**Boyd:** and that's the only reason they are not on there.

**Footte:** Sidewalks. Portland cement sidewalks required in Zone 2. Sheet three of six. Curb cuts,

**Boyd:** we show vertical granite on both sides.

**Footte:** Liberty elm provided?

**Boyd:** sheet two I think

**Evans:** your draftsman has overwritten

**Footte:** one of the things, and it has been the fault of the planning board for not paying attention as to where the utility lines are overhead, we want to make sure that the liberty elm is set back enough so that one it's not growing up into the wire or twenty years from now the electric company doesn't send the tree company out to lollipop the tree.

**Boyd:** if you look at sheet three, the wires actually are well away from it. They go right from the pole as they do now, essentially in the same place. If you look at sheet number one, they go in the same line essentially so they are well away from the tree.

**Footte:** and the tree is set back far enough from Route 1 that it's not going to interfere with the lines on Route 1?

**Boyd:** I think that it will. I'm not an arborist so I can't tell you everything that's going on but we do have a fifteen-foot easement outside of the property line and then it's another fifteen feet behind that. But as far as canopy and how big these things get I don't know.

**Footte:** they can grow to 75 to 90 feet and have an urn shape.

**Boyd:** you should have thought about that before you proposed it along Route 1

**Footte:** that was the State of NH that insisted that we have to request them

**Boyd:** I wish I could answer that.

**Garand:** should the gate be located back further so there is more parking on Route 1?

**Boyd:** we've got to talk about security fence too.

**Footte:** let's continue going through the checklist and then we'll catch everything else.



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**Boyd:** lights, cut sheets,

**Foote:** some lights over acceptable limits; outdoor lighting no details. Other comments:

**Warner Knowles:** Need more manholes (Too much distance between them. We've already dealt with that. We've already dealt with the water service for sprinkler system. Tech Review note on plans or condition of approval that long-term storage of boats is forbidden. Storage is for display only.

**Boyd:** If I could address that. We put a note on there, but after the review we were looking at the regulations and specifically in Article V, Table 1, the zoning has Marina and related uses. You might want to look at that because it's not a prohibited use. Don is going to tell you a lot more about what he's going to do on the site, but I wanted to point out that it's not prohibited in the zone and it's not a prohibited use.

**Morgan:** in fact it's permitted.

**Boyd:** so I've got it on the plan, but honestly, I'd like to remove it. I put it on there because that's what was discussed at the Tech Review, but honestly I'd like to get it off. Ordinance is reviewed by chair and other members.

**Foote:** I think the comments at the Tech Review is because we were not thinking of it as a marina, we were thinking of it as a storage facility and storage facilities per se are not allowed in the commercial zone, they are industrial zone.

**Boyd:** he can tell you how long he expects these boats to be here, but kind of a related amenity, I think he has to have the ability to have some control over how long they can stay there. I don't think that's a method of him earning income out of it by just having boat storage there, but it's a by-product of what is a natural business operation.

**Foote:** last few comments are: Secure perimeter of facility at night. That was a request of the Police Department.

**Boyd:** we've got a gate but we want to talk about that with the Board.

**Foote:** well I guess I want the Board to know what the PD's comments were. There have been other places in Town where there has been boat sales, boat storage facilities and when they were having the boats for sale, they had like board walkways between them with stairs. What was happening was I guess there was a nearby pub and after the pub closed at 2 o'clock, some of the ones that were too inebriated to drive decided to climb the stairs, get aboard the boat, continue the party and all the things that go along with partying and then crash for the rest of the night. And I guess it got to be quite a problem for the PD going out and rousting out drunks that were asleep in boats. So that's why the police have requested that the perimeter be secured at night.

**Evans:** I'm sure the neighbors will appreciate that too.

**Foote:** there's also a comment about a Secondary containment of fluid in the service bay recommended—moat or waterproofed chamber with access.

**Boyd:** if you look at note six we covered that on sheet two.

**Foote:** and State of NH DES, BMP's, governs the site plan.

**Boyd:** and that's note number eight on the same sheet

**Foote:** and Mike did provide us with a security amount so now we can go on and decide if we are going to accept this as a substantially complete application.

**Garand:** without the elevations and without the lighting being complete I think we really shouldn't accept it. He has direction as to where he should go now.

**Morgan:** if I hear you Paul you say you don't want to accept it?



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**Garand:** I advise against accepting at this point.

**Foot:** you don't think it's something that we can work through as far as reviewing the rest of the plan, giving him. If we accept it we can begin to discuss it and see what we want changed and not changed. If we don't accept it, he has to go away now bring it in when the lighting is changed and then we get to review the thing.

**Morgan:** I believe it's substantially complete and I would recommend that you accept it because you have some abutters who have been sitting here for two hours and I think you should give them the courtesy of hearing what they have to say.

**Lowry:** right.

**Garand:** that is true about the abutters

**Motion:** Lowry      **To accept case #05-40 as substantially complete for deliberations.**

**Second:** Evans      **Unanimous; Sanborn abstains because I don't think it's complete yet.**

**Sanborn:** building inspector has questions about it.

**Foot:** it doesn't have to be 100% complete

**Sanborn:** if he has questions, I would rather abstain from the vote

**Foot:** Mr. Boyd you may continue

**Boyd:** the first sheet is essentially all the existing conditions that are on here. This parcel has an old home on it that has been there for a while. I believe historically it was a school years and years ago. My mother and father actually lived in this house when they first got married.

**Morgan:** is this the Locke School?

**Boyd:** it may be. The building, although it looks okay from the outside, I understand that the inside, Mr. Small is also here, who owns the parcel, inside I guess it's fallen into disrepair. It's quite old and would need a lot more repair than it would be worth to save it unfortunately. It is in the commercial zone and I know the Town is trying to develop the commercial properties along Route 1 especially. Right now there hasn't been a heck of a lot done on it to beautify it because I don't think Bruce had the ability to invest a tremendous amount of money into it until he had the right user here. I think it's a perfect use for the site. Obviously Seabrook is a place that boats are common. I think the types of boats are going to be a little bit different then we may be used to in Seabrook, but eventually Don would like to talk about that but just in going through the plan set, this first plan shows all of the existing site features. The only thing proposed on this one sheet is the widening easement, twelve foot in width to be granted to the State of NH DOT. In moving to the second sheet, you will see that we have basically a site plan that shows the proposed structures. There are two different structures, one of them being where most of his business will take place as far as the sales activity and that's the smaller building on the right hand side. He really has tried to keep this historic New England and he's going to talk a little about the building, the façade, and those types of things. The sales office is relatively small, in fact it's only 18x30 and its going to be a nice woodsy feel in the thing and this where he will talk to prospective buyers or sellers of boats and the rest of it is going to be one of the things I really favored is that there is going to be crushed stone underneath so there is no impervious area created by that space and it's going to be kind of a hard-packed material that he could actually back boats into and display them for sale.



