

**SEABROOK PLANNING BOARD
DECEMBER 18, 2001 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Vice Chairman Susan Foote, Paul Garand, William Cox, Mark Preston, Alternate Keith Fowler, and Selectmen's Rep. Asa Knowles, Jr. Others Present: Town Planner Thomas Morgan, Planning Board Engineer Michael Fowler and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown was absent. Vice Chairman Foote took over the chairman duties. Vice Chairman Foote opened the meeting at 7:05 P.M. with a quorum present.

MINUTES: W. Cox made a motion to accept the minutes as written. A. Knowles 2nd. Vote: unanimous.

#01-16 – Proposal by Edward & Deltina Goss for a lot merger and the condominium conversion of four dwelling units at 227 & 231A South Main Street, Tax Map 16, Lots 8 & 9:

T. Morgan informed the board that the applicants time had expired and no one was present to ask for another extension.

W. Cox made a motion to deny based on the applicants failure to meet the Condo Conversion Regulations. M. Preston 2nd. Vote: unanimous.

#01-23 – Proposal by Hunter Logan Realty Trust LLC to establish a 160-seat restaurant at 419 Route 286, Tax Map 17, Lot 47;

Henry Boyd of Millennium Engineering, representing the applicant, presented the revised plans for the board's review and approval. Mr. Boyd described the plan and went over the favorable conception that was agreed upon by the applicant and the D.O.T. W. Cox asked if this reflects the 50' opening that was proposed by M. Burlage of the D.O.T. H. Boyd said it did. Vice Chairman Foote asked the members if they had any comments or concerns.

M. Preston stated that the D.O.T. in Concord did not know the safety of the situation on holidays, etc. He said that the traffic was a mess on this strip.

W. Cox made a motion to approve the site plan with a \$5,000 performance bond. A. Knowles 2nd. Vote: 1 Opposed, Mark Preston. Motion Carried.

#01-32 – Proposal by Homes LLC and William McClellan for a condominium conversion at 32 & 34 Brooks Road Extension, Tax Map 10, Lot 55-10;

Henry Boyd of Millennium Engineering presented the plans for a condominium conversion on 37 Brooks Road. H. Boyd said that this was a straight forward plan

and that the concern of T. Morgan about the driveway for unit A had been viewed by DPW Director Starkey and in a letter from Mr. Starkey he said that he saw no safety issued with the driveway.

Wayne McDonald of 37 Brooks Road and Bob Carboner were concerned with these becoming rental units and the order in which the building occurred. It was explained to the abutters that the board has no control over this becoming a rental unit as the owner has the right to rent. P. Garand said that the building permit was for a duplex and now Mr. McClellan is now making it a condo.

W. Cox made a motion to approve the condominium conversion plan only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations. P. Garand 2nd. Vote: unanimous. M. Preston had left the room and did not vote on this application.

M. Preston returned to the meeting.

#01-33 – Proposal by the Eaton Family 1997 Revocable Trust for a condominium conversion at 304 South Main Street, Tax Map 17, Lot 36;

Attorney Mary Ganz and the Eaton's were present to go over the plan for a condominium conversion at 304 South Main Street. M. Ganz said that the easement for utilities that Warner Knowles asked about in his letter of review was addressed in the condo documents on page 5. W. Cox asked about the total square foot for each unit and if it was depicted on the plan. M. Ganz said that it is not a requirement in the regulations that it be shown separate. The total square footage of the lot was on the plan.

Asa Knowles, Jr. made a motion to approve the condominium conversion plan for the Eaton Family 1997 Revocable Trust. M. Preston 2nd. Vote: unanimous

#01-34 – Proposal by Honor & Mason LLC and Margaret Stard to construct a 10,750 square foot industrial building off Whitaker Way, Tax Map 4, Lot 19-50; Tom Morgan explained that this site plan could not be voted on tonight because the subdivision plan for this piece of property had not been recorded because the bond had not been posted for the construction of Whitaker Way. The board agreed to review the plan and clear up the small stuff.

Wayne Morrill of Jones & Beach said that the roadway had been inspected by the town and that a request for a reduction of the bond for the work that has been done is in the process. He said that the remaining work to be done would require a bond of between \$25,000 to \$30,000 and that this would be completed within two weeks.

Mr. Morrill told the board that there were no wetlands on this lot and that it would be noted on the plan. He gave the board an architectural plan of the proposed building and said that there would be 25 parking and 63% impervious surface.

