

**SEABROOK PLANNING BOARD
SPECIAL PUBLIC HEARING
AUGUST 27, 2003 – 7:00 P.M.
SEABROOK TOWN LIBRARY**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Keith Fowler, Mark Preston, William Knowles, Alternate Philip Stockbridge and Selectmen's Rep. Karen Knight. **Others Present:** Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Paul Garand, Town Manager Frederick Welch, Attorney Walter Mitchell, Secretary Emily Sanborn, Applicants Colliander and Benoit, Henry Boyd of Millennium Engineering, Wayne Morrill of Jones & Beach Engineering and Homeowners of Border Winds Avenue and Randall Drive.

MEETING OPENED: Chairman Brown opened the meeting at 7:00 P.M. with a quorum present. Chairman Brown asked that when the public hearing was opened that those in attendance speak one at a time. Chairman Brown introduced the board members

CASE #03-26 – LEDGE ROAD REALTY TRUST (DAVID BENOIT & JOHN COLLIANDER) – REQUEST TO AMEND THE SUBDIVISION APPROVAL FOR BORDER WINDS AVENUE & RANDALL DRIVE – TAX MAP 2, LOTS 94-4 THRU 94-46 – FORMAL PRESENTATION: *Applicants John Colliander & David Benoit along with Henry Boyd of Millennium Engineering* presented the plan to amend the subdivision approval for Border Winds Avenue and Randall Drive for the board's review and approval.

Colliander introduced himself and Dave Benoit representing the owner, Ledge Road Realty Trust and said that they were here to get the board's approval for a plan submitted by Millennium through Henry Boyd for a subdivision that was approved 5 years ago and completed 3 years ago. He said that it was in his opinion one of the nicest in town. He said that they are here tonight to get Millennium's plans approve to correct the deficiencies, sidewalks, etc. so that they can get these things done. He said that if the plan to amend is approved they could get started tomorrow correcting some of the issues out there. Mr. Collainder said that it is in everybody's interest to get the plans approved to get the road accepted by the town. He said that the road is presently privately owned and that the residents do not receive town service, plowing, etc. He turned the presentation of the plan over to Henry Boyd of Millennium Engineering.

H. Boyd said that he had met with the residents on numerous occasions, studied rain events and had had meetings with Michael Fowler and the director of public works John Starkey and based on a combination of a lot of things and what the proposed plan shows is that this will correct the drainage problem out there.

S. Foote asked if the drainage calculations are the same. *M. Fowler* said that the pre-construction and post-construction has already been analyzed by Jones & Beach on the original plan. *H. Boyd* told *S. Foote* that the detention pond has an actual decrease of runoff.

Planning Board Engineer Michael Fowler said that he had reviewed the amended plan and is in agreement that this is a suitable plan and that he is in favor of it if the plan is implemented to insure that #1 the plan has been accepted by John Starkey; #2 Bond proceeds are available or remain at an estimated \$150,000; #3 Time line to insure work to be done (drop dead date); and #4 the developer would be required to have an on site full time inspector. He said in conclusion that this is technically a sound plan. *P. Stockbridge* asked about the Jones & Beach plan in comparison to the swale. *M. Fowler* said that in light of the elevation and the way the houses are set up, each driveway would have to be lifted with the granite curbing to prevent flooding of driveways.

T. Morgan asked that after reviewing both plans do you find one better than the other as far as drainage *M. Fowler* answered that both plans have met our standards and guidelines and that with both there would have to be reshaping of the driveways and with curbing it would have to go up another 6 inches. He said that the drainage is now on R.O.W and that we must have control of R.O.W to have the swale work

P. Garand said that he had a concern with an unlabeled concrete structure on site and said that it should be labeled and detention ponds on private property should be labeled also. *H. Boyd* said that he did not know what the concrete structure was. Chairman *Brown* said that Warner Knowles' review addressed it as an electrical pull station. *H. Boyd* said that somebody needs to open it. *K. Knight* said that it should also be clarified if there are any house connections to the town drainage system. *H. Boyd* said that he did not know if there are any and that the homeowner is responsible for this. *Colliander* said that they had only built 12 homes on the subdivision. *D. Benoit* said that Warner Knowles had done some dye testing. *S. Foote* said that any basement drainage system couldn't be put into the sewer system.

