

SEABROOK PLANNING BOARD  
March 20, 2001  
SELECTMEN'S MEETING ROOM

MEMBERS PRESENT: Chairman Robert Brown, Vice-Chair Susan Foote, William Cox, new member Mark Preston, and Phil Stockbridge. Others present: Assistant Building Inspector Paul Garand, Town Planner Tom Morgan, Town Engineer Michael Fowler, and Secretary Cora Stockbridge.

Chairman Brown opened the meeting at 7:02 p.m. and welcomed newly elected member Mark Preston.

Susan Foote suggested a correction to the minutes of 2/20/01 in the case of #00-42 Pamela Kopka: "S. Foote said that Heather of the DES..." should read "S. Foote said that Heather of Gove Environmental...."

Motion: William Cox                   to accept the minutes of 2/20 as corrected  
Second: Mark Preston  
Motion passed

CASE #99-32 ( Public Hearing - rescheduled from public hearing of March 6, 2001 because of snow storm). Proposal by Michael Marshall to establish a tattoo parlor at 537 Lafayette Road – Formal Continuance.

Richard Janvrin was present and reviewed the new plans with the Board. He said nothing can be done about the curb cut at this time because of the work by the State on the widening of Route 1. He said there will be square lights and Bill Cox pointed out that the lights need to have hoods over them. Janvrin said the pavement will be concrete. Chairman Brown said that this situation is unique in that the State will be using a portion of the property for storage of their equipment during the upcoming road widening of Route 1 thereby delaying the curb cut issue. Planner Tom Morgan said he has been notified by the State that they are in receipt of the permit applications.

Motion: Sue Foote                   to waive the DOT curb cut for this specific condition because  
Second: Mark Preston           the DOT will use this property for a long time.  
Opposed: William Cox  
Motion passed.

Janvrin asked for clarification on the Board of Adjustment conditions and Chairman Brown stated that these are the Board of Adjustment required conditions.

Motion: Sue Foote                   to approve plans for the site plan review with the following  
Second: Phil Stockbridge       conditions:  
Motion passed

1. the sidewalks must be concrete and comply with the zoning for Route 1.
2. The lighting must be hooded and on a pole not higher than 20 feet.
3. The hours (of operation) will be 12 noon to 8 p.m.

4. and the conditions of the Board of Adjustment variance must be complied with: no entry/exit on Small's Avenue; fence surrounding back and sides of property; provide public restroom with sewer and water; hours of operation 12 noon to 8 p.m.; and building in question to be moved to zoning acceptable position.

Janvrin said the building has already been moved.

Town Engineer Michael Fowler recommended a bond of \$5,000.

Motion: Phil Stockbridge to set the performance bond at \$5,000

Second: Sue Foote

Motion Passed.

Bill Cox stated he has sent to Richard Parker example pictures of acceptable conditions. Janvrin thanked the Board for their approval after a long process of review.

**CASE 00-41** (Public Hearing rescheduled from public hearing of March 6, 2001 because of snow storm.) Kings Surf Limited to expand the Hampshire Inn at the corner of Spur Road and Route 107 – Formal Continuance.

Robert Beal and another representative of Kings Surf Ltd. were present. The representative stated that the professional engineer's stamp has been placed on the plan. It was pointed out that the plan doesn't show the hooded lights. Bill Cox said that it is shown on the profile.

Paul Garand pointed out that the drainage calculations are sufficient. Water/Sewer Superintendent Warner Knowles had submitted a report that the 34 HP pumping station is sufficient for the additional units.

Motion: Bill Cox to approve the plan with the condition that all new lights

Second: Sue Foote will be hooded and located on the building.

Motion Passed

Motion: Bill Cox that there be a \$5,000 performance bond

Second: Mark Preston

Motion Passed

**CASE #00-42** (Public Hearing rescheduled from public hearing of March 6, 2001 because of snow storm) Pamela Kopka for a condominium conversion at #321 Route 286 – Formal Continuance.

Vice-Chairman Sue Foote stepped down from the table stating that there could be a conflict with another town.