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The building on the other side where the TRC advised wisely to flip the pavement is going to be mostly the same thing. That's a larger building and it's going to have a 50x85 component, the overall building being 150 feet in length but 85 feet will be for boat open storage for display so people can come in and see what's going on. And then, there is a garage where they actually work on the boats, 50x45, and then a fluid service bay. One of things I was very concerned about, knowing how hard the ConCom has worked on Cain's Brook, was contaminants going into Cain's Brook and I applauded their persistence with us to try to design something that would contain the fluids but even before I got here I was very specific with Don and asked him what types of activity he would be doing in there, were there going to be fluids that would be contaminants or pollutants stored on the site, and there will not be. He said there will probably be a maximum of two 55-gallon drums contained only in the fluid service bay and then hauled off site. As I understand it these people won't come and just pick up a half drum, you have to have an amount that they will come and get. It's not to be considered long-term storage; it's to be delivered out of this place. The type of repair work that they are going to be doing there, I would like to have him explain, but as we explained at the TRC there will be no grinding of hulls or those types of things on this site. One of the things that we're very concerned about is the milfoil and the snails and those types of things that shouldn't be coming into this site especially as close as we are to this tributary to our estuary. We are proposing just enough pavement in my opinion. Don is of the opinion that he would like to have none of this paved out here, none of the parking to create a very natural environment, better storm water quality, but your regulations as far as I see them, require that parking is to be paved.

**Morgan:** that can be waived

**Boyd:** we would like to waive it, have it a suitable material and we still would do the concrete sidewalk, but we'd like to have something that is of crushed stone very load-bearing, but also very environmentally friendly. We still obviously would not even design this without at least this portion of it being paved so that there aren't erosions in to the roadway, especially carrying boats and trailers. But we don't want to pave any more than we have to. That's something that he can talk to you about, but I think it's more of the feel than the actual cost. It's not a cost thing at all; it's just the feel of the site.

**Foote:** but then you run into with winter plowing situation—I whole heartily agree that I would much rather see crushed stone or whatever, but knowing how difficult it is the first two or three snowstorms before there is frost in the ground, if you're going to have a commercial site open to people, whoever plows this is more than likely going to be scalping that crushed stone and piling it up.

**Boyd:** I think the type of material we select is going to be the major thing and probably if you move in that direction and even probably for this is we spec a material on this plan.

**Evans:** does the crushed stone present a handicapped access problem?

**Boyd:** no, the type of material that I'd be looking at is probably a lint pack or something that is very fine and sets up almost like iron, that is very plow able, it wouldn't be something that could be shoved, it wouldn't be just gravel that can erode and pock and everything else. It would have to be a suitable material that would stay in place. I still have the same concerns that you do. One of the other great things about this site is that all of this boat storage area is going to be grassed. It's going to be mowed; it's not going to



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be gravel either. So there is a tremendous ability for overland sheet flow before it even gets to the detention area and some of these areas and also certainly before it gets down into the slope area to drop off here and here. It provides all of the area that the fire department needs to get around the site and I think the chief was pretty happy with what's going on. It's really a unique site the way that it's shaped and I think Mr. Baxter will tell you that for the longest time he's had a problem finding the perfect user for Mr. Small. This is a perfect opportunity for Don to bring a good business to the Town where he has everything that he's able to do with the thing and also comply with the regulations. We do want to ask you about specifically the lighting concerns and the security concerns because I think they are one and the same. He doesn't want to put any light offsite and I'm glad that Paul brought it up not only tonight but also the first time. So the main issues that I need help from you on in a good plan is what you think about what the police chief said and what you have for opinions for us. One thing is we'd like to only cut back what we need to on this side. There is already fencing here on this side so we're only going to try to cut back the trees as much as we need to allow fire access around the back of the building. I think the Town Manager brought up there was adequate room for trucks, it's compliant, and we just need to know what else you guys think we should have for security. Currently right now there is fencing all the way around to about here. I don't see how anybody could get into the site back through this area without having hip boots or something but.

**Footo:** I notice this fence stops here?

**Boyd:** yes, there is a break in it. I think there are remnants of it but it's in disrepair and it's very old fence. This is woven wire fence in some places that probably been there for about 80 years. So, we want to talk about what you want to do as far as safety and addressing the police chief's concerns. I don't think Don under any circumstance wants a bunch of drunks living up in the boats even for a night.

**Morgan:** wouldn't the police chief be a better source of advice for security?

**Boyd:** maybe, but I know the Planning Board is charged with keeping the neighbors happy as well and I think there are some here with some concerns that I'd like to hear about too.

**Evans:** well, I'd like to withhold comment myself until I've heard from the abutters and find out what their concerns are.

Don Peacock, Seacoast Marine.

**Evans:** Mr. Peacock is it correct to say you deal mainly with sailboats?

**Peacock:** no. Seacoast Marine started as a sailboat dealer and we've expanded into powerboats as well and we actually handle three lines of sailboats and two lines of powerboats.

**Lowry:** how many boats do you plan on having on site?

**Peacock:** our winter requirements in the past for new inventory has been in the vicinity of 20-25 boats of varying sizes and that would mean from nine feet to 46 feet.

