

Town of Seabrook PLANNING BOARD February 17, 2004

PLANNING BOARD MEMBERS PRESENT: Chairman Robert Brown, Vice Chair Susan Foote, Peter Evans. Alternate Richard Dodge. Other Present: Thomas Morgan Town Planner, Paul Garand CEO.
6:50 p.m. Arrival of Planning Board Members: Michael Lowry, William Cox

MEETING OPENED: Chairman Brown opened the meeting at 6:08 p.m.

MISCELLANEOUS:

Former Secretary, E. Sanborn brought to T. Morgan's attention that the 1994 Bylaws prohibit meetings from commencing other than 7:00 p.m. T. Morgan suggests that if Board wants to have more flexibility in hours, they must amend their Bylaws in a public hearing. The Board agreed to review Bylaws on March 2, 2004 meeting. S. Foote suggests everyone get a copy of the Bylaws.

P. Garand asks when Lowe's will have permitting in place. Expressed concern that the board shouldn't give approval conditionally. No more incomplete applications. T. Morgan's concern that applicants come in with no permits and essentially get on agenda ahead of people with completed applications. P. Garand states that if the Board takes an application and it is deemed incomplete, then it does not have to deal with it. T. Morgan agrees with P. Garand. Discussion that the first Public Hearing is for the Planning Board's "accepting the application". T. Morgan states that if this Board sees an application for the first time and starts to review the application, then you have, in effect, accepted the application. The first Public Hearing is the time for the Board to say it is or isn't ready for review. S. Foote stated concern about Court's standing if Planning Board refuses to review because it is lacking State Wetlands Permits. She cites cases that have been in courts when there have been developers against Planning Boards because they refused to review/or accept an application because all State Permits were not approved. The State Supreme Court ruling was that the Planning Board is independent from DES, Site Specific and DOT. In one such case, the State Supreme Court deemed that the Planning Board had unnecessarily delayed an applicant. P. Garand - Informal sessions are not to approve or disapprove anything on the plan, but to be very careful and give them how you feel on something and let them go on their own way, to make the drawing that you feel might work. The formal meeting is rubber-stamping what you want. S. Foote - stated that the ruling basically said that Town takes care of town, and the town zonings and town regulations, and the State takes care of State's; and a Town Planning Board cannot hold up an application if it meets all Town regulations in place and not the States. Chairman Brown's concern was that after having a series of informal meetings, with changes made to plans; then having a formal meeting with abutters, more changes would be required and the meetings would never end. P. Evans inquired about some other form of notification of these informal sessions. T Morgan asks that this be resolved at a later date. T. Morgan will contact Atty. Walter Mitchell to seek a resolution on this matter.

#3-43 - Mark Investment Inc./Lowe's Home Improvement Warehouse requested that the Board hearing on the Site Review Applications be continued until March 2, 2004. This request also requires the approval period be extended until March 3, 2004. There was a discussion on Lowe's project and the new Planning Board members needing to be brought up to date on its progression. S. Foote feels that, outside of the permits, the Planning Board is close to finalizing the plans.

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MOTION: *Susan Foote* *To continue hearing on Lowe's Home Improvement Site Review until March 2, 2004.*
SECOND: *Peter Evans* *PASSED - UNANIMOUSLY*

BONDS TO EXPIRE:

Honor Mason, Stard Road - Bond to expire in early March. T. Morgan will ask Scott Mitchell.
Timothy Johnson - Bond on gym to expire in May.
Letter from E. Sanborn on Carbone - T. Morgan will ask Scott Mitchell.

REQUEST FOR BOND REDUCTION:

Henry Boyd, Jr. - Millennium Engineering requests a Bond reduction on Belgian Drive subdivision from \$181,700 to \$136,500 an amount of \$45,200. H. Boyd, Jr. states that utilities are in the street, the water, the sewer, the base coat is down, he has to finish the swale, finish grading the topcoat. Monumentation of roadway held back. M. Fowler letter suggests that all Department Heads should review the bond reduction requests prior to Selectmen approval. M. Fowler recommends a reduction of \$42,275.00 and suggests that additional comments be taken from Water/Sewer Department and Highway Department prior to any bond reduction. Chairman Brown requests that this be sent to above-mentioned departments.

