



Town of Seabrook Planning Board DRAFT

Meeting of Tuesday, July 19, 2005 called to order at 6:06 PM. Members Present: Sue Foote, Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans, Paul Himmer, Keith Sanborn, Patricia Welch, Secretary.

First item of business is acceptance of minutes of July 5, 2005 meeting:

Motion: Sanborn **To accept minutes of July 5, 2005.**

Second: Lowry **Unanimous**

Public Hearing on Changes to Subdivision Regulations as Public Noticed opened at 6:08 PM. **Chair Foote** read each proposed change and polled the Board for comments and questions. She stated the Board needs to accept all or none as the definition of a minor subdivision is being drastically changed.

Morgan: Article VII needs to have word "add" changed to "notation" so that the line under the table is also deleted. Also Article VIII is Article VIII. In addition, in Article X, change word prior in addendum to "from March 18, 1985 to".

Chair Foote polled board members.

Garand: is it necessary to still have Minor in the wording?

Foote: yes, because of our fee schedule. A Minor subdivision should have the lesser fee especially because it is not going to require the engineering inspection and in theory all the utilities are already there, they're just tying into them. So I think we should give them the lesser fee schedule.

Evans: I support these changes:

Lowry: looks good

Himmer: I think these are good.

Chair Foote opened the hearing to the public and asked if anyone would like to speak. State your name for the record.

Dr. Peter Fowler, ZBA: can you clarify for me the status of minor subdivisions already in the queue of being heard and decided, such as Cabral?

Foote: no because they are in the queue prior to

Fowler: were they approved?

Foote: they have an open application. They weren't approved, they've been continued, and continued and continued so they have an open application.

Fowler: under item 5, it talks about approved subdivisions.

Morgan: State law protects them from being affected by changes subsequent to their submission.

Fowler: are there any other ones in the works right now?

Garand: I think they are the last.

Foote: I don't know of any other except Cabral.

Fowler: I think this change is fantastic. I am all for it. It doesn't leave any doors open.

Foote: we have to give the engineers credit for their creativity. Any other members of the public have any questions or comments about this? I guess we're ready for a motion.

Motion: Evans **To accept changes to Subdivision Regulations as amended**

Second: Lowry **Unanimous**



Town of Seabrook Planning Board DRAFT

Closed Public Hearing on Changes to Subdivision Regulations at 6:15 PM

Opened Public Hearing on Public Noticed Cases at 6:15 PM.

05-31 Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 7 & 9 Pineo Farms Road, Tax Map 4, Lot 14-114. Do we want to, these are all just condo conversions are they not?

Wayne Morrill, Jones & Beach Engineers: I would like to have all four of them continued until the Conservation Easement is acceptable to the Town and then continue it from that.

Foote: there has been a request from the owner/applicant representative for a continuance until the conservation easement is enacted.

05-31 Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 7 & 9 Pineo Farms Road, Tax Map 4, Lot 14-114.

05-32 Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 18 & 20 Pineo Farms Road, Tax Map 4, Lot 14-105.

05-33 Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 24 & 26 Pineo Farms Road, Tax Map 4, Lot 14-106.

05-34 Proposal by Wildwood Real Estate Holdings, LLC for a condominium conversion at 19 & 21 Pineo Farms Road, Tax Map 4, Lot 14-112.

Motion: Evans To Continue Cases 05-31, 05-32, 05-33 and 05-34 until August 16, 2005 at 6:00 PM.

Second: Lowry Unanimous

Morgan: I didn't see any floor plans submitted.

Morrill: they were submitted as part of the package

Secretary: they only provide me with one copy and it stays in the file

Foote: one question about the 16th. That's a pretty full schedule because we have the extensive subdivision changes, the corrections and edits on the 16th, correct?

Evans: I think history has shown these cases don't take very long to dispense with so I stand by my motion.

Foote: it appears the schedule isn't as extensive as I thought.

Next, 05-35 Proposal by Clayton Gould LLC for a condominium conversion at 15 & 17 Gould's Way, Tax Map 3, Lot 5-33. Is there anyone here, applicant? Representative? Okay, we'll put him to the end of the queue just in case anyone shows up before the meeting is over.

Next item, 05-36 Re-submittal of an as-built plan for the roadway at London Lane (case 00-40), Tax Map 5, Lot 8.

Wayne Morrill, Jones & Beach Engineers:

Garand: during the tech review it was discussed with Town officials that the requested overlay of the road and what was there had not been provided.

Morrill: as you can see by this revised plan now on the profile view, we have added what was proposed for a roadway grade and what is actually existing on the profile elevations. When you go out and as-built the road, though, you are not shooting the exact center line every 50 foot station so the computer is interpolating between those two points and it's coming up as you see on the roadway itself for a majority of the road it's pretty much within an inch or so what you're talking about across the whole thing until when you get towards the rear where



Town of Seabrook Planning Board DRAFT

we have a slight deviation, it drops about almost a foot, it's getting close to a foot in the rear.

Foote: I don't see what you're talking about.

Morrill: Right here (points to chart on plan) on the profile you can see the as-built in dark bold and what was actually designed is in the lighter color so you can see the difference between the two numbers. The elevation of the road was built good until you get to the very end of the cul-de-sac. You can see where it goes from supposed to be at 61.7 and its 60.3 so there's about nine inches of difference where it was off at the rear. And that's actually the section, we're not here tonight for an as-built per se. We're here tonight because back over a year ago we came in front of this Board and in an informal hearing we asked this Board to approve the use of overhead power lines on this site because it was industrial and in lieu of not putting in under ground power. At that time the Board voted unanimously to allow overhead power, it was put into the ground. We've since been told by the Town Manager that it was not a formal Board hearing so we needed to come back in front of the Board. And also we're here tonight for the sewer line itself which was put in as you can see at the very end of the cul-de-sac, the elevation is up a little bit on the sewer line and the cul-de-sac actually tips down a little bit. The builder was advised by Warner Knowles that this is a similar situation in through Town, where when you have less than three feet of cover over a pipe you open up that area and you insulate with two-inch rigid insulation, you compact back over that and then you pave back over it. We are not asking for an as-built at this point, we are not trying to have the Town take over this road. We just have a road that right now has a couple open cuts in it. We don't want to go through and do the sidewalks, the final grading and everything that it takes to finish this road without the Board giving us some advice one way or the other if this sewer line can stay the way it is because it would drastically have to change some of the roadway itself. In talking with Mr. Knowles we discussed a lot of areas in through Town, one being Port Lighting which is actually on this road, where there is a lot of cases where any building that's built away from the sewer right on top of the road is going to have to have individual pump stations. He indicated to me that they are not part of the Town's. The Town does not service those, those are individual pump station that's all taken care of by the Town. He says that as long as there is insulation put over the lines like was done for Port Lighting there is no problems with that. He said that once people go in to try and put in a pump station the Sewer Department will go down and assist them to make sure they get the right kind of pumps, the Meyers pumps and everything that the Town wants to see so they know it's a good installation when it goes in. But he did not have any problems with this design itself. I spoke to him about the shortness of depth on the end of the cul-de-sac. He said it's a similar situation if you go anywhere down to the beach, it's the same thing down at the beach and anywhere in Town, with Jones & Beach putting in the sewer we know of quite a few areas like this. One of the reasons why some of the sewer did come in this location is the three culvert pipes that are going in underneath the road crossing. What the contractor did instead of doing a drop there, what he did is just carried a grade and carried that constant grade so that by the time he got near the end of the cul-de-sac he ran out of height. So that was the indication from Warner to rip up those areas, put in insulation, that's what the contractor has done. So we are asking the Board tonight to re-look at the



Town of Seabrook Planning Board DRAFT

overhead power and give us one way or the other if the sewer can remain the way it is in the road so we can try and finish off the road.