**Lowry:** that's for winter?

**Peacock:** that's for winter new inventory. Our proposal for boat accommodation on the property would probably be in the vicinity of 40 to 45 boats. Accommodating some storage. Storage is a ...Seacoast Marine is a new boat dealer. We do supply services to our existing customers but we don't solicit a lot of varied use for storage or service. We're primarily in business to service our existing customers and to attract new customers. So the storage



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capacity would be to store some of our existing customers' boats as they come back, not to solicit a lot of various vessels. The site will accommodate a tremendous amount of boats. We exist now on a piece that was allocated to us, which is smaller and we have ample space left over. With the success of business I'd like to say you could be able to use a revenue stream of storage boats, which would be seasonable, but it would be inconsistent with the boat business to think there would never be a time that there would be nothing there.

There will always be boats there.

**Lowry:** what's the maximum amount of boats?

**Peacock:** don't know.

**Lowry:** size?

**Peacock:** right now we stock and sell as far up as 46 feet

**Lowry:** and as far as storage size?

**Peacock:** if we're lucky enough to sell several 46 foot boats, I'd like to be able to think we could store them there as well. The larger sailboats are, it's not practical to think that many of them would come back because there is too much over the road rigging with that.

**Lowry:** I'm not just talking sailboats, but also powerboats?

**Peacock:** there would be some very attractive power boats in the range of 35 feet and down; the meat of our market would be 28-35 feet, very attractive styling boats, colored hulls, and then we have a smaller line which would be more typical of what you would see along the roadside here, some smaller boats, but typically those would be more of a display type of thing as opposed to a customer bringing it back for storage.

**Evans:** a key item that is missing off Henry's drawing is the height of the open storage area. Is it for parking multiple layers of boats?

**Peacock:** negative. The building proposed would allow for a vessel to go inside that would be legal over the road so the ceiling height, we're looking for a door dimension of fourteen feet high and the appropriate trussing above that. But this is not in any way a rack storage type facility. This is primarily hydraulic trailer, single boat, over the road type transport vessel.

**Evans:** a single layer of storage.

**Peacock:** correct

**Morgan:** where are you located now?

**Peacock:** right now we are at the Windward Yacht Yard next to Michael's Harbourside

**Evans:** high rent

**Peacock:** just saw the storage rates the other day. They are not discouraging storage but a few people are going to be shocked.

**Foote:** I have a question as far as the boat storage areas, both grassed areas that butt up to the pond. I'm not so much concerned with this (pointing to plan) because the slope is not as steep as over here, potentially if you're doing winter through early spring storage, with boats that more than likely will have that stretch plastic over the top of them, if you're packing them in shoulder to shoulder as tight as you can in there, then potentially we have a very large area that's impermeable surface that's creating quite a bit of runoff that's not directed anywhere outside of down the slope and into the Pond.

**Boyd:** if you didn't have space between the boats you mean?



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**Foot:** well, if you've got a couple of 35 footers that are tented over, with maybe shoulder room walking between them, the water coming off both of them in a rainstorm is going to create may not an eroded channel, it's not going to be sheet flow; it's going to be like gar flop???? So is there anyway here in this area that there could be some form of berm and redirect to the detention pond so that we don't have rivulets running down through there.

**Boyd:** I'm not sure because that pond is sized for all of the water that is directed to it now, so if I told you yes, I'm thinking it may be sized appropriately but maybe one of the things that we want to do not only just here but over here as well is maybe have a stone energy diffuser at the back edge of it

**Foot:** similar to your infiltration trenches there

**Boyd:** absolutely so that you have a stone diffuser. I don't think that would be a bad idea at all.

**Foot:** I'm familiar enough with enough boat yards on a rainy day, that you can have sheets...

**Peacock:** a nice stone berm is acceptable to me. Some of it is about the boat yard, but some of it is about the ambiance of being in a really nice spot. That's part of what I want to create is an esthetically pleasing area for people to be at while they are doing several hundred thousands dollars worth of business. It's something that the environment that I am in now I enjoy; it's not 100% yet and if we can have the opportunity to create that, that's what we want to do is create a very nice esthetically pleasing. There are several boat yards that I've been in that you would say, this would be boat yard heaven, and I would like to think that we could create a very nautical, classy, upscale, dry land marina.

**Evans:** I have a question about the sign. It seems to me that it might go better on the other side of the driveway.

**Boyd:** it's shown over by Pet City, right?

**Evans:** Line of sight is what I'm concerned about. Maybe it's got to be tall up on pylons...

**Boyd:** I can honestly tell you why it's there is because on this side Cressys, you have a little hedgy bushy thing that comes out and we have no ability to trim back on their property so it's over that way. Good point, well taken. I'm not sure we can do anything about it.

**Peacock:** can I see the sign elevation? You know honestly I'm not opposed to setting the sign back further. If there is a street address that needs to be shown we'll put that up front. But again in creating that ambiance of an attractive thing, I don't need to stuff a sign out on the road like Pet City's is. If you're familiar with some of the very attractive detail of white columns set back somewhat. Again this is adding the subtlety of

**Evans:** my concern is really for traffic safety

**Peacock:** we would have the same issue coming and going. Setting it back in, I'm not opposed; it's not about what our name is, it's what we are and the boats are what we are. People are going to see the boats; they may never see the sign. It's like the advertising we do; we advertise our logos, not Seacoast Marine. So the boats are making that statement for us. So setting that sign back a little bit deeper in a very nice crown molding type holder is fine.

**Lowry:** do you plan on putting a well in for irrigation?

**Peacock:** no.



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**Lowry:** so if I'm buying a hundred thousand dollar boat I'm just going to pull out in a dirty boat?

**Peacock:** well, we're paying for water to clean it; would we need a well for cleaning and commissioning purposes?

**Boyd:** well, the point is Seabrook has a situation where water is difficult to come by, so what Mike is suggesting is would you be willing, even though you are not forced to put a well in, I think it would be easier on the Town's resources if you could for that purpose

**Foote:** we currently have an outdoor partial water ban. You can only use water outside on the day your garbage is picked up in residential neighborhoods; I don't know how it applies to commercial

**Evans:** you still can't wash down your driveway or something like that with it

**Morgan:** are you allowed to wash your car?

**Peacock:** are auto dealers allowed to wash off their auto display?

**Evans:** that's a good question

**Foote:** I don't know

**Garand:** a lot of them actually take them offsite, drive them through the car wash, and bring them back.

**Peacock:** I won't be doing that. We don't deliver dirty boats but if the water has to be reviewed.

**Lowry:** well, there is a water issue

**Foote:** and you might consider putting a well for another issue is because our water has some many additives to it

**Peacock:** we filter already for cleaning

**Evans:** and keep your landscape area green

**Garand:** Newburyport is minimal on minerals compared to the Town of Seabrook

**Peacock:** is it really?

**Garand:** try running a hot tub on it. Manganese and iron

**Peacock:** we filter right now for some of those things because they spot too much

**Foote:** you would find that if you put in a well, obviously it's not going to have to be very deep, you've got the water table right there. The water is a much kinder gentler water than what you're going to get out of our pipes.

