

**SEABROOK PLANNING BOARD
AUGUST 19, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

Members Present: Chairman Robert Brown, V-Chairman Susan Foote, Peter Evans, alternate William Cox and Selectmen's Rep. Karen Knight. **Others Present:** Town Planner Thomas Morgan, CEO Paul Garand and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting a 7:04 P.M.

MINUTES: S. Foote made a motion to approve the previous minutes of July 15, 2003. P. Evans 2nd. Vote: K. Knight abstained. Motion carried.

Chairman Brown informed the audience that Scott Mitchell had asked to cancel the informal session scheduled tonight for the development of the Tiki Trust property off of Lafayette Road

PUBLIC HEARINGS:

#02-47 – EMC REALTY TRUST FOR A CONDOMINIUM CONVERSION AT 264 SOUTH MAIN STREET, TAX MAP 17, LOT 20-3 – FORMAL CONTINUANCE

Surveyor Gerrit Crabbendam and applicant Francis Chase were present to go over the plans for a condominium conversion at 264 South Main Street for the board's review and approval. Mr. Crabbendam told the board that a note had been added to the plan in regards to the easement that the abutters have alleged that a porch had encroached on. T. Morgan's letter of review went over the comments of Attorney Mitchell's suggestion that the following condition be added to the approval: "There is a dispute between the applicant and the abutters regarding alleged infringement on easements. The approval of the Seabrook Planning Board is not intended as a comment on the merits of that dispute. However, if any subsequent decision of a court decides that the abutters have rights inconsistent with or contradictory to the representations of the applicant, or the content of the plan, then the approval of the board shall be void."

The board had no comments and the abutters did not wish to speak at this time.

W. Cox made a motion to approve this plan only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations and that because there is a dispute between the applicant and the abutters regarding alleged infringement on easements. The approval of the Seabrook Planning Board is not intended as a comment on the merits of that dispute. However, if any subsequent decision of a court decides that the abutters have rights

inconsistent with or contradictory to the representations of the applicant, or the content of the plan, then the approval of the board shall be void.”

S. Foote 2nd. Vote: 3 in favor, K. Knight abstained. Motion carried.

#03-12 – JULIAN REAL ESTATE DEVELOPMENT LLC FOR A CONDOMINIUM CONVERSION AT 73 WASHINGTON STREET, TAX MAP 14, LOT 12 – FORMAL
Surveyor Henry Boyd of Millennium Engineering presented the plans for a condo conversion at 73 Washington Street for the board’s review and approval.

Boyd said that this was a straightforward plan and that there are no jurisdictional wetland on this parcel and that they are further enough away from any wetlands. S. Foote verified that there were no wetlands on the site and if a waiver was needed she had no objection. There were no abutters present. T. Morgan’s other concerns in his letter of comments had been addressed and revised as recommended.

S. Foote made a motion to waive the wetland delineation. K. Knight 2nd. Vote: unanimous. S. Foote made a motion to approve this plan only for the purpose of certifying that it complies with the Town of Seabrook’s Condominium Conversion Regulations. W. Cox 2nd. Vote: unanimous

#03-16 – MILLER & YOLANDA FELDER AND EMC REALTY TRUST FOR A 3-LOT SUBDIVISION AT 231-235 WALTON ROAD, TAX MAP 13, LOT 42 – FORMAL

Surveyor Gerrit Crabbendam and applicant Francis Chase presented the plan for a 3-lot subdivision at 231-235 Walton Road for the board’s review and approval. Francis Chase submitted a copy of the state wetlands approval.

T. Morgan and the board members viewed the proposed subdivision and had a problem with the configuration of the lots. W. Cox said that the board could waive the box requirement for more normal shaped lots. Chase said that he would cut down the knoll to allow for more visibility. T. Morgan said that it was a through plan and has everything in the regs. Gerrit had sketched an alternative plan with three triangular lots with 100-foot frontage but could not make minimum lot dimensions of average depth and width. S. Foote suggested that they could cut back the rear line to the salt marsh thereby creating a fourth lot that could be donated to the town.

Chase asked if the board was recommending that he go to the B.O. for a variance. T. Morgan told him that he could try to crunch the numbers to make it fit. Gerrit

said that he would try but he did not think this could be done. There were no abutters present. The time frame was discussed if it became necessary to go to the B.O.A.

W. Cox made a motion to continue this application to October 7, 2003 at 7:00 P.M.
P. Evans 2nd. Vote: unanimous

#03-19 AZOURY FAMILY LLC TO CONSTRUCT A RESTAURANT AT THE SITE OF THE FORMER MAC'S CLAM BAR OFF OF OCEAN BOULEVARD, TAX MAP 26, LOT 91 – FORMAL

Surveyor Henry Boyd of Millennium Engineering presented the site plan for a restaurant at the former site of Mac's Clan Bar off of Ocean Boulevard for the board's review and approval.