Garand: during the tech review meeting it was stated that the Town probably would not accept the road if it did stay the way it was. Warner doesn't have the right to change those plans and doesn't have the right to do anything before going to the Board. He can't do that himself.

Morrill: before going where?

Garand: to the Planning Board.

Morrill: that's why we're here tonight.

Garand: basically in the discussion between the Town Manager and the other department heads it was discussed about not accepting the road if it wasn't built per plan.

Morrill: wasn't built per plan. Okay. Well, what I can say is the bounds were put in the right of way so the road is in the right location, we know that. We know the road was built all the way to the cul-de-sac on the right grades other than the last 100 feet. And from the plans itself, the sewer from that last manhole on, there is a slight deviation of what should have been there. For this contractor to go all the way back and try and go back over the crossing where those three pipes are I really don't think would serve anybody any service but I understand that cul-de-sac area is a little tight. I have to say there are a lot of other roads that are like this.

Garand: but those were existing at the time and retrofit to fit the sewer and the needs, right?

Morrill: the road itself?

Garand: the roads to which you are referring.

Morrill: there were existing roads. That's right.

Garand: this is a built road, per plan, and it should be built per specs and what's needed. We're not retrofitting something. This is a brand new road.

Morrill: okay.

Foote: I have a question. If the sewer pipe had been installed at the original designed grade, would pump stations be necessary?

Morrill: yes. Port Lighting definitely would have a pump station. The only one that might not is that next building after Port Lighting that was approved. Any, because of the depth, even if we changed at the end of the cul-de-sac, that last run is so minor in cover, just like a lot of places in Town it's like the last run. A lot of the lots any building that's over 200 feet off the road would have an individual pump station.

Foote: so you're doing pump station because of the shallow depth and possible freezing as opposed to not having the slope to the sewer line?

Morrill: no. I'm saying even if we drop that sewer line down to the proposed grade it was supposed to be, a lot of these would still have to be a pump station because we'd have to raise up every one of these lots like the last lot on that subdivision after you come to the road it drops right off and goes down towards the wetlands. No matter where you put that building, there's no way you're going to be able to go gravity unless you raise that whole thing about ten feet up in the air and I don't anybody who's going to come in here with ten feet of fill over five acres of land and try and go gravity sewer. So what you're going to see just like a lot of the plans that are along Ledge Road, a lot of those site plans are individual small condos and every body has to have a bathroom so by the time you get down to the end



Town of Seabrook Planning Board DRAFT

of the bathroom, you've got to pump back up because Ledge Road was very shallow when it went in especially up near Poland Springs. So those last couple lots are definitely in need of a pump station.

Foote: now you said that Warner said that the Town's not responsible for the pump stations, yet I've heard from Selectmen and others that the Town is responsible for them.

Garand: not sure. One thing that was brought up in the Tech Review meeting also is that this is our wellhead protection area.

Foote: yes that's what I'm concerned about. A pump station in our aquifer wellhead protection area that's privately owned makes me a little bit nervous.

Morrill: I think that's why Warner indicated the Sewer Department goes in while they are installing it to make sure it meets Town specifications.

Foote: we already know from the experiences of Cross Beach Road that the alarm goes off in the middle of the night and the person goes out and shuts off the switch because the alarm's keeping him awake. Meanwhile it merrily pumps the effluent overflow into the saltmarsh.

Morrill: I don't think you're going to find that in an industrial park where I don't think you're going to have a lot of the guys walking out of there with

Foote: my concern is that where it is an industrial park they probably walk away Friday late afternoon, early evening sometime and don't come back until Monday morning or if we happen to have a four-day holiday. It's potential we could have effluent flowing into our aquifer for four days before anyone figures it out.

Morrill: I think it would be the opposite case because on those four-day weekends those people aren't working and more people are down at their houses pumping effluent where these would be dry. So, we're saying workforce down there is a lot different from somebody having a party at their house. This is work time, when everybody is working in the Town and if something goes wrong, that alarm goes off and the workers are still at the Sewer Department at those times. I don't think on a Saturday or Sunday you're going to find too many people, you might find them working in their offices, but it's a different situation. These are workforce people that are not, if that pump station is going off and I'm a guy renting a unit inside that condo, I'm not going to sit there and say, hey I'm going to shut off the alarm, you're not going to do that because you're going to get fined from the owner of the units. So it's a lot more regulated on an industrial building.

Foote: Keith do you have any questions, comments, opinions?

Sanborn: no

Foote: Paul, do you have any other comments?

Garand: not at this time.

Foote: Peter?

Evans: doesn't Port Lighting work weekend rock 'n roll shows?

Foote: I don't know.

Evans: I have no other comments.

Foote: Mike?

Lowry: no

Foote: Paul?

Himmer: no.

Foote: Tom?



Town of Seabrook Planning Board DRAFT

Morgan: I would say that question of who owns the pumping stations is significant enough you probably don't want to make a decision tonight.

Garand: instead of a bunch of small pump stations maybe it might be good to review a larger pump station put into the area. You know how each site has its own little pump station? May be you could review putting something down in the middle of the cul-de-sac at the very end instead of changing the last hundred feet of piping.

Morrill: drop a deep

Garand: how deep do they have to be? Ten feet down, right?

Morrill: possibly

Foote: you mean similar to Butland where it all flows down and then it pumps it back up?

Garand: exactly because this right here would allow all those end lots to pump into one which could be controlled a little bit better than a bunch of little ones.

Morrill: the only thing that I'm concerned about is if a developer is going through and putting a pump station in the middle of the road and estimating the gallons per day going into that and somebody comes in that uses a lot more water and they burn out those pumps inside that road, now it's the Town's problem. So now the Town pump station, Town maintenance

Garand: it's just an idea, that's all.

Morrill: I understand that's a great idea but it might be more headache for the Town than it would be having a small pump station on each lot. Because I don't think you're going to find too many of the owners of those lots allowing other lots to flow their effluent under their lot to have a big pump station on an individual lot. So, I'm just going by what Warner had told me how the Town uses them and who owns the pump station. I don't know for a fact, I know all the Town owned ones how they are, but individual ones I believe they are owned by the owner of the property.

Evans: there are engineering solutions to this problem you could plan for structures to catch effluent overflows and that sort of thing. Alarms that notify people that would respond on an emergency basis, however, none of those have been put in place to my knowledge for Port Lighting anyway.

Morrill: from what I understand from Mr. Knowles is that Port Lighting has a specific dual pump system that the alarm gets triggered at any time any one of the pumps even shuts down and the float switch is actually in between the two pumps so there is the capacity of the whole entire wet well prior to any and that one pump always going so that the whole thing gets shut down it's actually a big safety valve and that's how he says he does all his commercial lots now. He puts a float switch right in between the two pumps so there is not a lot of effluent between the two and it doesn't rise up and bubble out of the ground. I asked Mr. Knowles to write a letter for me tonight, it's tough to get Warner to have enough time to write a letter so I'm just going by what he's told me.