**Boyd:** and you'd have no restrictions on your own water; they're just trying to help you.

**Peacock:** okay.

**Foote:** the cost of putting in the well would be more than offset by the commercial gallon usage

**Peacock:** I think it's well worth investigating

**Evans:** I'd like to hear from the abutters

**Foote:** anyone else have any other concerns?

**Lowry:** the security gate; I'd like to see it go back further

**Boyd:** Paul had mentioned the same thing. Don if you could look at this, what Paul's thought was if it were back further it would be out of view number one but also be an ability for a truck to pull in if it had to and get out of traffic's way; it could be back in here and maybe we could do something with the fencing.

**Peacock:** that's fine



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**Lowry:** plus there are the people driving down Route 1 at night when you're closed, they see a boat they can pull in to look at it

**Garand:** also if they widen Route 1 as they are proposing, instead of relocating the gate again it'll be already moved back.

**Foote:** is the Board done asking questions? Tom do you have any other questions or comments?

**Morgan:** are you open for business twelve months a year?

**Peacock:** yes we do.

**Foote:** are there any abutters who have questions, comments, or concerns?

**Carolyn Welsh, 1 Lakeshore Drive:** I have one question for the Board and then several for him. On my notice that I got it didn't say one thing about boat sales. My thing says boat storage. I don't think that was right. If they are going to sell boats that's exactly what I should have been told. Number two, the lighting problem. I live directly across the street from that, directly across the pond from where he's going to be building and I do not intend to put up with any lights. And the third question I have for you is is he buying this property or leasing it?

**Foote:** I believe he's intending to purchase it.

**Welsh:** and is he going to purchase it before he does any improvements on it? Are you people going to give him the permits before he gets the deed?

**Foote:** the applicant is actually BA Small Properties, they are the landowners. This is the individual that I believe intends to purchase the land if this plan gets approved.

**Welsh:** okay, I have seen

**Foote:** I don't believe it would be wise for him to go ahead and make alterations to the property at his expense without owning it

**Welsh:** yes, but I have also seen places in this Town where we have approved a plan and in the process of the selling and even though the owner that was supposed to be buying the property was standing right in front of me when I made this comment, when he did purchase the property he did not go along with it.

**Foote:** didn't go along with what?

**Welsh:** with what you people approved because it wasn't approved in his name. Do you understand what I'm saying?

**Foote:** if there were alterations that were not built to the plan, then

**Welsh:** he did not have to conform to them because when the plans were brought up, his name wasn't on anything.

**Foote:** no, that that

**Welsh:** oh, yes it has happened Susan

**Foote:** Oh, I'm not saying it hasn't happened.

**Evans:** but that's improper

**Foote:** that's improper and the regulating and enforcement authorities of that time were negligent in not enforcing what was on the plan.

**Welsh:** okay, you, (turning to Peacock), you plan on having sales. When are you going to be operating?



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**Peacock:** our normal business is typically 8AM to 5, 5:30. We entertain after hour appointments through 7, 8 o'clock, or daylight and in the wintertime it's significantly cut back. Our longer hours are during the daylight hours.

**Welsh:** now, you are going to build this building. You were asked a while ago how many boats you plan on storing and you say you didn't know. How large of a building are you building to put boats in?

**Foote:** do you want to come down and look at the plan?

**Welsh:** no

**Peacock:** well, it's all detailed on the plans

**Welsh:** I don't want to see that. I'm asking you how many boats you plan on squeezing in this space?

**Peacock:** actually the building is not set up for storage, the building is set up for new boat display and for new boat commissioning. Then again, it's single layer

**Welsh:** then if it's going to be single layer of boats you don't need to go very high up in the air. I don't have to look out my window and see an orange roof. I look out my yard now and I see a blue building.

**Peacock:** excuse me. I'm very pleasant and I feel like I'm being attacked here.

**Welsh:** well you are because you're going to be in my back yard and I bought my house, what forty years ago?

**Peacock:** well, I think you are going to find that as a neighbor I am extremely favorable to the neighbors. I don't have any intention to clear-cut or anything. I want to maintain a very nice natural barrier of existing trees that are there. I'm going to have extremely minimal lighting. I am going to be at the minimum of the requirements for lighting. You are not going to see fifty-foot skylights; you're not going to see lights other than what are required around the circumference of the building. If you live over at Cains Brook you may not even see a light.

**Welsh:** I don't ??? enough

**Peacock:** well, excuse me

There is a verbal exchange among Welsh, and Alexander Peacock. Chair Foote calls the audience to order.

**Foote:** that's enough I'm in charge of this meeting.

**Peacock:** so your question is that the impact that I think you're going to find is the impact that we would make would be the type of building that we are going to put up is cedar and white corner board structure, very nautical, barn type appearance. It's not going to be a big metal corrugated building. Based upon the Board's stipulation of lighting, it will be to the minimum. And the natural barrier that would be closest to you won't be violated at all. You are going to be the furthest away from any part of our operation and as you come in, if you'd like to look at the plans, I think you'll be pleased with what you see, based upon where your residence is.

**Foote:** that's why I asked you if you'd like to come down and look at the plans, ma'am. To be critical of a plan the way you are without even giving the courtesy of looking at the plan.

**Welsh:** he was asked the question how many boats did he plan on storing, that's what I'm getting at and he said, I don't know. Well he ought to know how large of a building he plans on building.



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**Evans:** Mrs. Welsh, the applicant has indicated that he handles boats from nine feet out to thirty-seven feet so you could fit a lot more nine-foot boats in than forty-seven foot boats

**Welsh:** definitely. I'm talking about full storage, say 45 and 9, take a minimum, 35 footers, okay his building that he's going to put up, how many can they put in there?

