

**Seabrook Planning Board
March 19, 2002 – 7:00 P.M.
Selectmen's Meeting Room**

MEMBER PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Philip Stockbridge, Keith Fowler and Selectmen's Rep. Asa Knowles Jr.
Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Robert Moore and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:00 P.M. with a quorum present.

MINUTES: P. Stockbridge made a motion to approve the minutes of March 5, 2002 as written. S. Foote 2nd. Vote: K. Fowler abstained. He was not at the previous meeting. Motion carried.

Applicant for case #01-39 was not present. Board reviewed next case.

CASE #02-02 – PROPOSAL BY DONALD FELCH TO REVOKE A LOT LINE ADJUSTMENT PLAN THAT WAS APPROVED BY THE PLANNING BOARD ON AUGUST 17, 1999 FOR LAND AT 3 FELCH LANE, TAX MAP 12, LOTS 19-3 & 4.

Attorney Mary Ganz, representing applicant Donald Felch, told the board that basically what D. Felch wants to do is undo what had been done before and go back to the previous recorded plan of record. Ms. Ganz said that the law allows him to do this.

Alan Felch and his attorney, Peter Riley, asked if this reverted back to plan C-13832. M. Ganz presented this plan and plan D-27424 that was done by D. Felch which he is now asking to be revoked. A. Felch said that the court order states that Felch Lane cannot be used to access lot 3 which was previously part of lot 4. Allan Felch asked what the purpose or motive was for removing the lot lines. M. Ganz said that the only motive is that D. Felch is in the process of selling this lot and the buyer could not afford the back parcel of land. S. Foote said that his motive was not necessary for the request to revoke the plan. A. Felch stated that D. Felch's last motive to do this lot line change cost him a lot of money in court.

Attorney Riley said that the board should take a look at the original lot line adjustment approval because it was not done properly. He said that Leona Felch, who was an abutter at the time of the application was not given a certified notification, therefore this approval for a lot line adjustment was not done appropriately. Attorney Riley remarked that how else would Mrs. Felch have known about the lot line adjustment. The secretary Emily Sanborn informed him that the case was public noticed in the newspaper and posted in two other places.

S. Foote asked if the plan is revoked doesn't this go back to the original 3 lot subdivision. T. Morgan said that everybody seems to be going to extremes to be in agreement. Attorney Riley again stated that the notice requirements, for the lot line adjustment that was granted by the board, were not met. Attorney Riley requested that the board accept the certified copies of the court order be placed on file Riley said that if proper notice was not provided to Mrs. Felch this plan was void. Mr. Morgan again cited RSA 676:4-A and said that the applicant has met the criteria for revocation of the lot line adjustment approval.

S. Foote made a motion to revoke plan D-27424 per RSA 676:4-A per owners request. P. Stockbridge 2nd. Asa Knowles abstained. Motion passed.

Attorney Riley asked for and was given a copy of the decision of revocation.

CASE #01-39 EMC REALTY TRUST/FRANCIS CHASE – 219 NEW ZEALAND ROAD – SITE PLAN – CONTINUANCE

Surveyor Gerrit Crabbendam and applicant Francis Chase presented the revised plan for a 3,520 square foot office building at 219 New Zealand Road for the board's review and approval.

Mr. Crabbendam submitted the curb cut approval from NH D.O.T. and a letter from Doug addressing the drainage. Michael Fowler said that he had received a drainage calculation and it seemed to be in order. G. Crabbendam said that the elms had been replaced on the plan with red maples and that Mr. Bang would get permission from the land owner to cut down the pine trees as he had requested at the last meeting.