Foote: was the elevation of the road, was that where it was supposed to be?

Morrill: the elevation of the road is fine all the way until that last hundred feet of road and then it starts going, nine plus fifty it gets a little short and then by the time you get to ten, it's just about nine or ten inches

Foote: explain to me again these numbers

Morrill: the ones that are kind of shallowed out are what was proposed

Foote: for what, the sewer or the road?



Town of Seabrook Planning Board DRAFT

Morrill: the road.

Foote: so you never showed where the sewer line where it was supposed to be laid?

Morrill: the sewer was laid where it was supposed to, but in that last run it's come up a foot also. So I've got a foot shallow road and the sewer comes up a foot.

Foote: so the sewer is a foot high and the road is a foot low so that explains everything that I've heard that there is a two foot difference.

Morrill: there was supposed to be a road with no insulation and now it gets down to the maximum that Warner would allow it to stay in the road with the insulation on it.

Foote: so the sewer line was supposed to be a foot lower and the road was supposed to be a foot higher?

Morrill: that's correct.

Foote: so there's supposed to be two more feet of cover between top of road and sewer line.

Morrill: that's correct.

Foote: I don't like this. I think it's asking for problems. We know all over Town pump stations break down, pump stations don't work. I mean that's part of the reason why we had to pay the EPA fine was because of pump stations malfunctioning. And there being spills and overflows. I think that any place that we can avoid a pump station is to the benefit of the Town especially if this is a road that the Town is eventually going to potentially accept, I think we should make every effort possible to prevent a problem in the future. Any other comments?

Lowry: I don't think it would really be a problem if it was built the way it was supposed to be built. We wouldn't be here right now.

Morrill: I'd still be here trying to get you to allow me to keep the overhead power.

Foote: I'm not as concerned with the overhead power as I am with the sewer line. I know at the time that we approved the overhead power, other people have come forward since then and said rather strongly that we never should have done it, that it should have stayed underground. But we had already pretty much agreed to it and it's been built with overhead power and I think that while some people are saying that there was not an official public hearing at the time, I think we're sort of stuck with the overhead power. I think it would be not fair on our part to now say after you've got it all over head to have to put it underground. But I am seriously concerned with the sewer line.

Morgan: maybe we can put the power thing to bed tonight because this one was noticed for a hearing.

Foote: so you recommend that we step beyond the sewer and at least come to a decision on the power?

Morgan: if everybody is okay, yeah. This is a public hearing and it has been noticed so you do have the authority to make that type of change tonight if you want to.

Lowry: I'll go along with the overhead power lines.

Foote: Keith?

Sanborn: yes

Foote: Paul?

Garand: I'm only an alternate. You don't need me tonight.

Foote: Peter?



Town of Seabrook Planning Board DRAFT

Evans: I disagree with the overhead power lines. I believe that there is going to be a lot of power going through these lines and there are a lot of trees in the area that don't have very deep roots and it'll I think it was the Town Manager that spoke strongly in favor of under ground power and I think that the combination of the possibility of storm damage with the possible detrimental effect of electromagnetic radiation from the overhead power lines this is an industrial area which will be carrying a lot of current and has the potential to generate a lot of electrical noise, which will go into the surrounding area. In the area already you can pick up EMF from the power lines. I believe there is already a problem in the area. There are certain areas that AM radio reception is completely obliterated by the current flowing through the power lines. Burying the power lines would eliminate that source of interference.

Foote: I understand where you are coming from and I think that's something that should really be considered in the future. My concern is that it was the Board several years ago that gave them the permission to run the overhead lines, and they are already installed. If they weren't already installed I definitely would support you, but where we're already hung up on the road, we never gave them permission to alter the road or the sewer, we did give them permission to do the power lines. I don't know what the cost would be to rip out all those overhead power lines and dig up and impact the area to run them under ground.

Garand: the conduits are still there, correct?

Morrill: Madam Chair, before we go any further, I made a mistake when we first started this hearing allowing Mr. Evans to sit on this Board when he is a direct abutter to this project and I would like him withdrawn from the Board at this point from this project because obviously his opinions are clouded by being a direct abutter and I really don't think it's fair to my client to allow him to sit on the Board at this time.

Foote: I guess you've been asked to step down.

Morgan: Peter, are you a direct abutter?

Evans: am I a direct abutter is the first question? I do not abut London Lane.

Morrill: you were a direct abutter when the subdivision was first approved and London Lane was a part of that original approval.

Evans: Madam Chair, you should be aware that 673:14 Chapter I does not give the applicant the power to request a disqualification of a Board member, that must come from the Board.

Morgan: that's true. But the question is still on the table.

Foote: so you're going to force us to vote like you forced us to vote the other night?

Evans: I would ask you to answer the question in a light that I have "direct personal or pecuniary interest in the outcome which differs from the interest of other citizens." I don't think any of the statements I have made have indicated that I have a bias that differs from that of any other citizen in this Town.

Morgan: part of my job, Peter, is to try to keep Board members out of trouble and I generally give conservative advice and that's worked pretty well keeping people out of trouble. This area has lots of gray space and whenever we hit the gray zone I've always advised people don't make it ambiguous now.

Evans: I'm afraid we've already hit the gray zone. Paragraph II goes on to say that any such request and vote shall be made prior to or at the commencement of any required Public Hearing.



Town of Seabrook Planning Board DRAFT

Morgan: I guess my advice is for you to voluntarily step down and that'll put the issue to rest and you can sit in that chair there (pointing to a seat in the audience) and say everything you've just said and anything else you want to say. And I'm coming from a position of trying to protect the Town, but also trying to protect you personally.

Evans: well, despite the procedural irregularity of this, I will take our Town Planner's advice and voluntarily disqualify myself from further deliberation on this matter.

Garand: he can stay there are as long as he doesn't vote, can't he?

Morgan: as a citizen of Seabrook he can say whatever he wants, this is a public hearing. I'm just saying, say it from over there (pointing to audience).

Evans: no problem I guess.

Foote: so back to electrical. I think we're up to you Mike.

Lowry: I'll go ahead with the overhead because I think it's unfair as it was brought to us before and they've already got them up.

Foote: Paul?

Himmer: leave the electrical as is above ground. It's already been decided and it seems like it's past the time to reverse that decision.

Foote: Tom, do you have any comments?

Morgan: question. Does any body remember when that decision was made?

Evans: I don't remember the exact date but it was earlier this year. But it wasn't public noticed.

Foote: It wasn't this year. It was last year or before. There's been power out there for at least a year.

Morrill: addressing audience member: when was the power installed, do you remember?

Craig Dupere: I don't know if I remember specifically, but I believe it was in '04. I don't believe it was in '05. I'd say it's been approximately a year to my knowledge.

Foote: and it may even have been before that the Board made the decision before you actually got around to

Dupere: a couple months

Foote: it would take some research reading back through a lot of past minutes because it was something that came up in other business. The reason I feel it was at least over a year to 18 months ago because it was still in the time when we weren't so strict as far as changes and public hearings and things were being classified as a minor change and didn't require abutter notice. Back when we were a lot more liberal. So that's why I say it was at least 18 months or more.

Any other questions? Any abutters have any questions, comments, concerns that they'd like to voice to this.