Roland Coulliard, 6 Merrimac Street - asked if Sullivan was responsible for boardwalk. Yes. Verified by Notice of Decision of 12/17/02. The Sullivan bond stays as is.

Bill Blooman - Wal-Mart wants their bond released. September 2002. The board requested two \$10,000 bonds, one for fence for one year, and one for trees and signage for three years. P. Garand spoke with manager of Wal-mart and they are not going to pursue the outdoor work. S. Foote stated that if Wal-Mart doesn't plan to do the work or post the bond, then they should formally remove the plan.

#3-40 - Ivan Q. Eaton, Jr. for a lot line adjustment at 1 & 6 Eaton Lane requested continuance until March 15, 2004.

MOTION: *Peter Evans* *To continue hearing on Ivan Q Eaton, Jr., 1 & 6 Eaton Lane be continued until March 15, 2004.*
SECOND: *Susan Foote* *PASSED - UNANIMOUS*

Henry Boyd, Jr. - Millennium Engineering asked to represent Norman Jutras - Seacoast Appliance Warehouse. H. Boyd, Jr. is asking direction from the board on how to proceed, knowing that the plan is in severe violation as-built. Chairman Brown states that Mr. Jutras has approached the board on this matter. P. Garand confirms that he has several conversations with Mr. Jutras. S. Foote suggests that he is not granted an occupancy permit. H. Boyd, Jr. states that contract has been signed to do granite curbing; his concern lies in the ditch, which is a perennial stream. S. Foote states that he could presently be in violation of NH Wetlands.

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Received letter from Francis X. Bruton from McNeill, Taylor and Gallo Attorneys at Law concerning Site Plan of GRA Real Estate Holdings, LLC. He contacted T. Morgan and asked that photos be circulated of "before and after" landscape changes on Stard Road. Best Western is unhappy with activity of abutters. S. Foote - concerned if they are taking the grade down around high-tension lines. No. S. Foote - while Best Western was probably in error by putting pool right on their property line, does that give the abutter the right to cleave away the side of a hill that that pool is sitting on. P. Garand - the hill is basically stone that they had to jackhammer away. S. Foote - they were removing the stone today without shoring up. P. Garand - they are basically taking the slope and bringing it down gradually. Slope is supposed to be 2-1. P Garand - it was explained to him that the building would have to be as far as they can get to the setbacks because the building cannot build under the high-tension lines. Chairman Brown asks if the grade is 2-1 up to the lot line. S. Foote felt it looked steeper than that.

6:50 p.m. - Planning Board Members Michael Lowry and William Cox arrive.

Review of Minutes of December 16, 2003.

MOTION: *Susan Foote* **To accept minutes of December 16, 2003 with the following amendments.**

1. Page 1 - Paul Evans to read Peter Evans
2. Page 1 - Paul Grand to read Paul Garand
3. Page 2 - P. Evens to read P. Evans
4. Addition of Motion:

MOTION: Susan Foote To appoint Paul Garand, CEO as alternate
To Planning Board.
SECOND: Michael Lowry PASSED - UNANIMOUSLY

SECOND: *Michael Lowry* **PASSED - UNANIMOUSLY**

At 7:00 p.m. Chairman Brown reiterates that #3-43 Mark Investments/Lowe's Home Improvement has been continued until March 2, 2004, and that #3-40 Ivan Q. Eaton, Jr. on 1 & 6 Eaton Lane has been continued until March 15, 2004.

#3-38 - Proposal by Carroll & Faye Pineo for a 24-lot subdivision between Stard Road and Mill Lane, alongside the Hampton Falls town line, Tax Map 4, Lot 14. Present for hearing - Wayne Morrill - Jones & Beach Engineers, Inc., Scott Mitchell - Scott Mitchell & Associates.

Wayne Morrill addressed changes requested by Board.