Boyd addressed T. Morgan's letter of review as follows: Boyd clarified the question of in which zoning district the property is located which is the beach commercial zone and that they had received a variance for the setback requirements. Boyd explained the previous parcel conveyance and said that they had acquired a 1- year lease on parcel B from the State. Tom Pike, beach commissioner verified this agreement.

Boyd said that because of the complexity of Rte. 1A's storm water drainage, utilities, etc. there is no plans for curbing and that there would be just striping and the parking lot would remain as it is now. He said that there are 22 spaces with 3 handicapped spaces and they would be 10'x 18' and 12' for handicapped. Boyd explained his note of "proved by Town of Seabrook" in regards to water shutoffs. He said that the hatched area was for loading. Cox and Evans voiced their concerns with the possibility that this parcel would not be conveyed by the state and if they did not renew the lease this would be shown as part of the site plan. T. Morgan said that if the plan got approved and the State changed their mind we would have a approved site plan with no parking. T. Pike, acting building inspector at the beach, said that Mr. Azoury had already acquired a piece of land from the state and only if something catastrophically happened would the state not sell. He said the hold up was that the state had to go before the legislation to make it official. He said that he strongly supports this project.

Cox had a question about the number of parking spaces. H. Boyd said that they had taken into consideration parking at DiBurro's for the restaurant. T. Pike said that this property would be more in compliance than the surrounding businesses in this area. T. Morgan said that if the parcels are separated wouldn't an easement be needed. H. Boyd said that they are owned by the same party and you do not give and easement to a property but to a person and that would be done if this happens.

P. Evans asked how he would guarantee if there is a division that the easement would be granted. Boyd said that as a condition of the approval you could require an easement mylar for recording at the registry.

The board also discussed the addition of a vegetative strip that would better control the driveway and Mr. Azoury said he had no problem with doing this. A copy of the NHDES approval was given to T. Morgan for the file. W. Cox said that he would go over the lighting details with Mr. Azoury.

Abutter Velma Littlefield said that her concerns were about the number of generators there would be, how much noise this would generate and the lighting.

K. Knight made a motion to continue this application to September 16, 2003 at 7:00 P.M. P. Evans 2nd. Vote: unanimous

#03-15 – DANIEL SYVINSKI TO ERECT A GARAGE AND RENT CONSTRUCTION EQUIPMENT AT 191 LAFAYETTE ROAD, TAX MAP 9, LOT 148 – FORMAL

Alternate W. Cox stepped down as an abutter to this presentation.

Daniel Syvinski and his father presented the site plan to erect a garage and rent construction equipment at 191 Lafayette Road for the board's review and approval. Syvinski said that the drainage study had been changed to reflect a 50-year storm. He said that the greenbelt had been depicted on the plan as requested and that he would be asking for a waiver for sidewalks.

Mr. Syvinski said that he had received a variance for setbacks and that this had been noted on the plan. He said that the berm would be pitched away from the wall as shown on plan.

Abutter William Cox of 37 Lakeshore Drive asked what impact will this have on the trees and the loss of the buffer. Mr. Syvinski went over what he had done and just how many more trees would be removed. Cox also requested that there be no stockpiling of processed materials outside and that the lighting be limited to 100-watt incandescent lights. Cox also had some concern with a 4-wheeler that he had seen on the site. Mr. Syvinski said that it was for sale. Cox asked why Mr. Syvinski had not gone to the D.O.T. for a curb cut. T. Morgan said that this business would generate very little traffic and that he has two existing curb cuts.

S. Foote made a motion to waive the sidewalk requirements, limit the lighting to 100 watt incandescent lights unless he comes forward with a lighting grid, no

stockpiling of processed materials outside and hours of operation to be 7:00 A.M. to 9:00 P.M. P. Evans 2nd. Vote: unanimous

S. Foote made a motion to approve the site plan with the previous conditions noted. P. Evans 2nd. Vote: unanimous.

W. Cox returned to his position as alternate member on the board.

#03-24 – PROPOSAL BY THE HEIRS OF CLIFTON MERRILL JR. FOR A 3-LOT SUBDIVISION AT 51 WORTHLEY AVENUE, TAX MAP 16, LOT 59-2 – FORMAL Surveyor Henry Boyd of Millennium Engineering presented the plans for a 3-lot subdivision at 51 Worthley Avenue for the Heirs of Clifton Merrill Jr. for the board's review and approval. Shirley Merrill said that this was not a four-lot subdivision as depicted on the agenda. T. Morgan apologized for his error. H. Boyd explained the new numbers given to the lots by the assessing department and said that they were for clarification purposes. Boyd said that he would be asking for a waiver for the perimeter survey and the depiction of topographical contours as suggested by T. Morgan in his letter of review. Boyd said that the Z on the lot line was a symbol that the lots were jointly owned.