**Foote:** that's why I think you need to come down and look at the plans

**Lowry:** take a look at the size of the building

**Sanborn:** he did say between twenty and forty

**Welsh:** he said forty

**Foote:** because some of the boat storage is intended to be on grassy areas, not inside a building, there's not going to be a huge building on this site. I wish you would take twenty seconds and stand up and walk down here and look at this plan

**Welsh:** do you seriously think that you're going to be able to get some of those big boats in that thing? You've got a fenced in yard.

**Peacock:** see, without you accommodating the inspection of the plans

**Welsh:** okay, I'll go look at it but I have been by that piece of property twenty million times because as I said I've lived here forty years.

**Peacock:** I think what you're going to find is, you're in this vicinity over here?

**Foote:** she's across the pond

**Peacock:** okay, you're over here. This is all natural barrier that will remain. The big tall pines that are there will remain here. This area here is going to be a low area for boats to be put. The building that we are talking about is a single story, open-air section. So if you want to take 50 feet by 85, you can probably put eight or nine boats in there. Nice big boom, boom, boom. Then we have a smaller area where Cressy's is and now we're moving further away from you. Again this would be a nice sided building here. This building here will be cedar sided, almost carriage style, almost carriage barn type in appearance and construction, wood, not metal, a nice asphalt roof and then kind of a nice blended set up

**Welsh:** your land goes back in through here?

**Peacock:** Route 1 is here and we would come in here

**Foote:** the dark line is his property line

**Welsh:** I still don't think that entrance has enough clearance to bring in a good-sized boat. That's what I'm saying. Have you ever seen a forty-foot boat with a rig and everything and to make a turn into that driveway?

**Foote:** I believe it would probably be about the same as a tractor-trailer truck.

**Peacock:** we do it now on a smaller piece.

**Foote:** and I've seen tractor trailer trucks go into Cressy's and Pet City with no problem

**Boyd:** the other thing too, we're going to make sure that DOT is okay with the driveway because we're not changing or adding driveways but we're changing, not adding a driveway, we're making it safer too.

**Welsh:** you know Susan you said that you have seen trailer trucks go into Cressy's and stuff and let me tell you how many times I have been up Lafayette Road and that plumbing place has great big trailer trucks backing in and I have to wait while he backs in.

**Foote:** that's why we stated on here that trucks shall not be allowed to back into the site from Lafayette Road; they must drive in, turn around, and drive out.



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**Peacock:** the operation of trucks has been considered in this area here so we know can't back into this. The other areas afforded more frontage; it's not part of the business plan to back trucks in off Lafayette Road. So we've already designed this area to accommodate vehicle maneuvering.

**Welsh:** I'm not saying that you're going to do it intentionally, but I suggest that you notify all your dealers that they cannot back in.

**Peacock:** you can be assured that we will not be backing in from Route 1

**Foote:** with it being part of the site plan, it gives both the Code Enforcement Officer and the Police Department the necessary bullets to put in their guns if someone does it

**Welsh:** and if you do put in a dumpster you can't have anyone pick it up from 11 to 7?

**Peacock:** we're going to have a gated access anyway

**Foote:** that is written on the plan also

**Welsh:** and that's all you're going to have is a gate? You're not going to have a night watchman or security dogs?

**Peacock:** we're under review right now according to the Police Department with the Board as to what kind of security the police department is recommending so we would adhere to the recommendations of the police chief.

**Welsh:** one of my so-called neighbors has a dog and he has a great big Doberman and half a dozen other ones that bark half the night

**Peacock:** that's got nothing to do with me

**Welsh:** no, I'm just saying this is why I'm bringing it up.

**Boyd:** I'm going to take Don to meet the Police Chief because I think one of them already said he'd rather hear what the Police Chief has to say about it

**Welsh:** I would too. Because that section has really had a lot of accidents over the years

**Peacock:** you can be assured that we will not be backing in; I wouldn't want to jeopardize a boat coming from Florida and all of a sudden have a problem within 50 feet of the entrance, so you can be assured we will not be backing in off Route 1. I will personally assure you that won't happen. The beauty of this property is that it's set back enough that we're going to have very little impact on the traffic and 90% of our traffic exiting probably even more than that will be going right heading south, so I appreciate your questioning because you have seen so many instances of trucks on the road. I will assure you personally that we will not be backing in off Route 1.

**Boyd:** the other thing that I was going to say is that Mike Fowler whenever he says something, I want to talk to him about it to assure him we're going to do some more surveys, get some actual sight distance numbers and I'm going to be talking to Don about frequency of trips, when the trucks come. It's not like he's got trucks coming in here all the time.

**Foote:** possibly he can schedule them at general low traffic.

**Boyd:** someone mentioned a flagman and perhaps that's a procedure he can talk about with the Police Chief

**Peacock:** twenty years ago we stood out on Route 1 and I wouldn't do it today. Before Wal-Mart was out there. I won't do that anymore. Again, being a good neighbor and working towards positioning Seacoast Marine as a neighbor in the community, if you feel comfortable about the height of the building, I mean I stipulated there is no rack storage,



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although my boats on trailer trucks are high, it's still all single story, fourteen foot high door, most of the auto places have a fourteen foot high door.

**Welsh:** yes, I know.

**Peacock:** so we're not looking for anything that would be out of conformity to accommodate what we're trying to do

**David Baxter:** would it please the Board if we added a note to that so that there is no rack storage, would it make you more comfortable?

**Foote:** I think it probably would make the board and the abutters more comfortable

**Baxter:** do you have a problem with that Don?

**Peacock:** I do not oppose that being written

**Baxter:** that will give them the enforcement power as well

**Welsh:** after all, I have to look out for my property too, if I ever want to sell it, who wants to look at, as I said, I've got a blue aluminum building already to look at

**Foote:** and I want to add to that note that there will be no outside rack storage because I don't want you to be limited to stacking your dingys two or three high inside your storage areas

**Boyd:** where will they be, inside or outside?

**Peacock:** I couldn't comfortably agree with that. We have a particular small board boat and they stack three high, this high (showing height with his hands). So we would have to be able to have that otherwise now you're going to get all these skateboards all throughout the yard.