T. Morgan asked the applicants, if the board approves their plan, how long would it take to complete the project. *Colliander* said that he would like to get this done before November 15, 2003 before winter sets in. *Colliander* said that the 30-day appeal process has to be considered also. *D. Benoit* said that he would like to get the grass started and the sidewalks paved before the hot top plant shuts down. He said that the sidewalks have been done twice already and that he would be on site to see that it is done right.

Chairman Brown gave the residents the opportunity to speak starting with the first row. The residents of Border Winds Avenue and Randall Drive voiced the following concerns: Jason Page of 7 Randall Drive said that for the benefit of the new member who does not know what we have gone through and the failure of the Town to oversee the project properly he gave a review of the events leading up to now. He said that the problem started when the developer came back to the board to do away with the granite curbing and that the owners of the lots had changed and that they had not been notified of the developer's intent. Page said that as soon as the town officials had seen that the developer was not following the plan with the granite curbing the work should have been stopped. Page said that people were still buying and that the developer was still representing that they were going to do granite curbing. He gave a copy of one of the flyers that the real estate was advertising granite curbing. Collainder said that he had only seen it a couple of months ago and that he had attended every single closing and that curbing did not come up at these closings. Page said that what the board had signed was for granite curbing and that they did not want a patch job. He said that the residents could wait for the next construction period and do the plan as promised. He said that he had seen the approved plan and that it had handicapped ramps, stop signs streetlights, and granite curbing. He said that he was not here to get sidewalks; he was here to get what the board approved and what he paid for. He said that granite curbing is required and that is what the association's members want

Richard McCann, State Rep., of 67 Border Winds Avenue told the board that the residents of this subdivision had been promised these things through 2002 and they should be carried out. He asked what they would do with a sidewalk like what they had. He said that he had spoken to the Town Manager about the bond being adequate to give them what was promised. He said that he did not see why the taxpayers and residents have to pay for the people overseeing the project falling down on the job. Mr. McCann said that the developers were not at his closing and that the original plan should be substantiated. He said that they want what is going in everywhere else in town, granite curbing and cement sidewalks. He said that the developer's feet should be held to the fire by doing what the taxpayers want and taking the proper action and go back to the original plan.

Scott Greene of 54 Border Winds Avenue said that sidewalks were not the major concern. He said that David Benoit had sold him the first lot and promised granite curbing, gas light poles, and granite post for the mailboxes. He said they want what they bought into. Granite curbing is forever and we do not expect less than what we paid for.

Beth Roy of 68 Border Winds Avenue asked what is to prevent the new sidewalks from being plowed up again without the granite curbing to protect them M. Fowler

told her that a 6' wide swale buffer would be between the sidewalk and road and that the plan that is before you will service you better because many of the houses are below the road elevation and that the fill did not match up to the road. He said that the town has several subdivisions that do not have granite curbing. S. Foote said that there might be more drainage problems created with the granite curbing. A resident said that he did not want a ditch in front of his property and asked who would clean the leaves out of the ditch. M. Fowler said that the town would maintain the swales and that the DPW would have to be contacted when they needed cleaning. Fowler explained the difference between what would be needed for the swale system and granite curbing.

Dave McDowell of 17 Border winds Avenue explained that he had a detention pond behind his home and that he had put in his own pipe to channel the water to the pond. He stated that the curbing will work but it would be more expensive for the developer.

Jason Page went over the location of his property and said that the town failed to see that his driveway cut was not built in the R.O.W. He said that his builder made a match up to the road. M. Fowler told him that the driveway has to be approved by the DPW who was Mark Eaton at the time and his role was to inspect for the appropriate driveway cut. He said that Benoit and Collainder did not have anything to do with the individual driveways. Fowler explained that the drainage that gets into the detention pond would collect in the swale and go to the nearest catch basin and then into the close system in the roadway and into the detention pond, which would be an improvement for the homeowners. He said that the only impact to their lots would be the runoff from the roof.

Charles Gunn of 62 Border Winds Avenue said that the town water shut-off was in the middle of his driveway. He said that he wanted what he paid for granite curbing.

Catherine Evans of 44 Border Winds Avenue said that her concern was that the little problem that she has will be made bigger but that the swale is not going to dry out and it will cause a bigger mosquito problem than already exist.

Peter Evans of 44 Border Winds Avenue said that he had no doubt that H. Boyd's plan is sound and has a lot of merit but the facts remains that the voters of Seabrook voted for granite curbing and everybody expects to see it done as promised.