Shirley Merrill said that she had no problem giving Dennis Merrill the lot. She said that she had questions about the location of the road because she wanted to add a front porch to her residence and that she thought that she owned 58' to Worthley Avenue but according to this plan she did not. H. Boyd explained how he did the survey. T. Morgan asked Boyd that other than the stone wall what else was he basing his survey on. Gerrit Crabbendam said that it was a three and a half rod road. H. Boyd told Mrs. Merrill that he would do a plan for her to go to the B.O.A for a variance to do the farmers porch.

Abutters present did not wish to speak.

S. Foote made a motion to approve the subdivision for the heirs of Clifton Merrill, Jr. P. Evans 2nd. Vote: unanimous

CORRESPONDENCE & EXPENDITURES: T. Morgan distributed the correspondence and Chairman Brown signed the expenditures.

DRIVEWAY PERMIT APPLICATIONS: NONE

SEABROOK PLANNING BOARD

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OTHER BUSINESS: Public Hearing Notices

T. Morgan said that he had drafted a public notice to consider a proposal to amend Article XI of the Site Plan Regulations by add the following to Section A: “ An attorney shall certify that all condominium documents are consistent with the requirements of NH RSA 356-B.” Morgan said that this was on the advice of Attorney Simmons and the direction of the Town Manager. The board a changed “an attorney” to “ the applicants attorney.”

K. Knight made a motion to send this to public hearing on Tuesday, September 16, 2003 at 7:00 P.M. P. Evans 2nd. Vote: unanimous

Code Enforcement Officer Paul Garand went over a letter from the Town Manager that addressed the adoption of the International Property Maintenance Code. Garand said that this code needed public notice, a recommendation by the Planning Board and an article to be placed on the warrant to be adopted.

W. Cox made a motion to hold a public hearing to adopt the International Property Maintenance Code on September 16, 2003 at 7:00 P.M. P. Evans 2nd. Vote: unanimous

W. Cox made a motion to hold a public hearing on September 16, 2003 at 7:00 P.M. in order to consider a proposal to amend the Seabrook Capital Improvements Program by adding the following project: PB-6 Widen Lafayette Road – Although the State of New Hampshire has commenced the widening of some portions of Lafayette Road, those segments that are not widened will become traffic bottlenecks. The Planning Board proposes that the entire length of Lafayette Road, from Salisbury to Hampton Falls, be widened to five lanes, and that the roadway be lined on both sides with appropriate curbing, acceleration and deceleration lanes, street lights, sidewalks, and elm trees.

Cost:	\$10 million (Board changed this to \$20 million)
Funding:	NH Department of Transportation and developers of large commercial tracts (buildings of 50,000 sf or greater) along Lafayette Road.
Planning Board:	Implement in phases, beginning as soon as possible.

P. Evans 2nd. Vote: unanimous

A setback requirement proposal by P. Garand will be discussed later.

TRAFFIC MITIGATION: K. Knight made a motion to hold a public hearing on October 7, 2003 at 7:00 P.M. to consider a proposal to add the following as Article

XX of the Zoning Ordinance, and to re-number the current Article XX as Article XXI: W. Cox 2nd. Vote: unanimous (see attached draft)

APPOINTMENT OF ALTERNATE MEMBERS:

S. Foote made a motion to appoint Philip Stockbridge as an alternate member. P. Evans 2nd. Vote: unanimous. William Knowles had requested to take P. Garand's place as a member at a previous meeting. K. Knight made a motion to appoint the following as alternate members to the Seabrook Planning Board: Dick Dodge and Michael Lowry and to fill the position vacated by member Paul Garand with William Knowles. S. Foote 2nd. Vote: unanimous

OLD BUSINESS: Sullivan Subdivision

Beach Commission and Acting Building Inspector Tom Pike said that he had denied an occupancy permit to one of the lots on the Sullivan Subdivision because the road had not been done. He said that upon advice of counsel for the beach precinct he was told that he could not withhold the occupancy permit because it was an approved plan with a bond for the road. P. Garand said that according to a list that the town manager had the bond had not been posted. Secretary Emily Sanborn said that she would not have recorded the mylar without first checking to see if the bond had been posted.

T. Pike also asked about another proposed 9-lot subdivision on a lot at the beach that needed several variances like the Sullivan subdivision had needed. The board made note that the Sullivan road was an existing road.

Public Hearing For Border Winds Subdivision:

T. Morgan reminded the board members of this hearing for August 27, at 7:00 P.M at the Library. He asked the members to come at 6:30 P. M. for a brief meeting with Attorney Mitchell on bond issues.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:25 P.M.

Minutes taken by Emily A. Sanborn, Secretary

Secretary's Notation: Mylars were recorded on August 20, 2003 for Heirs of Clifton Merrill, Jr. D-30904, EMC Realty Trust, D-30906 – Docs 101891, Jillian Real Estate D-30905 – Docs 101893, Knowles/Turcotte D-30903 – Docs 101892.