- Added sidewalk along Stard Road Sheet C3 & C4
- 5-foot sidewalk is separated by 3 foot green strip that extends the entire length of the property from the Pineo existing house all the way up to the top and all the way to the Fogg's property.
- Pineo Farms Road - have separated the sidewalk away from the SGC.
- No sidewalk on Mill Lane

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- Sheet U2 missing hydrant added Station 1+50 - added extra hydrant on Carroll Lane side of road
- Monumentation is added to easement areas on Sheets A2 & A3
- Drainage easement and Utility easement has iron pins to be set
- Note #5 on Sheet A3 has been modified to read that the wetland boundaries in the field will be worked on with the Conservation Commission and anything in the woods will be on the nearest tree closest to the wetlands.
- T. Morgan inquires about status of State - Wetlands, Site Specific, Discharge, have all been submitted, but not received.
- Making submission to the Town of Hampton Falls to be on the agenda for next month - third Tuesday in March.
- Met with Circuit Rider in Hampton Falls have gotten direction in how to proceed on the Hampton Falls side. Planning to see them next month.
- Anticipate State Permits by end of next month
- W. Morrill states no waivers required. W. Morrill states still a need to meet with lighting committee, but does not anticipate waiver.
- All Tax Map and Lot numbers are correct on the plan by Assessors office.
- T. Morgan - easement on open space. W. Morrill - no more land called open space. Now tax map and lot to it, which has the correct frontage on both Carroll Lane and Pineo Farms Road. That property will be retained by the developer and will have a Conservation easement over the piece of land, which will be held by Conservation Commission. It is a legal lot. It is still over 10 acres and is still considered "in current use".
- Chairman Brown inquired about feedback from Hampton Falls on 100-foot setback. No.

ABUTTERS - None approached Board.

W. Cox stated that they still don't have all the permits. Does Board hold the mylar? W. Morrill stated that they needed mylar for Hampton Falls meeting. W. Cox concerned about letting mylar go without a bond posted or permits in place. T. Morgan stated Board certainly needed a bond.

MOTION: *Susan Foote* *To set the bond for the Pineo Farms Subdivision for \$1,045,000.00 and it shall be a self-calling letter of credit or cash in a NH Bank or FDIC Bank that has offices in New Hampshire.*

SECOND: *William Cox* *PASSED - UNANIMOUS*

S. Mitchell - looking for conditional approval pending two Wetland Permit and Site Specific. Can mylar be signed by Hampton Falls first as they have no impact on this and then have it returned to Seabrook Planning Board? T. Morgan - has no problem with the mylar going to Hampton Falls because they can't record it without our signature. T. Morgan states that he doesn't think this board has the mylar. S. Mitchell asking for conditional approval from this Board, get the mylar signed by Hampton Falls, turn mylar in to this Board, post the bond and when wetland permit and site specific are obtained, then they can let the mylar out. W. Morrill - mylar to be signed by Hampton Falls on third Tuesday in March.

MOTION: Susan Foote

To conditionally approve the plan of #3-38 Carroll & Faye Pineo 24-lot subdivision to be signed by the Chairman when Wetlands Permit, Site Specific and Sewer Discharge Permit are issued and the Town of Hampton Falls has approved plan.

SECOND: William Cox

PASSED - UNANIMOUS

There will be no groundbreaking and lots cannot be sold until there is a site specific.

#4-1 - Proposal by John Colliander & Henry Imke to move a lot line and to subdivide two lots into four lots on land situated between Chase Drive and Route 107, Tax Map 5, Lots 2 & 8-40.

Scott Mitchell representing John Colliander and Henry Imke, aka Larry Imke. Approved subdivision plan off of Ledge Road. Looking at Lot #4, which consists of 3.95 acres, almost 378 feet of frontage. Larry Imke has a piece of property located on Route 107. This property received a wetland permit to fill wetland area in 1991. This permit has since expired. Larry Imke approached S. Mitchell to find solution to get to upland area without crossing wetlands. S. Mitchell approached developer to give L. Imke right of way to his upland property through Chase Drive thus avoiding impacting wetland area. S. Mitchell - Looking for subdivision approval from Board to consolidate lots into one lot and then re-subdivide into three lots. This is a conceptual plan with three lots, reconfiguring the lot from Mr. Imke, showing Imke 25 foot Right of Way going into his proposed development, which Mr. Imke will have to go the NH Soils for small area of wetland impact.