K. Fowler made a motion that a bond be posted in the amount of \$20,000. S. Foote 2nd Vote: Unanimous.

P. Stockbridge made a motion to approve the site plan for EMC Realty Trust as revised. K. Fowler 2nd. Vote: Unanimous.

CASE #02-03 – LLOYD PERKINS, JR. AND IRVING & ANITA BROWN – 63 & 67 CENTENNIAL STREET – 14 LOT SUBDIVISION, TAX MAP 9, LOTS 36, 37-0 & 37-1. FORMAL

Henry Boyd and Chris York of Millennium Engineering presented the formal application for a 14- lot subdivision off of Centennial Street for the Board's review and approval. Mr. Boyd's presentation was addressing the following concerns and recommendations of Town Planner Thomas Morgan in his letter of review:

- 1) Mr. Boyd accepted the comments of praise from Morgan in regard to the attention given to detail and adherence to the Town's Subdivision Regulations.
- 2) Mr. Boyd explained the assessing research and said that he would show lots 14, 15 & Parcel A. He said that if the line in question has not been eliminated it will be.
- 3) Boyd said that he had met with Albert Weare of the streetlight committee and the location of streetlights are on sheet 4. The lights have been located over the hydrants where possible. Boyd said that Mr. Perkins will put the streetlights in at his expense if the electric company doesn't.
- 4) Boyd said that the box on lot 14 has been moved out of the wetlands; lot 10 met ordinance intent and had a large enough building area as sheet 2 demonstrates and lot 1 will be a single family lot to allow a waiver for the rectangular box on lot 1.
- 5) Boyd said that soil scientist Mark West filled out the site specific for the driveway permit and was told that it was not required. T. Morgan asked how much area would be disturbed at one time? Boyd went over the land that has already been cleared and that lot 11 was right on the edge of needing a permit and that he had put it in the process but was told that it did not need one. S. Foote said that Beckman Landing which had more acreage did not need a site specific.
- 6) Mr. Boyd said that it would be a benefit to any applicant if the Mylar with the professional stamps, etc. not be required until the revisions have been made.
- 7) Boyd said that the "ESTM" abbreviation on lot 9 would be spelled out.
- 8) Chris York said that the Verizon pole location is depicted on Sheet 3.
- 9) Boyd said that York had used the wrong symbol on the plan to depict monuments.
- 10) Boundary marker on lot 13 will be put in.
- 11) Final Plan submitted on AutoCAD format.
- 12) M. Fowler said that his bond estimate was a little higher than Millennium's because he did not take into consideration that Mr. Perkins would be doing his own construction

M. Fowler went over his concern about site distance. H. Boyd read a letter from Chris Lahey of Millennium of his review of the site distance at this site and said that it was adequate. Signs were proposed for speed limit, etc. Mr. Boyd said that there was only one speed limit sign which was 35 mile per hours located at the corner of Railroad Avenue and Centennial Street. There is no sign from Walton Road. Boyd suggested a speed limit of 25 miles per hour on the curve which would be an enforcement issue that the town would have to deal with.

Other issues discussed and addressed by Mr. Boyd and the board members were the number of trips generated by the project; the clearing of brush along the entrance to the road; replacing culvert; placement of water pipes outside of road pavement; reason for easement being split between two lots and the detention pond.

Chairman Brown polled the board. S. Foote said that the agent who sells the lots should ensure that the detention pond is not messed with and that it is there for a purpose. M. Fowler said that the plan looked good. P. Stockbridge asked how many lots would have duplexes. H. Boyd said that there would be 10 single family lots and 4 duplex lots. There were no abutters present.

K. Fowler made a motion to waive the 100'x 200' rectangle box requirement on lot 1. S. Foote 2nd. Vote: unanimous.

K. Fowler made a motion to continue this application to April 16, 2002 at 7:00 P.M. P. Stockbridge 2nd. Vote; unanimous.

Scott Mitchell agreed to let Case 02-05 be heard before his presentation at the board's request.

CASE# 02-05 – J & B CONSTRUCTION COMPANY – 1 & 3 ELEPHANT ROCK ROAD – TAX MAP 16, LOT 11-1 – CONDO CONVERSION – FORMAL

Henry Boyd of Millennium Engineering presented the plans for a Condo Conversion for 1 & 3 Elephant Rock Road for the board's review and approval. Mr. Boyd explained that the original subdivision plan had been stamped and that this was just a condo conversion.