Peter Evans: I would like to point out that decision was made without benefit of proper notice and it appears that they will be doing work on the road in order to bring it into compliance with Seabrook's standards and I do think that we are failing to plan for the future by permitting the use of the overhead wires as there is a movement toward the use of power lines as data transmission conduits and that will also increase the problem of emitted radiation from those power lines and the under ground is a great way to shield it. I do appreciate the fact that the wires are in place and they were put there on the advice of the Planning Board unnoticed though it may be and it would be an expense to correct.



Town of Seabrook Planning Board DRAFT

However, I think in the interest of planning for the future I would request that the Planning Board require that these power lines be made to conform to the subdivision regulations.

Foote: question. I know the power lines are aerial going down along London Lane, but don't they drop down to underground conduit to service the individual lots? So there's not a whole bunch of lines like a network.

Morrill: when they were doing the road, it was before we actually came back in front of the board and a lot of the laterals going over to the lots are in. I think you can actually see some of the underground utility connection showing on the plan so a lot of these, we did a lot of conduits under ground so that's how it's servicing a lot of the buildings. So what you see for the most part is the road will have over head and the buildings will be serviced by under ground and every plan that we've brought in front of this Board always indicates under ground utilities.

Foote: so that is limiting the overhead wires to just London Lane

Morrill: that's correct

Foote: there won't be more poles going down individual driveways.

Morrill: I believe your site plan regulations require under ground utilities so we try to adhere to that.

Foote: anyone else have anything more to say on this? (no response) I guess it's time to come to a decision on the utility poles part of this plan.

Motion: Sanborn

To leave the utility poles above ground on London Lane and any connections to any buildings have to be under ground.

Second: Lowry

Unanimous

Foote: so, we have half the problem solved.

Morrill: what I'd like to do since it seems like we're sort of at a standstill with the sewer itself. What I'd like to do is just ask the Board, it sounds like I could go two ways. I could go back and ask Warner if a pump station is owned by the Town, but then I could come back here once I have that information and this Board could still say we still want you to do the road correctly. So I think that what I'd like to do is have clear direction from the Board tonight one way or another even if the pump stations are owned by individual people or by the Town. Is this sewer in the road at the last length of this roadway something that this Planning Board feels is acceptable so that we can either talk to Warner, we've got his okay to leave it like this, but I think it has to come from this Board. So I'd like a clear direction from this Board so that my client can either start constructing, because what we want to do is top coat this pavement before winter hits so that we start getting some seasons out of it before we ask for it to become a Town road. So we need some clear direction at this point to move forward. We know that we have a lot of work out there to do all the swales and do the sidewalk. Everything has got to be done before we can even start thinking about asking this Board to accept an as-built. But the sewer is the main important thing at this point and it could change the roadway itself.

Foote: I for one would like to see the road built to the original specs. It was an engineered design, there was a reason why the engineer designed it that way for all the reasons that we endure in winter time in New England I have great concern about their being a two foot



Town of Seabrook Planning Board DRAFT

difference in what should have been the depth between the top of the road and the top of the sewer pipe.

Garand: can I ask one more question also? With the one foot difference at the end of the cul-de-sac, how does that affect the drainage also for the road itself?

Morrill: to be honest with you we haven't looked at that.

Garand: it's a swale system around the edge so the road has to be built to the elevation as drawn for the drainage to even work and there is a big issue right now that the Board is facing with the drainage in that area. We need to get that resolved so that we're not continually backing up on this and having reasons not to review those plans. It should be built as it was approved. There are no questions about that. It needs to be done as approved so that we can get it accepted by the Town.

Morrill: let me ask the Board this. Where the cul-de-sac is one-foot low, if this developer goes back a hundred feet and raises the road to the correct elevation and he keeps the insulation the way it is, would the Board vote favorably on having four feet of cover over that pipe?

Foote: my problem with the insulation is were there any inspections, photographs? How do we know that the insulation that is there is the correct density, the right amount?

Morrill: what I'm saying tonight is if the Board would allow me to just raise the road, I'll make sure that we come back with a sign-off from whoever inspected it

Garand: the whole thing, how much would it take if you're going to dig up the asphalt that's there, raise the road anyway, why not go in and fix the pipe and fix it all to plan so you don't even need a waiver for anything?

Morrill: because I'm still concerned that digging up that entire length of road I'm going to be ripping up Port Lighting's tap in to the sewer that I believe is currently working at this point, so I'm going to be shutting down Port Lighting to fix the sewer and then coming through and changing the pitch of that. I think if the Sewer Department was there when this was pressure line tested and it was done to code, I'd like to keep the sewer line where we have one service tied in, I'd like to keep it where it is so that we don't have to disturb the entire road base to change that one line.

Garand: so you need to get us a drawing showing us how you would correct it and the pipe being where it would be established and see if the Board would pass that, correct?

Morrill: what I'd like to do is come back in with that sewer line the way it is and show the Board that road being raised up the one foot with leaving the insulation. But I'd like to have an idea from the Board before I leave tonight if that's going to be acceptable because if not, I'm going to tell my client to go rip up that whole entire last length of sewer pipe and bring up the cul-de-sac all in one thing.

Garand: the way the Town was talking during the Tech Review is that it has to be built as drawn and that's what I was sent to this meeting to tell you.

Morrill: I understand that and as you know, as things are constructed in the field, some things happen and we can't

Garand: but they don't change two feet in the field

Morrill: I totally understand. We pointed this out. I put on what was proposed so this Board could see exactly what happened. And we're not saying that thing was built right at that last hundred feet, but what I'd like to do is leave that road base down, raise that cul-de-sac so we can do the drainage correctly so that we can fix the problem that way the



Town of Seabrook Planning Board DRAFT

road is at the correct elevations, the swales can get done, so there's not a problem with that. The sewer has the insulation, it's going to be more cover than what it has on a lot of roads in Town.

Garand: but the insulation which was put to me at the meeting was not approved by the Board and the person who gave the approval didn't have the right to give that approval and that's what I was told to convey at this meeting.

Morrill: that's correct and that's why I'm asking the Board tonight, one way or the other.

Garand: also, another issue just while we're on this. I had a site walk with DES on that location, silt fencing and major issues on the lots. You really should take a walk down there because I think he's sending a letter of deficiency out.

Morrill: okay.

Garand: I'm not sure what the outcome will be but he's not too happy at all.

Morrill: we understand that the road has not been built per plan. We have catch basins that don't even have a swale to get the water to them. That's why I want to get this out of the way and move on. I want this road buttoned up.

Foote: my main concern about the insulation is engineering design on it. How do we know that what is there is going to do the job that it is intended to do? How do we know what is there was installed properly? Were there any photographs taken of the trench when it was opened?...if by chance this Board should decide to go with not moving the sewer line, at the very least I am going to request and do my best to convince my fellow Board members that the trench should be opened back up to inspect that line to make sure the insulation is correct.

Sanborn: Madam Chairman. I think that we just voted on that tonight that everything is supposed to meet the specs. They can't supersede what we just voted on. That pretty much takes care of it. It has got to be built to plan.

Foote: we voted on the electric. We didn't vote on the sewer part.

Sanborn: what you did earlier on your articles pretty much takes care of everything. Everything is supposed to be built by plan.