**Foote:** but do you stack them one inside the other or do you have a rack that you use?

**Peacock:** we have a nice aluminum rack that we stack three high

**Baxter:** well the big boats are fourteen to fifteen feet high anyway so is the rack taller than that?

**Peacock:** so why don't we stipulate that there will be no rack storage over fifteen feet; now that's really low

**Welsh:** now is he going to come back to the Board with the lighting situation? And is it going to be relatively low on the lighting?

**Boyd:** we've got a problem right now ma'am because we've sent this out to our lighting expert

**Welsh:** I understand

**Boyd:** they sent it back to us once and it was wrong; they've sent it back again and it's wrong and they did it last minute and I have to thank everyone for giving us some leeway here because it's still not right. So he's not allowed to put anything higher than 8/10's of a lumen off a site, but on your side you're not going to get much of anything because he's leaving a lot of trees up. Where is that lighting grid on the Cain's Brook side? See even before it gets through the tree line, it's nothing.

**Foote:** but that doesn't mean she isn't going to be able to see light

**Donald Welsh, son:** that's our biggest concern is the destruction and the diesel fumes coming across the pond. The neighbor just went in and clear-cut.

**Foote:** actually you should be directing your questions to the Board

**Evans:** the proper parliamentary procedure



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**Welsh, Donald:** I had a question for the Board. You said ten feet of a waterway, I heard you say that earlier tonight that you couldn't have next to a brook, couldn't build, or clear cut or select cut

**Foote:** oh, the changes?

**Welsh:** oh, that's been changed now? Before you could cut all the way against to the water?

**Evans:** up to ten feet

**Welsh, Donald:** that was the thing I had the question about the neighbor there Considerable remarks regarding this site.

**Foote:** now we've changed it to fifteen feet no cut, no disturb; I know but that is a totally different thing and he went beyond his plan, he did not build to his plan and DES is still working on enforcing and working out where he did not build to his plan. And you cannot compare that gentleman with this. I agree with you. A travesty happened to the side of the pond there.

**Boyd:** you really should see that plan to see where the tree line is though

**Welsh, Don:** I understand that now.

**Boyd:** we're not talking about ten or fifteen feet, we're talking about 40  
Garbled conversation by audience members.

**Foote:** excuse me, we have a tape recorder that's trying to work for the minutes and when we get multiple conversations and people talking the minutes just can't grab everything so we have to have a little bit better organization. We have five more cases that we have to cover tonight so if there is anything new that hasn't already been brought up, I'll give you one last chance to bring that up, otherwise, we have to come to a decision and instructions as to what we need to see and come up with a date to continue this. So do you have any other concerns that you'd like to discuss?

**Welsh, Carolyn:** will he be coming back next week, or next meeting on this lighting situation?

**Foote:** that's one of the things we have to do is decide on when we will continue to

**Welsh, Don:** if they require you to put a fence up for the security system, the side that's on Cain's Brook, I mean I don't know how thin it's going to be after you cut it, after you cut out back

**Foote:** there will not be fencing on the pond side. There will only be fencing. That's why we say come up and look at the plans. A lot of your questions will be answered if you look at the plans.

**Lowry:** Henry, you know all the concerns that were addressed, right?

**Boyd:** I've got two major major concerns here that you want me to address. What Mike has said the traffic, I'm going to be doing some more survey, get some sight distance numbers, meeting with him, getting his recommendations and as a part of that we have to put an application in to NH DOT. I'm not going to do that until I've got at least a yellow light from you people to say that you're okay so I'm going to take it that after I meet with Mike and he gives me some recommendations, I will submit an application to the State.

**Baxter:** we have an application in we don't have the final plans



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**Boyd:** we don't have the final plans to go with it. We're waiting to submit final plans to them based on what you've said because we want your concerns worked out before we do that. The only other concern that I see is the security, the lights, and fencing.

**Foote:** lights, fencing, relocation of water meter, get that whole situation straightened out

**Lowry:** irrigation

**Garand:** water service detail; irrigation/well; stacking of boats over fifteen feet; dumpster notes

**Boyd:** you do want an outside dumpster? (To Peacock)

**Peacock:** I would like an outside dumpster that would be three-sided with a nice cedar shingle structure around it

**Garand:** building elevations and details; light and pole details; review the lighting grid and the wattage of the lumens so we can bring everything back in to

**Boyd:** cut sheets as well

**Lowry:** signage

**Garand:** sign detail,

**Lowry:** security gate

**Foote:** dealing with some sort of catch trench detail

**Garand:** berm area along the ???

**Boyd:** stone diffuser both sides

**Lowry:** as far as the pavement areas should we give him some direction on that? Whether it should be pavement, gravel?

**Foote:** I'd say the less pavement the better

**Lowry:** I'd rather see hard gravel

**Boyd:** I will have to confer with my engineers to see what they say because we need to make sure we direct this to the storm pond and we don't want fines and everything going in that and destroying the ability to use this, but wherever we can feel comfortable eliminating pavement, we have a waiver from your Board to do that?

**Foote:** even if you get innovative and have the fine crushed stone with a slow detent and what appears to be a paved asphalt swale but it looks more like a sidewalk than a swale, it can be very gradual

**Lowry:** I'd rather see that

**Boyd:** that's his idea and it's nothing to do with cost; it's just for esthetics and environmental concerns really.

**Evans:** I concur.

**Foote:** so I think you have a list of what we are looking for next time? Are you going to be able to have the architectural and sign design? Our next meeting is the sixth and it's kind of a busy meeting. After that is 9/20, September 20<sup>th</sup> and you have to have your plans in by

Secretary: you would have to have any revisions for the September 20 meeting have to be in by September 16<sup>th</sup>

**Foote:** and revisions for September 6 you'd have to have in by

Secretary: Friday, September 2<sup>nd</sup>

**Boyd:** do you have space on the first available meeting?



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Secretary: on the 6<sup>th</sup> of September? We already have 16 cases, but what's one more?

Lowry: can you put that off until the next meeting?

Boyd: I can't speak for everyone else involved here if it can be done, I can't promise but I'd like to try to get it done for everybody

Foote: well, we'd like to make sure that you've got your architectural elevations and everything. We don't want to put you on to the 6<sup>th</sup> and have you have we got part but we don't have all of them.