Mr. Morrill and the board discussed the following: a) the screened dumpster; the ready rock retaining wall to direct the runoff to the rear of the site; utilities sewer manhole location, overhead pole and underground to building), snow storage and/or removal from site, the lack of landscaping on plan, detention pond location, turn-around measurements, and storm water calculations.

The water level was discussed and Mr. Morrill said that he had test pits done and that the level was 8' down. M. Fowler said that a true reading, without the drought, would be 4' to 5' in that area. He said that the storm water calculations will work and that bringing the detention pond onto the site out of the R.O.W would satisfy the board. W. Morrill asked and was given a copy of M. Fowlers recommendations. S. Foote and W. Cox agreed that the pond should be enclosed like was requested for the detention pond at Staples.

Applicants Larry Kelley and Mark Lopas introduced themselves and gave the board the reason for there business name.

Abutter Carroll Pineo said that he had two comments. Number 1 was his concern with the drainage and number 2 was the outside noise created by Xaloy across the street from his home. He said that he hoped the board would take into consideration that this industrial subdivision is next to residential dwellings. Mr. Pineo said that he would be going to the B.O.S with a complaint about Xaloy.

W. Cox made a motion to waive the photometric grid allowing 250 watt hooded sundown fixtures for the eight units. M. Preston 2nd. Vote: unanimous

W. Cox made a motion to recommend a \$42,000 performance bond to cover site drainage, landscaping and lighting. K. Fowler 2nd. Vote: unanimous

W. Cox made a motion to continue this application to January 15, 2001 at 7:00 P.M. to allow time to add and show landscaping on island and around pond; revise lighting on plan; add note to plan that there be no exterior machinery; and remove detention pond out of Right-of-Way. K. Fowler 2nd. Vote: unanimous

#01-35 – Proposal by Ron Fudge and Margaret Stard for site improvements around a 2,668 square foot building off of Whitaker Way, Tax Map 4, Lot 19-30; Wayne Morrill of Jones & Beach presented the site plan for the existing barn

off of Whitaker Way. It was noted that this lot was also waiting for the bond of the Whitaker Way subdivision.

W. Morrill told the board that this was the 3rd lot in on the right hand side of the road and that there was an existing barn on the lot. W. Morrill went over the location of the overhead lines and the underground power to the existing barn.

W. Morrill said that they would be asking for a waiver for the lighting grid. Mr. Morrill also discussed the streetlights, parking spaces, snow storage, drainage and utilities. W. Cox asked why there were so many parking spaces? W. Morrill explained that the employees will be leaving there vehicles and using a company truck. S. Foote found a discrepancy with the numbers of the contour lines and said that the detention pond for this site should also be pull onto site. T. Morgan recommended that an easement be on the plan for drainage in roadway to insure the town has access to maintain the swale, etc. M. Fowler said that the calculations for drainage look good and said that a bond of \$17,700 would cover the work.

W. Cox asked about hours of operation and dumpster hours. W. Morrill said that they would be put on the plan. W. Cox asked applicant Ron Fudge if there were any outside machinery. Mr. Fudge answered no. Mr. Cox said that the town has a streetlight committee that looks at the streetlights.

W. Cox made a motion to recommend a bond of \$18,000 for lighting, landscaping and drainage. K. Fowler 2nd. Vote: unanimous

W. Cox made a motion to waive the photometric Grid with four 250 watt hooded fixtures. K. Fowler 2nd. Vote: unanimous

W. Cox made a motion to continue to January 8, 2002 at 7:00 P.M. to give ample time to resolve bond issue and revise plan showing drainage easement, correct contour number, relocate detention pond, show lighting fixtures and note dumpster and truck hours. K. Fowler 2nd Vote: unanimous

#01-36 – Proposal by T Park Realty Trust and David Benoit for a two-lot subdivision at 944 Lafayette Road, Tax Map 7, Lot 90.

Henry Boyd of Millennium Engineering presented the plan for a two-lot subdivision for David Benoit at 944 Lafayette Road for the board's review and approval. H. Boyd went over the letter of recommendations by T. Morgan.

#1) the applicant requested that the application fee and recording fee be paid for by the town. W. Cox made a motion to waive the \$100 application fee and the \$26 recording fee. M. Preston 2nd. Vote: unanimous.

#2) an easement over A Street be added to plan. Board agreed deed should include access easement as part of conveyance.

#3) H. Boyd said that prohibiting of building would not allow parking area, etc. Board agreed that this would not be required.

#4) frontage requirement for conservation land is not required and is being proposed for Town Warrant and is presently in effect.