Morrill: Madam Chair, I'm not asking you to vote one way or another. I'm just asking for a little guidance and if you say the sewer has to be there but I want all your roadway inspections from John Starkey, I want all your sewer testing the Water & Sewer Department, I want all your water testing from the Water Department, we'll get those documents to make this Board feel more comfortable of what that is. We're not asking you to take something that's substandard over. I want to make sure that it's a good road. I believe all those tests were done with Town officials there. We'll put our hands on them if this Board allows us to go forward like that. I'm not asking you to sit there and take it over and just say we put up our hands.

Sanborn: but if you are asking this Board, and you're going to be asking the Town in the near future to take over the road, the Town's asked for these specs to be done. This is null and void. It's got to be done before they'll take it over.

Morrill: the road is to spec. The road has the correct specified gravels, everything that is required and the sewer is allowed by right to have three feet of cover with insulation on it. So

Foote: but it's not to the drawn plans

Morrill: it's not to the drawn plans and that's why we're here tonight.



Town of Seabrook Planning Board DRAFT

Garand: so you have the above ground utilities, but I don't think as far as the Town is concerned is you are going to get your sewer relief.

Morgan: if somebody makes a motion that will give Wayne a really clear signal.

Motion: Sanborn To require road and sewer elevations on case #05-36(00-40) to be built to original plans.

Second: Himmer Unanimous

Morrill: before we close this hearing, since this was the original subdivision and when this subdivision was approved it was a part of the conditions of approval that Border Winds and Mr Evans would be noticed on every single site plan that would be in front of this Board for the whole entire subdivision because of Mr. Evans comments about how he has to be taken off, I'd like this Board to make sure that since he is being noticed on every one, that he is withdrawn from every further site plan that comes in front of the Board for this subdivision.

Morgan: you've asked the Board to do something they are not authorized to do.

Morrill: I'm just putting it out there because I know we're going to be back here in two weeks and we're going to go through the same thing again. Thank you very much for your time tonight. I appreciate it.

Foote: Thank you. Eventually we are going to need a plan that shows the lines above ground and the road built the way that it should be.

Morrill: that's what we're going to move forward on.

The Public Hearing on Case #05-36 (00-40) was closed at 7:04 PM.

Opened the Public Hearing on Case #05-24 was opened at 7:06 PM

Foote: Next to case 05-24 Proposal by Lloyd & Joan Perkins for site plan review for 7,140 square foot industrial condominium building and parking lot, Tax Map 5, Lot 8-80.

Brad Chareth, Millennium Engineering: I believe the primary change is just on sheet 2 for this meeting. Henry asked me to come down tonight and review the changes you guys wanted done to the plans. And basically they addressed all the concerns that you had at the last meeting. They have eliminated a unit, they've made a 50-foot no-cut buffer in the front and they have moved all the water lines from this side of the property to the driveway area. And now they are providing 68% open space. And those are the major concerns I believe you had at the last meeting. And Mr. Lloyd Perkins is looking for approvals tonight if we can take care of that.

Any questions at all? I wasn't at the last meeting but I was keyed in today as to what was said and what you guys wanted.

Foote: Keith, do you have any questions, comments, concerns?

Sanborn: no. They did what we asked them to. Everything looks okay to me.

Foote: Paul, do you have questions, comments, concerns?

Garand: the only concern that I have as far as the site is it is still a larger than what was approved on the site when we gave the subdivision approval and at the same time the parking

Foote: it doesn't say how many square feet, on here it says, but

Lowry: he's talking about the original subdivision approval

Garand: when the traffic study was incurred for the whole subdivision.

Foote: what I'm saying is usually in the building it says how many square foot the building is and it doesn't state that inside the building



Town of Seabrook Planning Board DRAFT

Garand: it's 103 x 60

Foote: but usually it says inside the building for our convenience

Lowry: well he's got 7,140 square feet

Garand: the only concern I have is with the use and the limited number of parking areas, I'm running into a problem when I issue the occupancy certificate. If you build a building and you have the use of manufacturing and then office space, for instance I had one occupancy that if I gave them full use of the building to code they would have had 21 occupants. The whole site had 23 parking spaces including the handicapped parking. I think that the Town should review, or the Planning Board should review the use of these structures and put limitations on the approval that they should be used for the small job shop they shouldn't be used as manufacturing, they should not be used as office, they should have restrictions on the approval so it meets what they are proposing to us because basically if they are approved job shops, and they are only going to be given three parking spaces for each condo unit, then they should have that approval and have to hold to it.

Foote: that has also come to my attention, both you and I have talked about it and I have talked about it with several others in Town, that it is turning into a considerable problem. That where they are being presented to us as small contractor job shops, we are approving them as small contractor job shops. The real estate agent is not selling them as small contractor job shops. They are selling it as an industrial unit of so many square feet. And if they are condoed, the condo plans don't specify that it's supposed to be a small contractor job shop and like Paul says, we now have manufacturers that are actually using the mezzanine over head so that instead of having a one floor thing, we've got a two-floor thing so it's doubling the square footage and one unit has 25 employees and there is only 21 parking spaces for the whole lot of seven units. So we've got to really

Garand: I think we should look at limiting to the single story, no mezzanine. And at the same time, putting a restriction on the use if this is approved.

Foote: I personally would rather see a small industry manufacturer in there than a job shop. I think we've just about reached max on job shops. We're now drawing companies from Amesbury and Newbury and Ipswich that are relocating in Seabrook because they have found a nice cheap job shop to work out of and move their company to NH and avoid Massachusetts taxes. From talking with the assessor, our tax base realization, we do much better if it's a machine shop, in taxes than what we do on these job shop buildings. So if that's what the intent is for it to be a job shop we have to make sure that we net it down with the conditions of approval.

Garand: also, one thing you can remember. We limited the use of sidewalks in this area so when you have an office structure, a lot of people go out walking at lunch in an office structure, this right here is an job shop or an industrial use, you're not going to have people walking the roads. This is what this was built for and this is what we approved this subdivision for so we basically have to look at this and say this is what it is, this is what you have and you can't have any more. I'll put that to rest.

Foote: Peter, do you have any additional comments or concerns?

Evans: I'd like to thank Paul for his comments. I think that they are well put. I have seen another unit in the area during business hours with cars parked up on the verge as I believe I've said prior. I am concerned that while these units make for a successful real estate transaction, they are not making for a successful and growing industrial concern. I agree with



Town of Seabrook Planning Board DRAFT

Paul that it seems that the parking is really constrained. I know that is the way it is at Whitaker Way and I believe there are problems concerning the amount of parking. It seems a shame to put up a building and then have to constrain them to three employees. That doesn't seem as if we're getting the best use for the land in planning terms. I don't know if it's proper or not to dictate the type of use beyond the way we already do for the benefit of the Seabrook tax payers, but I do think it's part of our concern that the use of the building fits the intended use of the area and I don't believe, I tend to agree that job shops isn't the high paying jobs for many local citizens that the tax payers had in mind when they approved the industrial zone. I'd like to see more parking spaces.

Foote: Mike?

Lowry: I agree with Paul. We have to put restraints on them.

Foote: Paul?

Himmer: I'd agree with the conditional approvals to put some kind of guidelines on it.

Lowry: I know we're just going to see more of these popping up.

Foote: Tom?

Morgan: I'm more ambivalent than you guys are. I guess I see a benefit in both these industrial operations that have sprung up as well as the job shop. They are both responding to a fluid economy and my goal for the industrial district was to create jobs and tax base and either way you go I think you are making progress toward that goal.