Boyd: I think we're in the grasp of approving the thing if we can come back complete with everything you need

Boyd confers with property owner Small who says if it's just minor things, why not approve it at this point and if you don't continue with it.

Foote: there is no way we can approve this, there is too much that has to be changed and drawn

Boyd: and I want to make sure that I can get everything done and he can so that when we do come back they can approve it

Foote: do you feel fairly sure that you are going to be able to have the architectural drawings and the signage detail and everything by September 2<sup>nd</sup>?

Peacock: a lot of that depends on Henry's schedule. As far as calling up the architect and saying put that in high gear,

Boyd: I can guarantee it at the second meeting, what we need to do. I would hate to come back and let everybody down

Evans: let's set it at the second meeting

**Motion: Lowry To continue case 05-40 until September 20, 2005 at 6:00 PM**

**Second: Evans Unanimous**

Foote: I'm going to call a five-minute recess.

Boyd: my two next cases I want to continue. One of them I have to continue because it's still in front of the Zoning Board.

Much garbled conversation among audience members.

Foote: the Cabral Willis thing

Sanborn: it's still in front of the Zoning Board; I probably won't be here on the 6<sup>th</sup>. My daughter is expecting and they may have to induce her on that day anyways.

Foote: are we going to do this or what? Half the people have walked out already. Henry says he wants to continue everything so we can wrap it up now instead of ten minutes from now.

Secretary: are we continuing Cabral? That's a 04-50 case.

Boyd: I can't continue until the zoning board rules.

Secretary: when do you want to continue 05-13 to?

Boyd: what's that?

Lowry: GRA

Boyd: we need some time to get everything straight because you just closed that last case at your last meeting.

Foote: twentieth of October?



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**Boyd:** October.

**Foote:** GRA (case 05-13) will be continued to October 4<sup>th</sup>. No motion is necessary if the chairman is here. If the chair is not here you need a motion among the members.

Secretary: because we did all those cases of Wayne's 05-41 and 05-13 are going to be 10/4

**Foote:** you know Cabral has been in front of us and continued and continued

**Boyd:** that's not my fault; it's the Zoning Board

**Foote:** I'm close to just denying and let them come back when they finally get things straightened out.

**Boyd:** how can you do that? He's already been through tech review and everything; he received his variance. The Town has chosen to appeal the variance.

**Foote:** yes, the Board of Selectmen

**Boyd:** how is it Mr. Cabral's fault if he got a variance and he was ready to come back and then the Town.

**Lowry:** I don't think it's fair to the applicant

**Boyd:** he's already been through tech review; the building inspector is on record saying it was a good design; but he got his variance. The reason he's not here tonight is because the Zoning Board failed to have a quorum last week. It's not his fault. In fact the appeal period for the variance would have passed if the Town hadn't...

**Morgan:** let's just continue it

Secretary: do you want to do Cabral 10/4 also?

**Boyd:** no before that

**Foote:** 9/20?

**Boyd:** all right

Discussion of 9/20 agenda draft for previously proposed zoning changes between Foote and Secretary.

**Foote:** I would put the zoning changes out into October but I want to request that every member read the Zoning Regulations and think about if there is anything in there that needs updating, changing, tightening up so that we don't end up with situations like this Cabral Willis thing.

**Lowry:** I don't want to see any more yellow buildings.

**Sanborn:** when are we doing the other ones?

Secretary: case 05-29, 31, 32, 33, and 34 are all continued to September 6 and 05-41 is continued to 10/4

**Foote:** correspondence is one letter from Paul Lepere, Hampton's Real Estate informing us that he has extended the site security for Belgian Drive and he would like us to extend the project until March 31, 2006.

**Garand:** Sue, I'd like to do a site walk with you and John Starkey on that, looking at the drainage, the wetland restoration, just go over it completely.

**Foote:** he's not asking for project completion or reduction

**Garand:** it's not a point of asking for project completion, I'm asking to go over there to look at the drainage for Nicholas, which has not been installed, the detention area is not in and maybe look at the drainage behind the duplex area down there and some other things.

**Foote:** okay, but back to the issue. The Board has to vote to give him an extension until March 31, 2006, other wise he will very shortly be in default of his plans and we will have to do a Border Winds on him.

**Sanborn:** what happened to 05-29, Scott Mitchell? Now it's Eddie Adams. You'll get the same answer as what we got before.



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**Foote:** Eddie Adams has always owned it

**Sanborn:** but he sent Scott Mitchell down didn't he?

**Foote:** Scott was representing him

**Sanborn:** I think he better come himself, as Scott didn't represent him very well

**Garand:** what happened to 05-13?

**Foote:** can we get back and focus on are we going to extend Belgian Drive or not?

**Evans:** since I am loath to see another Border Winds in town

**Motion:** Evans      **To grant a one year extension to case 02-03 known as Belgian Drive to March 31, 2006.**

**Second:** Lowry      **Unanimous Sanborn opposed**

**Foote:** any other business?

**Garand:** Gould's Way, which is down off Blacksnake. There was a duplex situation in the first structure as you go in on the left hand side. They are looking to have the driveway go across the drainage to Gould's way and I told them that was not allowed because it was not on the approved plans. Mr. Lepere is looking to throw a driveway through there.

**Foote:** I remember back early summer looking at those plans and where the driveway easement was and where it was indicated where on those drawn plans where the driveway was indicated to go and where the driveway was indicated to go was not across the drainage easement. The drainage easement stopped before the driveway.

**Garand:** one thing that I noted is that on the condo plans that this Board approved, the driveway is depicted on Gould's Way.

**Foote:** yes, but the drainage easement

**Garand:** doesn't show a driveway.

**Foote:** the driveway here, drainage here, they don't cross; it starts here and the driveway's here from the plans that I say unless he's moving the location of the driveway.

**Boyd:** no that's true, the drainage easement was staked out there, and the driveway was beyond it.

**Foote:** so has he moved the location of the driveway?

**Garand:** this is on the parent lot where the subdivision was created where the duplex that he condoed off. He was proposing to put the driveway across the drainage.