W. Cox made a motion to approve the subdivision plan. M. Preston 2nd. Vote: unanimous.

Public Hearings on proposed amendments to the land use regulations: Vice Chairman Foote read the following public notice: The Seabrook Planning Board will hold a public hearing on **Tuesday December 18, 2001 at 7:00 PM** at the Town Offices in order to consider amending the land use regulations, as follows:

A) In regards to wetlands:

- a. Amend the definition of *Wetlands* in Article II of the Zoning Ordinance by adding the following: "*For setback purposes, Wetlands means an area of one half acre or more.*"
- b. In Article XV Section C of the Zoning Ordinance, increase the minimum wetlands setback from ten feet to twenty-five feet by replacing Section C with the following: "**C - Setbacks:** *Buildings and impervious surfaces (except access driveways) shall be no closer than 25 feet to wetlands.*"

After Vice Chairman Foote read the public notice Asa Knowles made a motion to postpone the wetland amendment indefinitely. Acting Chairman S. Foote opened the hearing to the board members and the public in attendance for discussion on the amendment. Paul Garand asked if this meant that this would only effect land that was over a half acre. S. Foote answered in the affirmative. W. Cox stated that the wetland setback average for the whole state is 50'. A. Knowles response was that he was not concerned with the rest of the state just Seabrook and he said that this amendment was just a sneaky way to increase the wetlands setbacks. He illustrated that you couldn't even build a gazebo.

Mr. Pineo a Stard Road resident said that this proposal is pretty arbitrary because of what little land is available. He said that this setback of 25' would take land out of usage and that form a basis for taking more land away from people. He said that the definition of wetland varies and that land will be

taken away by the defining of wetlands. Mr. Pineo said that he was against this amendment.

Bruce Brown, businessman and landowner, again told the board that he had a piece of land valued at \$167,00 off of Adam Avenue that with the current 10' setback he would be able to do something with the property but with the 25' setback it would be lost. He said that this would be another way of confiscating a persons land.

A. Knowles said that this additional 15' would render a lot of our industrial land useless. H. Boyd agreed with the opposition to the 25' wetland setback.

Vice Chairman Foote stated that there was a motion made by A. Knowles to postpone the wetland amendment indefinitely. M. Preston 2nd. Vote: 1 opposed, W. Cox. Motion Carried.

Vice Chairman Foote read the following proposed amendment.

B) Add the following to Article XI of the Zoning Ordinance:

***"E - Connected Dwellings:** Structures that connect dwelling units together shall enclose viable living space and shall be architecturally consistent with the adjacent dwellings."*

Alternate member Keith Fowler asked for clarification. P. Garand explained what was architecturally permitted for a connection.

W. Cox made a motion to send this addition to Article XI of the Zoning Ordinance to Town Warrant. A. Knowles 2nd. Vote: Unanimous.

Vice Chairman Foote read the following proposed amendment.

C) Add "*streetlights*" to the end of Article VI Section J of the Subdivision Regulations.

T. Morgan informed the board that the purpose of this article was to make the developer financially responsible for the installation of streetlights on a subdivision.

T. Morgan read Article VI Section J of the Subdivision Regulations for clarification for C. Pineo.

W. Cox made a motion to adopt Item C as written. P. Garand 2nd. Vote: unanimous.

OTHER BUSINESS: Henry Boyd asked Mr. Morgan if there was still time to put an article for public hearing. His inquiry was for an ordinance change to allow multi-dwellings for elderly housing. T. Morgan explained to him that there would not be enough time for public notice to the newspaper, etc.

Correspondence: T. Morgan passed out the correspondence to the board members. Mr. Morgan gave a draft of a letter that he was requested to write to the N.H.D.O.T. in regards to the widening of Route 1; the protection of sedimentations of Browns River; number of curb cuts for safety; and acceleration and deceleration lanes where appropriate. The board approved the letter. The secretary was asked to c.c. the letter to M. Burlage and have the Chairman sign it.

5) **Driveway Permit:** M. Preston made a motion for the Chairman to sign the driveway permits for Lot #2 Meredith Drive, 35 Dows Lane and Lot #62 Marshview Circle. P. Garand 2nd. Vote: unanimous.

Appreciation banquet was set for January 4, 2002 at Kingston House at 6:00 P.M.

MEETING ADJOURNMENT: Acting Chairman S. Foote adjourned the meeting at 9:45 P.M.

Minutes taken by Emily Sanborn.

Secretary's Notations: Mylars and Bylaws were recorded on 12/20/01 for the following: McClellan D-29503 Docs 98249 at 8:47 A.M.; Eaton D-29504 Docs 98248 at 8:47 A.M.; and Benoit D-29502.