Foote: I think the main thing is that what both Paul and I have discussed is if they are intended to be a job shop then they should be marketed, sold and the condo documents have to specifically state that they are a job shop. They can't then later be sold as a 2000 square foot manufacturing room and they bring in 15-25 employees. If it's going to be that, then it should be designed for that with the parking for those potential employees. I don't believe this situation is caused by either the landowner, the engineering firm, or our Board. It's after it gets approved in the marketing of it. That's where it becomes a problem. But we have to make sure that this Board knows the full intent and make sure we put the constraints on it so that it stays to that intent.

Evans: I'm concerned that we get into defining what is a job shop and what isn't a job shop. I also am reluctant to dictate how the owner wants to arrange the interior if it makes sense to have a mezzanine and I can't just come out and say that there shouldn't be a mezzanine.

However, I think it's not a bad idea to restrict the number of employees to match the number of parking spaces. In my opinion that is almost still too few because it doesn't make allowance for someone, a traveling salesman who might be selling supplies to this job shop to find a parking spot. I think it constrains the use to smaller operations that don't have room to grow. If you can only have three employees that's not very much room to grow.

Garand: I want you to note also that sheet 3 of 6 also shows four units. And there is no handicapped parking shown. Because the lighting will change with the number of doors and the lighting on each door changing.

Chareth: can I ask the Board, we've already reduced everything to three units, will you consider allowing parking spaces within the no-cut buffer?

Lowry: no. that's why we didn't want the building there so we don't want parking there.

Foote: it's no cut, no disturb.

Chareth: okay. And how do you define what the limitations on the units? Is that something the lawyers would draft up? That's not something we would do as an engineering firm, right?



Town of Seabrook Planning Board DRAFT

That's something the lawyers would draft up behind the scenes and the condo documents and everything. Millennium Engineering we say that on the sheets. How would you like that on the sheets

Foote: if it's designed with three parking spots, then it has got to be limited to three employees, maybe even six employees if they want to car pool, but

Chareth: is that something you want to see us present on our plans or is that something the lawyers would draw up?

Morgan: actually, that's probably the simplest way to achieve that is for you to put a note on the plan saying the number of parking spaces shall not exceed the number of employees or something to that effect. And then, when it's on the plan like that it becomes a stipulation.

Foote: if they want to have fifteen employees and leave four cars at a park and ride and all car pool in a van,

Chareth: so we have nine parking spaces now so it's going to be three per building; if we did put that note on there would you approve the plans based on three parking spaces per unit if we had a note saying the number of parking spaces must equal the number of employees.

Morgan: Sue also amended that by saying

Foote: potentially if the building can occupy more people, it's the parking that if you have one car one person, then it's limited to three people; if they stop at a park and ride somewhere and all pile into a van....

Chareth: each space represents one employee so they can't beat the system; but if we put that note on the plan, I'm saying, we're going to have trouble adding parking spaces with a no-cut buffer.

Morgan: I guess you have some time to think about the wording of the note.

Chareth: so you would like to see that on our plan?

Morgan: it would be cheaper than hiring a lawyer.

Garand: you could even put on there site not to exceed nine parking spaces; if any change in use it has to come back for site plan review

Chareth: okay that would cover it.

Garand: I just need something so that I have enforcing ability.

Evans: in your opinion do you think a trailer truck could get it way out of this particular proposed design without having to back out onto Ledge Road?

Chareth: it may be able to go in front of unit one; depends on what's the width there, it's about 20 feet. Looks like you could do it in front of unit one. It'd be a tight fit, you're right. So just so I know, I'm writing this down as I go. You'd like to see the things we talked about with the parking spaces, change 3 of 6; you guys are happy with no-cut buffer added; that fact that we moved the water lines over you guys are happy about that. No mezzanine, is that something we want to put on the plans or is that?

Evans: I would not like to see that particular restriction. Maybe they'll store their trucks downstairs and have an office on the mezzanine. I think our restricting the number of employees would effectively limit the kinds of things our CEO is concerned about.

Garand: one thing I'd like to remind you is that this building, this site was approved with a structure size already depicted with a traffic study to that.

Foote: the traffic study was for a 6000 square foot building?

Garand: I'm not sure on the size. They should have a sheet showing what was approved at that location prior.



Town of Seabrook Planning Board DRAFT

Lowry: whoever purchased the property should have it

Foote: the original plans I believe the traffic study that was for the whole Chase development was for a 6000 square foot building

Garand: and if they want to exceed that and have a large building, then they should provide a traffic study to prove that

Foote: one thing if they reduce it to a 6000 square foot building there would be room for more parking

Garand: or at least a tractor trailer truck to turn around

Foote: do any abutters or any one in the audience have anything to say, comments, questions?

Paul Lepere, actually involved with this with Lloyd Perkins: we have a buyer right now who is interested in this. He runs a sign company. These rules you are making up, is this in right now in the Zoning Regulations or is this just a good idea that you've thought of? We have an engineer and a buyer who have spent thousands and thousands of dollars and all of a sudden we show up to a meeting and you say tell you what why don't we just have three cars, just have three employees, where is this written out? Is this Bible from here for everyone else coming along?

Foote: are you familiar with our site plan review regulations?

Lepere: I am. Does it state that?

Foote: it states that the Planning Board will designate the parking for industrial sites. If you want we'll go by the restaurant regulations, if you want we'll go by commercial regulations. We go by commercial regulations, you've got one unit.

Lepere: this is an industrial zone and I think that what you have to do is read the zoning book and say what is allowed in here.

Foote: zoning has nothing to do with site review

Garand: and also the International Building Codes dictate how many occupants can be in that building and I have to cover the Code Enforcement Office so I don't have an over occupancy of the site. So that if there is a fire and you have ten or twenty cars on that site a fire truck or an ambulance can't get down there and turn around.

Lepere: I can understand ten or twenty cars but all of a sudden you're limiting this 1800 square feet to three employees.

Foote: no, this drawing is limiting it to three employees. It's providing three parking spots per unit.

Lepere: how do you know that they are not doubling up for example? Should this be regulated to the number of square feet based on the number of employees or are you limiting to the number of vehicles? I'm saying you are tying someone's hands with 1800 square feet and three employees, I'm not sure that's realistic. Maybe six is.

Foote: we are limiting it to three cars. The problem is that we have some that have been marketed and sold as an industrial manufacturing and there are now 23 employees and that unit was allotted three parking spots. They're parking on the grass swale, their parking on Ledge Road.

Lepere: that is not called for. I totally agree with you. There has to be a happy medium.

Foote: we have to have some way at this point to insure that is not going to happen.

Garand: basically, if you don't go above the nine cars then there's not an enforcement issue. It doesn't matter as long you don't go over the occupancy allowed for that structure.



Town of Seabrook Planning Board DRAFT

Lepere: who's going to police this? If we have 1800 square feet with three employees who's going to police this?

Garand: basically It's going to be a parking issue if I have to come out there because you are parking down the side of Ledge Road, the driveway, or you're blocking access, then that would be my role.

Foote: and ultimately we could consider it a violation of site plan approval and revoke the site plan.

Lepere: before you approve this or make these suggestions, I think it's important for the owner to be here to say okay I can go along with that, I can go along with three employees or six employees or something like that but I see we're just throwing out ideas

Foote: we presume that if this is the way it is drawn, this is what the owner already discussed with the engineering firm that drew it up

Lepere: let me ask you, did anyone bring up to you that this is going to be limited to three employees?