Wayne Morrill - Jones & Beach Engineers, Inc. - This is a subdivision that was signed by the Board a couple of years ago. We had subdivided this into 12 lots. Lot #4 useable land was right up front. When this subdivision was done there were no more wetland permits in this whole area, so the area of upland on the side was useless. Lot #4 is 549,871 sq. ft. What they did was combine Lot #4 with Larry Imke lot and come up with a subdivision, keeping Larry's lot but adjusting a line. The remaining part of Lot #4 has been subdivided up into three lots 40-10, 40-20, 40-30, each one having over 125 ft. frontage, each one meeting the correct lot size.

W. Morrill addressed Tom Morgan's notes:

1. The wetlands surveys are missing a wetlands scientist's stamp.
2. Two zoning boundaries should be depicted on the plan. Believe that this was already taken care of on the original subdivision plan when zone line was eliminated. W. Cox zoning line was not eliminated, a variance was granted. Need to list the variance. T. Morgan - good idea to not only depict the zoning boundaries, but also depict the area that was impacted by the variance. Need to put the zoning boundary line where it always was and draw another line stating variance on said date allowed property owner to use land for industrial use.
3. Note 3 on Sheet A1 reflects new updated floodplain information. T. Morgan different date, now May 2004.
4. Note 1 on Sheet A1 spelling error has been corrected.
5. Signed application from Mr. Colliander will be provided at next board meeting.
6. Board approved the name "Chase Drive", but W. Morrill will speak to Fire Chief and his concerns for a new name. Chase Drive is listed on subdivision of record, needs to be changed.

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7. Chase Drive built to town standards. W. Morrill believes it was approved by DPW, but will check with John Starkey again to be sure. Believes road is missing sidewalk and the drainage structure is there, but not in place. T. Morgan asks what is status of bond. W. Morrill does not know, but will verify for the board.
8. Changing Lot #2-10 frontage from 116 to 125 foot frontage. W. Morrill - This lot is lot of record. T. Morgan - whenever you are doing a subdivision, your goal is to make sure to meet the dimensional requirement for lots. So if it is possible to get 125 ft. frontage, you should go for 125 ft. T. Morgan points out that 9 feet off circle combined with 116 feet off Route 107 will give this lot the proper frontage. W. Morrill will make the minor change to conform to frontage requirements.
9. Hourglass shape lot #8-40-20. W. Morrill - have added 125-foot frontage to Note 4, Sheet A1. This was large lot that land has been added to and then cut into three pieces, making odd shaped lot. Lengthy discussion on how to resolve this issue. W. Morrill asks would town rather have two hammerheads. T. Morgan concerned with zoning requirement of average width of lot that must be 125 ft. S. Foote felt the shape of the lots was creative, but that this would be more of an issue if it were in a residential area. P. Evans lots were created to use in a more intensive manner. H. Boyd, Jr. pointed out that, in their design, they have managed minimum impact on wetlands. **S. Mitchell admits working with abutters to reach the 5 acres of land depicted on plan.**
10. This is conceptual plan. Driveways not depicted. There will be no wetlands crossings.
11. No topographical contours shown. Plan will be modified.
12. Monumentation - iron rods on boundary on plans
13. Permanent monuments at edge of wetlands. Note 5 added on Sheet A1 states markers to be placed at the edge of the delineated wetlands.
14. Proposed driveway - Previously discussed.
15. 900+ driveway - Previously discussed.

ABUTTERS

Not an abutter, Margaret Hamilton - Which DEP File # is this? This lot on Route 107 is not the lot she has in question.

MOTION: *Susan Foote* *To continue this #4-1 Colliander and Imke until March 15, 2004 meeting*
SECOND: *Michael Lowry* **PASSED - UNANIMOUS**

Chairman Brown reiterates that #3-43 Mark Investments/Lowe's Home Improvement has been continued until March 2, 2004.

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#4-2 - Proposal for Morgan Chase for a 2 lot subdivision at 69 Farm Lane, Tax Map 12, Lot 30.

Henry H. Boyd, Jr. representing Morgan Chase. This is odd lot that appears non-conforming. Zoning Board gave variance to subdivide the lot with minimum frontage. Existing lot of record since 1972 - now dividing into two lots.