The Town's concern about protecting abutter's property from flooding is noted in #12 on the plan. It appears that all concerns are addressed. Page 6, paragraph 13B of the condo documents addresses the extra sewer pump.

Motion: Bill Cox To approve this plan only for the purpose of certifying that it  
Second: Phil Stockbridge complies with the Town of Seabrook condominium conversion  
Motion Passed regulations.

**CASE #01-01** – Proposal by William and Mary Fullerton for a condominium conversion at 2 Greystone Lane. Public Hearing.

Atty. Mary Ganz represented William and Mary Fullerton. New plans had been submitted showing the utility shut off valves. Chairman Brown questioned the location of the electric service for unit #2. Sue Foote commented that there is a need for individual shut offs for the water. It was suggested there is one underground electric line and one overhead line, which did not show on the plan. Brown said it appears that a water line runs to an electric meter. Ms. Ganz said she will have Ernie Cote put in the lines in the appropriate places on the plan.

Motion: Phil Stockbridge to continue this case until April 3 at 7 p.m.  
Second: Mark Preston  
Motion Passed

**CASE #01-4** Proposal by Homes LLC and William McClellan for a condominium conversion at 10 Troy Way. Public Hearing.

Henry H. Boyd, Jr. represented Mr. McClellan. It was noted that the street address is not indicated on the plan. Boyd said that this is because the town's assessing office is not ready to assign numbers.

Boyd presented a drawing to address another concern which questions whether the "Top of Bank" coincides with the edge of wetlands. It was agreed that there are sufficient uplands.

Engineer Michael Fowler was satisfied with the plans.

Sue Foote said the Conservation Commission would like to work with the Planning Board at some point regarding site review guidelines as it relates to wetlands.

Motion: Bill Cox to approve this plan only for the purpose of certifying that it  
Second: Sue Foote complies with the Town of Seabrook condominium conversion  
Motion Passed regulations.

**CASE #01-5** Proposal by Poland Springs for lot consolidation at an 80 acre site off of Ledge Road, Tax Map 3, Lots 28-1, 30, 31, 32, 33 & 34-0, and Map 6, Lots 1, 2, 3, 4-3, 5, 6, 42 & 43. Public Hearing.

Mary Ganz has copies of the recorded deed. She requested a continuance for two weeks. The plans will be properly stamped for the next meeting. They are still working on two parcels for title clearance. Ms. Ganz said this will not prevent Poland Spring from going ahead with their plans but they are searching for other heirs involved in the two parcels.

Phil Stockbridge stated that there is wood cutting going on at the site and he believes that some of it is being done on Bruce Brown's property. Ms. Ganz said she will relay that information to the proper parties.

Ms. Ganz explained that this plan will consolidate all the lots which they signed on last Friday and make them into one lot, excluding the two lots which are being researched for clearance.

Planner Morgan added that the only thing that is missing on this plan is the N.H. stamp.

Motion: Phil Stockbridge to continue this case until April 3 at 7 p.m.  
Second: Sue Foote  
Motion Passed

Bill Cox reminded Ms. Ganz that when the plan is brought back to be sure to show the lighting. Morgan also said that the plans must be on a floppy disk.

**CASE #00-4** Proposal by Ledge Road Realty Trust and the heirs of Harry E. Chase for a seven lot subdivision off of Ledge Road, Tax Map 5, Lot 8. Public Hearing.

Richard McCann, 67 Borderwinds, asked from the audience the names of the Planning Board members. Chairman Brown introduced those at the table: Engineer Michael Fowler, Assistant Building Inspector Paul Garand, Phil Stockbridge, Vice-Chairman Sue Foote, Chairman Robert Brown, William Cox, Mark Preston, and Town Planner Tom Morgan.

Scott Mitchell, representing the owner, said the wetland's permit was received as approved today. Wayne Morrill and Eric Saari of Jones and Beach Engineering described the plan stating that the Board's comments have been addressed: bituminous sidewalks will be installed

separated by a green strip; the wetlands permit was approved; the utilities will be underground; a 50' buffer along the roadway and a 100' buffer where the property abuts residential land is depicted on the plan; a bond will be set for the 1,000 foot long roadway; and the plan will be submitted in AutoCAD 14 format upon approval. This will be a seven lot industrial development off of Ledge Road with a 138' cul de sac .