Garand: they said three vehicles

Lepere: well, all of a sudden three vehicles became three employees

Garand: the employees aren't limited; it's the three vehicles. As long as they car pool we don't care.

Evans: I wouldn't see any concern if you were running three shifts or something like that. But there can't be more cars than the number of parking spaces approved tonight.

Lepere: so you're really talking about vehicles and not the number of employees. Okay. So what's going to be on the final plans will be addressed as the number of vehicles not employees.

Garand: when I write my occupancy I will put that you have this capacity in this building but you cannot exceed nine parking spaces in this lot.

Lepere: then you were talking about the type of business. One more time you revert back to the Zoning book and it says what is allowed in this zone. And that's what we all follow.

Garand: say in a business structure you can have one person for every 100 square feet; if you go into stores then it's one person for every 300 square feet. So it changes. And once you take and you go in there, this is gone for a job person, they are going to have a truck, an office and the rest is garage area or storage, then that will tell me that the unit can be used for three or four people.

Lepere: But we were talking about this evening, okay, this is what we would like to see in these units and I'm saying lets go back to the Planning book and that's what's allowed in those units, not what you would like to see, but what it calls for.

Evans: this all gets much easier if your potential client, if we knew there was a sign business coming in and we could talk with the applicant as the sign business person, it would be much easier and we wouldn't have to plan for any and all possibilities which is what we have to operate around that assumption at this point.

Lepere: I think that you do have to plan for a future because we have a sign company and he's going to take up one unit. I can't honestly tell you who's going to be in the other two units in the future and he can't either. So I think you do have to plan for the future but it has to be realistic also.

Garand: also by realistic we have to protect the other two units. Even though there is a sign guy going in there, we still have to allocate room for the other two units who will have tenants someday also. Because that's going to be enforcement.



Town of Seabrook Planning Board DRAFT

Lepere: I agree with you Paul. I don't think the parking should be on the street and it shouldn't be over run everywhere, but I'm not positive it should be limited to the number of employees. 1800 square, three employees, I'm not sure that's realistic.

Garand: we're limiting it to the number of cars

Lepere: maybe three vehicles is realistic;

Garand: nine vehicles

Lepere: maybe that's very realistic

Garand: and the condo docs will have to reflect this

Chareth: once again, do you want to see a note on our plan that says the same thing? Three parking spaces per unit

Garand: or if you want to do nine total and that's total capacity for the lot, that's all. And the condo doc says I only need two parking spaces and the other says I want five, then that's something they have to work out.

Evans: we should leave them that flexibility

Chareth: how would you like to see it worded, any ideas?

Foote: I leave it up to the lawyers who draw up the condo docs

Evans: I suggest, I think on the plan if you said nine vehicles that meets on this site

Foote: there should be a maximum of nine vehicles per site; per the whole site not per unit

Garand: general notes, nine parking spaces total

Foote: maximum of nine vehicles on this site

Chareth: I'm going to have the owner talk to his lawyer and come up with some good wording that will take care of what you want

Foote: because that's what you've drawn for is nine and one is actually tucked way around in the back corner; so is there anything else that we have to comment on?

Chareth: I'm all set. I'm sure Henry knows the procedure to get on the next meeting to get this accomplished. We'll do what we have to do so we can make these changes and come to the next meeting.

Foote: and also to compare with the traffic with the original traffic study that was for a 6000 square foot building

Chareth: or he can reduce it to the original approved size. All right. I'm all set. Thanks for your time.

Motion: Evans To continue case #05-24 until August 2, 2005 at 6:00 PM

Second: Lowry Unanimous

Public Hearing on Case 05-24 closed at 7:37 PM

Sanborn: we already have a meeting on the third, right?

Foote: we have a meeting on the 2nd and the 3rd; the 2nd is a regularly scheduled meeting and the 3rd is the special Border Winds meeting. Case #05-28 Proposal by Samantha Real Estate Development LLC for a condominium conversion at 48 Belgian Drive, Tax Map 9, Lot 36-10.

Open the Public Hearing on this case at 7:37 PM

Paul Lepere, Samantha Real Estate: I know there has been a lot of conversation with yourself Susie and Attorney Mary Ganz in regards to changes for lot 10 Belgian Drive condo conversion and it was noted last meeting that there were some wetlands that were never noted on proper deeds so I do have the revised deeds in front of me for your review. Also, Henry Boyd from Millennium has been involved with this in regards to marking the proper monumentation and I



Town of Seabrook Planning Board DRAFT

request that this be scheduled for next meeting so that you can review the deeds and I can have a proper mylar presented to you with all the changes.

Foote: so you are asking for a continuance to our next meeting?

Lepere: correct.

Foote: okay, that would be August 2nd.

Motion: Evans To continue case #05-28 until August 2, 2005 at 6:00 PM

Second: Lowry Unanimous

Public Hearing on case #05-28 closed at 7:40 PM.

Foote: Now we'll go back to #05-35 Proposal by Clayton Gould LLC for a condominium conversion at 15 & 17 Gould's Way, Tax Map 3, Lot 5-33. Is there anyone here to represent this?

Public Hearing on Case #05-35 opened at 7:40 PM.

Brad Chareth, Millennium Engineering: I wanted to give you six quick copies because we found a typo for sheet number one. And a couple of mylars that we need to give you. Both units were labeled unit one so we wanted to make sure it said unit one and unit two.

Morgan: can you tell us what's changed? Besides unit one?

Chareth: on the last revision we had unit one and unit two

Foote: the mylar doesn't have a

Evans: Licensed Land Surveyor's Stamp

Foote: it's got the Land Surveyor it doesn't have the wetland, the Licensed Soil Scientist stamp

Secretary: and it doesn't have the previous revision 7/15/05 when they changed the address. The original plan had the wrong address on it so we got a revision that says 7/15/05 change address HHB and that's missing.

Morgan: also have a typo up here under utilities. Your disclaimer covers Parker Survey and you guys are Millennium now, right?

Chareth: yes.

Secretary: we had that noted in the Tech Review the first time.

Foote: and we still have one rod to be set? All but one are set?

Garand: are the wetland markers set, Sue?

Foote: doesn't say anything about wetland markers on it; there are wetlands on the site; there is no indication that the jurisdictional wetland boundary guides will be placed to indicate the wetlands.

Garand: so you're looking for the revisions, the corrections on the top and notification that these have been set and that the bounds have been set

Foote: and the jurisdictional wetland boundary flags have been set. I would think that by the time units are built, and they are going to a condominium process, all the bounds should be set. It shouldn't be "to be set".

Garand: I agree with you on that one. It also makes it easier when they go to transfer this and they are not going on someone else's property, it's all done.

Foote: question, just curiosity. There's a detail. Says that a car jack was found. A pump up or someone car jacked and that there's where they found the car?

Chareth: that's a unique case. I'm not familiar with this case so they found something that must be on a deed. I've seen some crazy deeds.



Town of Seabrook Planning Board DRAFT

Morgan: tell Henry we'd like a clarification.

Lowry: stamped

Sanborn: and you get a five minute limit

Evans: maybe the hardware store was out of iron rod

Garand: so they set a car jack

Chareth: do you guys want that signed by this guy West?

Foote: yes it has to have his stamp and his seal and it has to be on the mylars.