H. Boyd, Jr. addressed Tom Morgan's Notes:

1. Tom's Note states - Note #5 references variance 2003-30, however most of the specifics of this variance are not included on the plan, nor submitted with application. In absence of such documentation, it is not possible to determine compliance with the Zoning Ordinance. There was a discussion about the Planning Board needing more information about the ZBA's approved variance. It was suggested that the plan note Variance number, date, and a summary of decision.
2. Plan does not reflect new floodplain maps. Plan has been corrected.
3. Boundary Marker missing - Abutter has nice fence that does encroach on Morgan Chase land. -H. Boyd's opinion that it is not necessary to set marker on other side of fence.
4. Note #3 states no jurisdictional wetlands - H Boyd states that Susan Foote stated at zoning hearing that there are no wetlands.

P. Evans - would there be any harm to set marker? H. Boyd - the fence is over the line and it is not important to my client.

Michael Fowler Notes:

Second water service for Lot B.

Lot A may require sewer force main and individual pump station

Warner Knowles Note:

May need sewer lift stations (pumps) - Previously discussed.

H. Boyd, Jr. states right now there are existing water and sewer services serving one lot, at the time he obtains building permit he will have to have signoff from water and sewer department and at that time, he believes that is the proper time to have the water department assess where those utilities should run. The sewer service depends on where he places the homes.

S. Foote - Main concern with that, as we have requested in the past, documentation in departments other than just the water department, as to where the water and sewer lines really are running. If Contractor notifies H. Boyd, Jr. when they locate said service, he would go to site and document where they are for the record.

ABUTTERS - None approached Board.

MOTION: *William Cox*

*To approve Morgan Chase 2 lot subdivision
At 69 Farm Lane, Tax Map 12, Lot 30.*

SECOND: *Michael Lowry*

PASSED - UNANIMOUS

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#4-3 - Proposal for Richard & Trudi Turcotte and Herbert Brown for a condominium conversion at 3-5 Zagarella Circle, Tax Map 2, Lot 51-3. Attorney Mary Ganz representing Brown and Turcotte.

Atty. Ganz addressed Tom Morgan's Notes:

1. Plan makes no mention of wetlands. Have given board NH Soils Consultant report stating no wetlands or poorly drained soils on the property or within fifty feet of the property. Noted on plan.
2. Dimensions and bearings not indicated. Have been added.
3. Recording Fee - Paid by check and confirmed.

MOTION: *William Cox* *To approve condominium conversion at 3-5 Zagarella Circle, Tax Map 2, Lot 51-3 only for the purposes that it complies with the Town of Seabrook Condominium Conversion Regulations.*

SECOND: *Susan Foote* **PASSED - UNANIMOUS**

#4-4 - Proposal by Donna Perkins, Matthew J. Perkins Irrevocable Trust, and Kathryn S. Williams, Esq. For a 5-lot subdivision at 35 Dows Lane, Tax Map 12, Lot 8-1.

H. Boyd, Jr. addressed Tom Morgan's Notes:

1. Building setback lines - Plans show typical building setbacks. Shows 10 foot offset from wetlands and 50 foot offset from the stream.
2. Note #1 reflects revision of new floodplain maps.
3. Access to Lot #3 - Chose to access through uplands rather than over wetlands.
4. Topographical contours - Relegated the topography to roadway construction. All of the topographical studies were done for the engineering work, to design the profile and the cross-section for the minor subdivision road that will be proposed.
5. 100' Zoning box extends beyond bounds of Lot #4 - Will be requesting waiver.
6. Not in receipt of mylar recording fee - Under impression it was done.
7. Erroneous label of utility easement - Relabeled to read Lot #3.
8. Plan to depict or mention wetland monumentation - Note #4 on Sheet 1 states Locust Posts with wetland boundary markers to be placed to permanently mark the wetland boundary.
9. Plan to depict proposed water drainage - H. Boyd, Jr. - Subdivision regulations don't require stormwater calculations or drainage for minor subdivision roadways. Changed the grading, keeping everything at the gutter line and discharge just to the right of Lot 4.
10. **Waiver required for proposed street, which is designed to minor subdivision standards when five lots are being proposed - H. Boyd, Jr. disagrees. Believes it is a minor subdivision with only three lots, bases that opinion on how many lots are served by each road. T. Morgan reading regulations literally. T. Morgan states legally the conservative thing to do is ask for a waiver.**
11. Minimum of 6" loam required - Note #5 addresses this regulation
12. Planning Board to determine bond amount

Mike Fowler Notes: Water and sewer lines crossing.