**Boyd:** when?

**Foote:** he wants to relocate where the driveway is

**Garand:** that's why when he built the structure there's a garage going underneath the house

**Boyd:** but that driveway is beyond, Paul, where the drainage easement is—I staked it in the field so I know that.

**Garand:** on the approved plan, the drainage easement runs down the whole left hand side of the road

**Foote:** no it doesn't. It stops about fifteen feet shy of the driveway

**Garand:** if you look at the approved plans, there's a swale that travels the whole length of that road on that side

**Boyd:** the swales travel along all those roads

**Garand:** but it's depicted as a grass swale as part of the drainage. If you impact that and cover it with asphalt, you're changing the drainage calcs, correct?

**Boyd:** it has to flow over the driveway

**Foote:** it's like Austin Way. The driveways come down and



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**Boyd:** parabolic berm

**Foote:** so again, we have a driveway that wasn't constructed to the plans

**Garand:** exactly

**Boyd:** either that or they could have a culvert under the driveway that they

**Foote:** is Charlie Bagley building that one too?

**Garand:** no Dupere I believe is building it

**Boyd:** you asked for other business and I'm here to tell you that Mr. Benoit has agreed to put granite curbing in.

**Foote:** oh, very good.

**Boyd:** however, it presents some challenge in physically putting granite curbing in so I recommend that you, me and Mr. Benoit meet out there and I'm going to have Johnny Bell from Bell & Flynn write a letter presenting the challenges of doing it. Because properly done, it should be done before the topcoat goes in, should be locked in with concrete, and then the topcoat should go over the top. So there are some logistical issues here. He has agreed to do it. He doesn't think it's right but he doesn't want to walk away from anything in Seabrook and he wants to make it right. At some point, probably next week, if you're available Sue

**Foote:** I can't tell you. Vinnie is potentially coming home in the next two days and then my life gets real complicated tending to him.

**Boyd:** I guess would it be proper for me to meet with Mr. Starkey as he's already familiar with construction methods and has to approve eventually?

**Foote:** if he's willing to yes because ultimately he'll be responsible for it.

**Boyd:** I understand so I will do that but I just wanted you to understand that's the case.

**Foote:** let me know when you have the time set up, I might have the time free but don't set an appointment up to my schedule. I will make it if I can.

**Boyd:** understood. The only other matter I have is just to let you know there was very great concern about Mr. Perkins not doing his wetlands restoration type of stuff. I say again he wasn't finished with the road. Obviously with the bond issue being extended, but he has identified those areas for the wetlands restoration and he has restored to grade the one on the right hand side, the third one out by his garage that has to be removed he has taken all of that material out of there and the only concern I have just to give you an update is I have to have Mr. West come down and tell us what the appropriate grade is for the front left hand side. So if you go down there, that loam pile never was in the wetlands. The wetlands used to be where the driveway was through there.

**Garand:** that why I want us to walk the site so when it comes up at the next meeting we know what's down there.

**Boyd:** he really is an honorable man. The way that thing went down I just didn't like it.

**Garand:** where the drainage on Nicolas Way crosses the sewer easement, and the elevations with the pipe and the cover and so forth, how much fill is going to be added in that area?

**Boyd:** I don't know off the top of my head

**Garand:** because that pipe is right now at ground level but maybe six or eight inches

**Boyd:** that detention pond at some point needs to be built and it should be done as soon as they can do it to stabilize the site

**Garand:** it should have actually been done, that was one of the conditions of the original approval

**Boyd:** in October is the best growing grass season of the year so I don't think it's bad that it hasn't been done at this point, but it should have been done before



## Town of Seabrook Planning Board Minutes **Draft**

August 16, 2005

**Garand:** but at the same time when you have the development of that last site on Nicholas Way, it should be done prior to that

**Boyd:** I agree

**Garand:** there is also a question of a wetland finger that came up. I walked that site with Mr. Fowler and I don't know how they came to get those wetland plans

**Boyd:** it's ridiculous. It shouldn't have been mapped as wet. It's stupid, it's insane.

**Garand:** the railroad bed was built up to this grade

**Boyd:** Bobby Fowler loves that pond, he was done there as a kid and he wants to come back home from California after twenty-five years so I'd like to have you help us with that.

**Garand:** that right there would actually make it so he could build a house because our easement goes down through there and with the drainage that's on that lot it impacts

**Foote:** I'd rather impact the wetlands near the railroad than loose that gorgeous big oak tree

**Garand:** that's what he's trying to save because he doesn't want to loose that

**Boyd:** I've been down there trying to help so before he comes back we've got to have a plan.

**Secretary:** I want to apprise you that the Sewer easement for the Jean Gove 1987 Trust is being revised and Larry Douglas is waiting for his attorney to find Mrs. Gove to get her signature. And that we have found the Bond for Border Winds and it is a letter of credit in the amount of \$46,352.50.

**Morgan:** when does it expire

**Secretary:** December 31,2005

**Foote:** but his attorney stood here and told us he had \$76,000.

**Garand:** on the London Lane project.

Meeting adjourned at 9:15 PM

Respectfully submitted,  
Patricia Welch, Secretary.

<b>MYLARS RECORDED August 11, 2005</b>		
04-53	Douglas & Janet Stoddard and Janet Rogers lot line adjustment, 16 & 20 True Road, Tax Map 2, Lots 10 & 6-19	C32931
05-15	Michael Fecteau, DCC Development Corp & Patrick Spearman, Spearman International & Seabrook International for a Lot Line Adjustment at Tax Map 6, Lots 17, 17-2 & 17-3	D32932
05-28	Samantha Real Estate Development LLC condominium conversion at 48 Belgian Drive, Tax Map 9, Lot 36-10. Condominium Documents 1:41 PM	D32933 57487
05-35	Clayton Gould condominium conversion at 15 & 17 Goulds's Way, Tax Map 3, Lot 5-33. Condominium Documents 1:41 PM	32934 57488
05-38	Wildwood RE Holdings LLC, lot line adjustment 18 & 20 and 24 & 26 Pineo Farms Road, Tax Map 4, Lots 14-105 & 14-106.	B32930
05-19	Morgado Floor Plans for Condo Conversion 122 & 124 Blacksnake Road	D-32952