Abutter Frank Maribito, 5 Elephant Rock Road, asked what was the difference between a duplex and a condo. K. Fowler gave him the definition of a duplex being a building containing 2 dwelling units on 30,000 sf, with one ownership and a condo conversion is a duplex that under the state condominium regulations can have separate ownership of each dwelling unit. Mr. Maribito said that he was under the impression that he had bought a duplex. Mr. Maribito said that he did not understand how the board could approve these condo conversions and allow these buildings to be built there because of the water situation on his lot. He said that he has water in his cellar coming up through the floor. H. Boyd, who was the representative for this subdivision, said that he had been down to Mr. Maribito's house and that the house needed gutters, etc. T. Morgan described a duplex from the zoning regs and that the state law addresses condo conversions. Mr. Maribito was told that his problem was with the contractor not the planning board. S. Foote said that the state will not let the board deny condo conversions.

S. Foote made a motion that "this plan is approved only for the purpose of certifying that it complies with the Town of Seabrook Condominium Conversion Regulations."

K. Fowler 2nd. Vote: unanimous

CASE #02-04 - HARRY E CHASE HEIRS, OFF OF LEDGE ROAD - LOT LINE ADJUSTMENT / 7-LOT SUBDIVISION - TAX MAP 5, LOT 8, PHASE 1 FORMAL

Real Estate Agent Scott Mitchell and Eric Sarri of Jones & Beach presented the plans for a 7-lot subdivision off of Ledge Road for the board's review and approval.

Scott Mitchell told the board that the original subdivision was approved a year ago with a bond recommendation for the road of \$250,000. Mr. Mitchell said that the developer wanted to develop smaller lots on Ledge Road and develop the bigger lots later. He said that this could be done by doing it in two phases and that phase two off of Chase Drive would be the same as the original approval.

Mitchell submitted the traffic study requested by T. Morgan and done by Steve Bernard. E. Saari told the board that this was a conceptual plan only for the traffic study. Mitchell said that the conclusion of the traffic study on page 6 is that the traffic that will be generated does not require widening and as far as safety along Ledge for the proposed curb cuts the driveways are at least 100' apart. T. Morgan's letter of review and recommendations asked about signage, lighting, landscaping and topographical contours. S. Mitchell said that that the lighting, etc. will be shown on the site plan for each lot. E. Saari said that sheet C1 had been revised to show contours and that each lot's drainage will be taken care of by detention ponds. S. Mitchell said that it would create undue burdens with the sharing of driveways. R. Brown said that the board would be diligent with the water drainage on the site plan applications.

Peter Evans of 44 Border Winds Road read from Article V of the Subdivision regulations k- Department Review. He said that his concern was how the larger number of units would effect the water supply and what assurance there was that this would not contaminate our wells and the recharging of the aquifer in this area.

Katherine Evans said that she was under the impression that at the last meeting on this project that the road would be shortened by combining lots 3, 4, and 5. Ms. Evans read from the subdivision regs in regards to sidewalks being required on 4 or more lots. T. Morgan said that sidewalks would block the drainage along Ledge Road. E. Saari said that you can't put sidewalks on a town road. T. Morgan

suggested a sidewalk along the 50' no cut area. S. Foote said that there was a lot of wetland and it would need wetland approval.

S. Foote made a motion to approve Phase I of the Chase Heirs Lot Line Adjustment and Subdivision as revised. A. Knowles 2nd. Vote: unanimous.

ACCESS EASEMENT - A STREET: S. Foote made a motion to sign for recording purposes only the A Street access easement. A. Knowles 2nd. Vote: unanimous.

DRIVEWAY PERMITS: K. Fowler made a motion to approve the driveway applications for 6 Viola Circle and 15 Whitaker Way lot #50. R. Brown 2nd.. Vote: unanimous.

ALTERNATE MEMBERS: P. Stockbridge made a motion to appoint Ivan Eaton Jr. and William Cox as alternate members to the Planning Board. S. Foote 2nd. Vote: unanimous.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:15 P.M.

Minutes taken by Emily Sanborn, secretary.

Secretary's Notations: Mylars recorded: 1/17/02 Siress, Rocks Road - D-29552; 1/24/02 Whitaker Way Stard Road - D-20568; Corydon Perkins Pine Street - D-29668; 3/26/02, A Street Easement -D-29698 and Revocation of lot line adjustment for Donald Felch, Felch Lane.