Warner Knowles Notes: Water and sewer lines crossing.

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- H. Boyd, Jr. addressed this with a new 8 inch sewer line is to be run from existing lateral service location to new manhole on Rocky Brook Way.
- Chose to put a straight line in so no need for a cleanout.
- Only one water main in the swale
- Need shutoffs near the lot lines. H. Boyd, Jr. we need to place them.

P. Evans - Estimate average lot width of Lot 3. H. Boyd, Jr. states that if he could come out with a formula, he would.

S. Foote - Pack a lot of lots in. The existence of Rocky Brook Way was just to get in more frontage. It's an unnecessary burden on the town to maintain that road. Dow's Lane is probably the narrowest street we have, what do the abutters feel about the added traffic. It appears that Lot 1 is going to be a duplex, a condominium conversion. H. Boyd, Jr. states it may, it complies with the regulations for a duplex. S. Foote asks if he is willing to have a stipulation that it will remain a single-family dwelling. H. Boyd, Jr. - it's not my land. S. Foote - it is drawn with two boxes, implying intend to be a duplex. The predominance of the second box is in 80% wetlands. Any consideration to transfer part of this frontage to widen Dows Lane. H. Boyd, Jr. - Dick Millette did a layout of this. There is a full 30-foot width here and room on both sides for widening on both sides to widen the pavement within the town right of way. There's 30 feet and its public at this point. S. Foote - 30 feet is our requirements for 3 lots or less, 50 feet for other roads. It is an extremely substandard road. H. Boyd, Jr. discusses possibility of client granting easement for future widening of Dow's Lane. S. Foote - in essence, by our own regulations, we cannot approve a 30-foot roadway for anything but a 3-lot subdivision. Dow's Lane far exceeds that limit already. R. Dodge asks how far to the next road. H. Boyd, Jr. answers Charlotte's Circle - 400+ feet. S. Foote - possibility that client might not impact this area so severely. Most of Rocky Brook Way is in the 50-foot stream offset. H. Boyd, Jr. can approach client to grant another 10 feet to be incorporated into the public right of way. S. Foote - the client convey the land over and the town respect the wetland area. H. Boyd, Jr. does not feel that is an unreasonable request. S. Foote concerned with snowplowing, sanding, salting on the Rocky Brook Way.

W. Cox - Has a problem that Lot 3 meets minimum requirements for lot width. Questions does Lot #4 needs variance for 50 feet stream offset. H. Boyd, Jr. disagrees.

W. Cox - Issue with Note 3 - "All structures shown on this plan that do not conform to building setbacks must be moved to conform, prior to the lots on which they exist are conveyed". The way that note reads creates a non-conforming use in perpetuity. W. Cox suggests a time frame on what has to be done be added to this note. H. Boyd, Jr. thinks it is fine for client to have some accountability as long as it is reasonable. For example - one year. H. Boyd, Jr. suggests that Note 3 stay on the plan as is and have the time frame incorporated into the minutes of the meeting. W. Cox - no, it needs to be put on the plan. H. Boyd, Jr. asks what the note should say.

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W. Cox states that Note needs to establish a time frame and what is going to be done on each of the lots. P. Garand questions note for time frame on Lot #5. W. Cox - yes it needs note or it becomes nonconforming unit. H. Boyd, Jr. asks again what W. Cox wants the Note 3 to read. W. Cox - states it should say that structures will be moved within one year. H. Boyd, Jr. - P. Garand wants structures on Lot 2 to be moved sooner than a year. P. Garand suggests bend in lot line. H. Boyd, Jr. feels he cannot. S. Foote states that she would like to see Rocky Brook Way go away. W. Cox - need to remove the units on Lot 2 and Lot 5.

Concerns on review worksheets for Water & Sewer Department, Building & Health Department, Conservation Commission, Public Works Department and Fire Department have been already addressed in this discussion.

ABUTTERS

Abutter Dawn Sanborn, 45 Dows Lane - concerned about traffic impact issue with the building of additional houses on an already too narrow road. Concern for emergency vehicle access and for children that have to walk down this road to pick up school bus that won't drive down Dow's Lane for pickup.