Keyon of 15 Border Winds Avenue asked that if the driveways had to be dug out for swale what would be the difference with building them up for granite curbing.

Benoit said that he had listened to all of their concerns and that he had all intentions of doing the granite curbing but because of the wetland issue, of the abutters Shay Perkins and the Bergeron's drainage problems and the problem on the corner, he asked for direction from Michael Fowler, Henry Boyd and Warner Knowles to do the right thing. He said he had spent an additional \$26,000 in engineering fees and had come up with continuing the swales and catch basins. He said that he had no idea that the granite curbing would not work when he bought the approved plan. He said that granite curbing would not work for everybody in the subdivision. M. Fowler said that the 6" berm needed in driveways for granite curbing to work would have vehicles bottoming out. McCann asked about the action taken in November to go back to the original plan. Chairman Brown explained the procedure of the meeting being illegal. McCann said that a legal vote tonight would determine what subsequent action we will have to take. Jason Page said that it was his content that the road had never been done right and that now the developers come back here 2 ½ years later and do a patch job. He said that when he had met with the Board of Selectmen they said that granite curbing would go a long way to protect the sidewalks and drainage. He asked if Jones and Beach were here to answer the question whether granite curbing would work. Wayne Morrill was present and said that it would work as designed. H. Boyd said that it was his opinion that a system without granite curbing is a better system noting that the aesthetics of granite curbing has a certain value and that this amended plan is a solution not an alternative. Wayne Morrill said that he did agree that the swale is the best for the subdivision drainage issue because of the ½% slope of the road but if it had been built to the plan curbing would be. He said curbing would affect the people that are in holes because of the road graphics.

The Witham's of 9 Randall Drive said that they do not have a problem with granite curbing and it was what they were promised. McCann again said that he paid for a Cadillac and got a Chevrolet. H. Boyd tried to explain how the swales would look like part of the lawn not wet swales. M. Preston asked him if he was aware of anyone with water problems. The residents responded with they had corrected their own water problems. Chairman Brown said that the builders should have watch over the construction of the individual driveways as he said that he is well aware of from his own experience.

Mark Preston asked if granite curbing is put in would it create a problem. M. Fowler said that in his opinion it would breach the driveways.

Chairman Brown said that when the planning board looks at a plan it has to go on the advise of an engineer. Jason Page said that Jones & Beach said that if the plan were built according to the approved plan it would work. Chairman Brown asked

the residents, that if the board made the developer to go back to the original plan and it causes more problems, would they come back to the town to fix it.

Attorney Walter Mitchell suggested (not as PB counsel) that the discussion be closed. Chairman Brown closed the hearing to discussion and polled the members.

Jason Page restated the events that took place regarding this subdivision. M. Fowler said that this plan would work better for this project and that the granite curbing would be for aesthetics. S. Foote said that for conservation purposes the grassy swale is much better for absorbing and treating the runoff compared to hard piping to detention pond with granite curbing. K. Knight said that the question was what is more important how it looks or how it will hold up drainage wise. T. Morgan said that there are three things to take into account: drainage, aesthetics and the response of the one voice of the people here tonight.

Chairman Brown called a 5-minute recess at 9:05 P.M. The board returned for deliberation at 9:10 P.M.

Mark Preston said that there are three engineers that say the swale system will work but the crowd here wants granite curbing and they better not cry if it doesn't work. S. Foote said that this subdivision must be inspected to insure that no private drainage goes to the town's storm water drainage system and all houses to be inspected.

Mark Preston made a motion to deny the request to amend the subdivision approval for Border Winds Avenue and Randall Drive. K. Fowler 2nd. Vote: unanimous.

Mark Preston said that his denial was based on the information by Wayne Morrill, of Jones & Beach Engineering, that the granite curbing will work and on the outpouring of the neighborhood that this will directly affect.

Keith Fowler said that his feeling was that the engineers have said that either way would work and that the applicants have had several opportunities to present this plan and failed to do so. He said it is clear that the people in the neighborhood want the granite curbing even though it was not necessarily the best but they are going to have the water not me.

M. Preston made a motion to adjourn. K. Fowler 2nd. Vote: unanimous.

Meeting adjourned at 10:15 P.M.

Minutes taken by Emily Sanborn, secretary.