Motion: **Evans** **To continue case #05-35 to August 2, 2005 at 6:00 PM**

Second: **Lowry** **Unanimous**

Public Hearing on Case #05-35 closed at 7:50 PM

Foote: Correspondence from Jones & Beach in regard to Pineo Farms typical driveway section shown in the general details of the plan D-1 cannot be constructed with the current road design. This detail is typically used by NH DOT for driveways along state highways. We've attached a typical driveway section which would enhance the design of the proposed driveway.

Garand: I think during the Tech review.

Foote: during the Tech Review it was noted that with the changed proposal the water is going to stay in the gravel shoulder, it's not going to make it to the culvert. It's going to run down the driveway into the road and puddle there.

Garand: creating a problem.

Foote: the angle should be here (pointing to the right side of the proposed driveway between 5' and 4') not here. And I would say that's one of those things that's enough of a major change we've been bit bad enough that if they want to change the design, then they can come back with revised plans. I don't consider this minor.

Evans: I agree Madam Chairman, this is a major change.

Foote: Pineo Farms original. John Starkey's comment was that

You should know that the contractors working on Pineo Farms want to complete driveways but recognize that the approved plans depiction of what is needed is flawed on the side of the road that doesn't have a sidewalk and non-existent on the side of the road that does have a sidewalk. Additionally you should know that it is my opinion that Jones and Beach's latest submittal should work on this project without problems, but I would like your formal endorsement of same prior to officially answering their inquiry.

At the Tech Review I think we didn't really mind the change to the sidewalk area, it was that this slope here should be moved out to where the driveway culvert is so it holds the water in the swale, not kick it back into the road.

Garand: if you're going to start changing the swales and stuff, Sue, it might impact the drainage also in that area. So that's something to be looked into also.

Foote: if the design was flawed, it was flawed. They have to come back with an amended plan and prove the drainage. This is talking major drainage in a large area. So I guess we



Town of Seabrook Planning Board DRAFT

shall have to communicate back to Wayne Morrill that he's going to have to prove the drainage if he's going to alter the road.

Secretary: do we need to have another public hearing? Do I need to notify him that he needs a public hearing.

Morgan: let Wayne make the request.

Garand: should verification be sent to John Starkey that he can't do the changes until after the Public Hearing?

Foote: cc the letter to Wayne to John Starkey.

Secretary: I just need to tell Wayne that he needs to prove the drainage.

Foote: And bring in amended plans and have a public hearing. Tell him if he has any questions, if you want, highlight the second drawing and tell him that this slope has to be over the culvert and not out in the road. And then we would probably approve it, but it's got to be in a public hearing.

Other correspondence. Mary Ganz is notifying us that she has found the wetlands permit file for Belgian Drive and she has recorded it at Rockingham County Registry of Deeds. So that is now recorded.

We have a letter from Daniel and Wally Sullivan's attorney. (Chair Foote reads the letter in its entirety. The gist is that the Sullivans want potential buyers to be able to get a building permit because the approval does not specify any conditions including construction of the boardwalk for granting a building permit.)

Garand: do you have files at home, Sue? Do you have contractor statements about the boardwalk and so forth about finishing the road and can I have copies of all that?

Foote: I'm trying to remember. I think Fred has a lot of documentation on that. You mean back a year or so ago when they were saying that they weren't going to finish it, they were going to walk away and that's when their bond had expired and we had to call in attorneys. I'll search for everything that I've got.

Garand: the bond does have \$41,000 and some change in it at this time. It's still in place.

Morgan: I don't agree with most of the letter but I agree with the part where they say if we have a bond, then the Town should issue a building permit.

Garand: that's not my call. That's Beach Precinct.

Foote: at the time that the mandate came down to not issue a building permit, the bond either was about to expire or had expired. And, the Sullivans were saying that they weren't going to renew it, so that was the leverage of okay, if you're not going to renew it, then we're not going to allow a building permit until this place is finished.

Morgan: I understand. I prefaced my comments by saying if we had a bond, an adequate bond.

Garand: but at the same time we should also show the history of the site showing how they were talking about walking away from the project and that's why the thing was held up until it was completed.

Morgan: I didn't buy the part about the Sullivans being treated differently I thought the Sullivans owned the whole subdivision.

Garand: I think that was Carey & Giampa Association.

Foote: they are the ones that sold the lots to people to build on, yes.



Town of Seabrook Planning Board DRAFT

Garand: but didn't Carey & Giampa send letters regarding walking away from the project. If you can just take and forward that all to me so we have a paper trail.

Foote: I'm not sure what we have in our files because that was the time of Bill. But I might have some email correspondence on my machine at home. We have some correspondence of Notices of Decision from Seabrook Beach Zoning. One of the things that confuses me about these notices of decision and I think that we've gone through the whole accept and approve, they're saying they are accepting cases for administrative decisions does that mean that they are accepting them to begin deliberations on them, or does that mean that they are approving them.

Morgan: no, the Zoning Board is different. When you see accept I think they mean approved.

Foote: reads various decisions. Next, we have a letter on Elephant Rock Road from the Code Enforcement Officer in response to our request for Department Heads to review the project for a bond reduction. Site inspection done on May 2nd and as of July 11th there are no changes to the list of deficiencies noted by John Starkey, Sue Foote and Paul Garand on their on site review. Warner Knowles says that the water and sewer mains, manholes, etc. have been inspected and passed satisfactorily. But everything else hasn't. Have we seen this one from Attorney Stephen G. Ells regarding Pineo Farms Condominiums. It's correspondence back and forth between attorneys as far as they want a letter from the Town saying that the Town will accept the road if it's built to the Town's specifications. Something to do with the Attorney General's Consumer Protection and Anti-trust bureau in selling 18 condexes. Fred responded pretty much telling them that if its built to our regulations and it survives the two-year observation period the Planning Board will release it to the BOS for acceptance.

Morgan: do we have a two-year observation period?

Foote: two year maintenance period.

Morgan: we have a two-year bond.

Garand: it's a two-year maintenance period.

Morgan: it's the first I've heard the term two-year observation period

Foote: strike observation and say maintenance. Subdivider is responsible for all maintenance during this two-year period.

A member in the audience introduces himself as **Carlton Webb**, the manager of the Poland Spring Facility at 100 Ledge Road. I've been there for a bout three or four months now and I wanted to take this opportunity to stop in and say hello and get a sense for how things happen here in Seabrook. (a great deal of laughter among Board members). I am a big proponent of being a good neighbor, being involved, being supportive of whatever the event may be. Please feel free to reach out to us in time of need. It's summer time and we have water issues on an ongoing basis. Please do not hesitate to reach out to us. We are willing to help.

Planning Board members responded with Thank you's and wonderful, that's very nice.

Mr. Webb stated "this is quite interesting (Board laughed). Ledge Road is indeed a popular street. We do have some projects on the horizon as well. Some of you may be familiar with the size of our facility and we're still slightly underoccupied and we have some capacity that we are looking at sub-letting. We have some prospects. I could run a pretty good parking lot.



Town of Seabrook Planning Board DRAFT

General joking and humor among Board members, saying Park and ride across the street.

Mr. Webb continued: I believe it would be valuable for us to keep you in the know on whatever determination we come to within the next several weeks or so. I think we should at least give you some notification as to what action we might be planning to take. Please do not hesitate to reach out to us. We have lots of bottled water that we would love to share with you.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Patricia R. Welch, Secretary