Abutter Donald Felch - Stated need for this plan to be "put under microscope". This plan is like "trying to put 10 lbs. of mud in a 5 lb. bucket". The road is extremely substandard. Emergency vehicles will have trouble accessing. Difficulty with vehicles confronting each other. Suggested that the Board consider using their authority to have an independent road study done. Very concerned that the two brooks on his 4 acres will be impacted. When there is spring runoff, the two brooks become major waterways to ocean. Concerned with erosion on his property, concerned with water seeking low spots. Asked about the possibility of a retention pond, that water needs a place to go. How can you fill in and put structure on Lot #1? H. Boyd, Jr. - not filling in any wetlands on this site. In answer to retention pond, this subdivision is not like Home Depot with impervious surface like parking lot. D. Felch brings up driveways that fill to some sort of town standard. **H. Boyd, Jr. - It's got to be on grade. We are not talking about altering this or filling into the wetlands at all. D. Felch - there is nothing existing here now. H. Boyd, Jr. - the new home will go right where her trailer is. There will be nothing out here at all. (Secretary's Note: H. Boyd, Jr. pointed to the eastern area of Lots 1 and 3). D. Felch - OK that will be recorded in the minutes, right?**

Abutter Donald Felch - Concerned about encroachment on his property. His property will be magnet for neighborhood children. Consider fencing of areas. Mentioned "pork chop" type lot on Lot 3. Concerned with number of lots and the creation of Rocky Brook Way.

W. Cox - questioned how many dwelling units presently. P Garand explained what was on each lot. W. Cox - Only two dwelling units at this time. Plan shows that it could go to six. H. Boyd, Jr. - you could fit six. W. Cox - It looks like you could do the same thing with three lots and duplexes and you could eliminate that road. H. Boyd, Jr. - town doesn't like duplexes, client doesn't want duplexes. H. Boyd, Jr. again asks for town formula to determine lot width. T. Morgan states that is second time that H. Boyd, Jr. said Seabrook doesn't have a formula for lot width. We do. H. Boyd, Jr. - you don't have a good one.

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Tom Morgan reads from Town of Seabrook, New Hampshire Zoning Ordinance, Page 7:
"Lot Width: The mean distance between the lot side lines, measured on a line which is the mean direction of the front and rear lot lines."

P. Evans - D. Felch brings up good point that, in my opinion, adding all these new houses to this road creates a safety hazard on Dow's Lane or exacerbates an existing hazard. Further, Rocky Brook Way is a town liability that the town doesn't realize a whole lot of benefit from. Losing some area around wetlands and the expense of maintaining it.

H. Boyd, Jr. addresses S. Foote's concerns with Rocky Brook Way by asking if she would like it more if two lots off Rocky Brook Way were made into one with a duplex built on it, thus Rocky Brook Way would be eliminated.

S. Foote - Yes. The driveway could be developed further away from the brook; you could honor the 50-foot setback (in reference to the driveway). Much preferred to the cul-de-sac. H. Boyd, Jr. - how does that answer the concerns about cars coming down the street. S. Foote - It doesn't, but there are many different issues here.

H. Boyd, Jr. - If Lots 4 & 5 are combined, what is favor of the board then. W. Cox - still don't like the shape of Lot #3. W. Cox - wouldn't allow substandard road for regular subdivision. Plan looks too heavy.

Abutter Donald Felch has additional concerns with substandard road so close to nuclear reactor. Expressed concern for weight of emergency vehicles, specifically aerial ladder truck from fire department on this road. Also, how said vehicles could access Lot 3. What does Fire Chief say concerning this?

It is pointed out that Jeffrey Brown, Fire Chief did not express this concern on his review sheet.

P. Garand - suggested making subdivision four lots instead of six; two lots housing duplexes and two lots housing single-family dwellings.

Chairman Brown suggested that this plan be reconfigured. H. Boyd, Jr. asks if Board will be ok with four-lot subdivision and Rocky Brook Way eliminated. W. Cox - cannot address that without seeing the revised plan. Chairman Brown reiterated P. Garand's comments concerning two lots with duplexes, two with single-family dwellings. Discussed granting 10-foot right of way on the road.

MOTION: *Susan Foote* *To continue this until March 16, 2004.*
SECOND: *Michael Lowry* **PASSED - UNANIMOUS**

#4-5 - Proposal by Arbor Glen Homes, Inc. for a condominium conversion at 6 & 8 Elephant Rock road, Tax Map 16, Lot 11-6. Henry Boyd, Jr. representing Lisa London, who is buying Lots 5, 6 & 7. Presents footprints and floor plans.

H. Boyd, Jr. addressed Tom Morgan's comment:

- Note 3 should be revised to reflect new floodplain maps.

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H. Boyd, Jr. addressed Michael Fowler's comments:

- Six waterlines within easement across Lots 5, 6 & 7 not preferred. H. Boyd, Jr. - this is way the town wanted it.

Chairman Brown asks if waterlines are existing waterlines. H. Boyd, Jr. - Yes.

Jeffrey Brown, Fire Chief Review Sheet comments:

2 proposed push the limits, but are OK, however, any future expansion will require paving of road, naming of road and hydrants. Adequate turnarounds, NOT driveways will also be required if expanded further.

Chairman Brown brings up Fire Chief's comments about adequate turnarounds on further expansion and brings up Lot 7. H. Boyd, Jr. asks client if she would agree to turnaround on Lot 7. She does. H. Boyd, Jr. suggests a hammerhead.

MOTION: *Susan Foote* *To approve Proposal by Arbor Glen Homes, Inc. for a Condominium conversion at 6 & 8 Elephant Rock Road, Tax Map 16, Lot 11-6 in so far as it complies with the Town of Seabrook condominium conversion regulations.*

SECOND: *Michael Lowry* *VOTE - W. Cox opposed. PASSED*

MOTION: *Susan Foote* *To approve minutes of December 16, 2003 with corrections Per Tom Morgan. (see previous Motion contained in these minutes)*
To approve minutes of February 10, 2004 with minor spelling/name corrections.

1. Page 2 - 7th bullet "from the residential properties" needs to be attached to previous line.
2. Page 4 - "Steve Mitchell" should be "Scott Mitchell"

SECOND: *Michael Lowry* *PASSED - UNANIMOUS*

PUBLIC HEARINGS on proposed amendments to Subdivision and Site Plan Review Regulations:

- A) Add new Section T to Article VI of the Subdivision Regulations regarding vegetation for drainage infrastructure.
- B) Change initial Planning Board review period from "90 days" to "65 days" - Article III, Section E of the Subdivision Regulations
- C) Add to Article IX of Site Plan Review Regulations - "O - All Standards and requirements cited in Article VI of the Subdivision Regulations shall apply to site plan review."

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- D) Article VI, Section O of the Subdivision Regulations change referenced flood map date from "June 17, 1986" to "May 17, 2004"
- E) Add to Article V Section L3 of the Subdivision Regulations - "The wetland boundary markers shall be subject to approval by the Conservation Commission."

MOTION: *William Cox* *Move to adopt the new Subdivision Regulations and Site Plan Review Regulations as read, A through D.*

SECOND: *Michael Lowry* *PASSED - UNANIMOUS*

OTHER BUSINESS:

W. Cox gave T. Morgan revised Phantom Fireworks lighting plan and cut sheets to go into the Phantom Fireworks file.

Chairman Brown asked W. Cox about lighting for Lowe's parking area. W. Cox stated that it would be all right. 35-foot lights are going to be in the middle of the field, approximately 500-600 feet from house. It will be the same as Home Depot.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:44 P.M.

DATE OF NEXT MEETING: March 2, 2004 @ 6:00 P.M.

Respectfully Submitted,

Melanie Huddell

SECRETARY'S NOTATIONS:

MYLARS RECORDED ON 2/20/04		
#4-2	Morgan Chase 2 Lot Subdivision at 69 Farm Lane, Tax Map 12, Lot 30	D-31373
#4-3	Richard & Trudi Turcotte and Herbert Brown condominium conversion at 3-5 Zagarella Circle, Tax Map 2, Lot 51-3.	D-31374
	Condo Papers @ 12:46 p.m.	#12998
#4-5	Arbor Glen Homes, Inc. condominium conversion at 6&8 Elephant Rock Rd., Tax Map 16, Lot 11-6	D-31375
	Condo Papers @ 12:47 p.m.	#13000