The drainage will consist of a swale system which empties into a detention pond. It will discharge downstream from the culverts. Saari said that Best Management Practices were used for the siltation, etc.. All lots will be sewered and there might be a need for a pumping station. There will be no septic systems, he said.

Tom Morgan applauded them for the wording on the boundary issues but suggested that if the plan is revised that the word "old" be taken out in reference to the zoning. It was stated that there will be no more wetlands impact on the properties as a result of future lot development and it will run with the deed.

Engineer Michael Fowler asked if ductile iron water main will be used for each service and are all 6 inches. Saari stated that it will be. Saari stated that the culverts have been cleaned and are flowing.

Sue Foote remarked that there will be a 50' no cut zone on Ledge Road. Tree clearance for driveways shall be no wider than fifty feet. The no cut zone will be shown in the deeds.

Bill Cox brought up a boundary line dispute. Saari said that this is a civil dispute between two surveyors and is not a matter for the Planning Board. He said it involves a finger of land on Lot 7 and this finger will not be developed, it is beyond their reach.

Richard McCann brought up the drainage in the area and there ensued a discussion of the proposal and whether or not it will impact the Borderwinds residential development. Saari said there are three 18" pipes which are in fact oversized along with two inflow 12" pipes. He said that even in larger storms the water will flow away – the three pipes will handle it.

Peter Evans, 44 Borderwinds, said that the wetlands permit was due before March 16 indicating that it should have been received by that date. Again it was reiterated that the wetlands permit has been approved. Chairman Brown said that if they had come in without out the wetlands permit, this case would have been continued.

Evans suggested that the Board is making up the rules as plan progress. Phil Stockbridge took exception to the insinuation that the Board changes rules and Evans apologized for his remarks. Mr. Evans said he feels the industrial subdivision is close to the houses and feels that the Master Plan backs his argument. He cited paragraph 112 and paragraph 121 which addresses existing residences and the preservation of forests. He said that open spaces are disappearing, that the water table is not more than 3' deep, that (town meeting) allows 50' tall ugly industrial buildings,

that a burden will be placed on the water supply. In addition, he stated that Borderwinds residents have not been given due process in this and believes that the town of Seabrook doesn't want this (industrial development). Evans suggested that there could possibly be hazardous waste from the development. He stated that they are appealing to the Planning Board to help them. He expressed concern about the effect on wildlife and the ecology.

Sue Foote stated she is chairman of the Conservation Commission and is very concerned about forests, she loves wetlands. She added that the Planning Board actions come under the rules and regulations of the State and the Town of Seabrook. She said that the Borderwinds development was the longest reviewed plan before the board because of the wetlands. The standing water in the development is probably because there was not enough fill put in there. She said that during the review of the residential development, it was known that the site under review was industrial and a buffer zone was instituted.

Brown pointed out that the town is interested in taxes and that residential development has an impact on the cost of services therefore there is an interest in industrial development to add to the tax base.

Glen Gerrish, 16 Borderwinds, asked if there are restrictions in the buffer zone and Chairman Brown said nothing can be done in that 100' zone. Sue Foote said that the plan and the wetlands permit will be attached to the deeds. It was pointed out that there can be no crossing of the wetlands to build on the back portion.

Charles Guhn, 62 Borderwinds, asked about sewer pumps and any subsequent odors. Saari said that if a service has to be installed lower than the sewer main in the street there will have to be a pump station which will be owner maintained, and there are enforcement procedures relating to odors.

Larry Imke stated he is the person involved in the border dispute and will work with Realtor Scott Mitchell on the situation.

Catherine Evans asked if there was an official agreement between the town and the Chase heirs that buyers (of the houses) were to be informed about the industrial zone. There was no agreement and Chairman Brown said that the Borderwinds housing development is zoned rural. He said that the zoning board cannot change the maps. Brown said sidewalks may be required within the development. She asked how could they have known it was zoned industrial, and Morgan said an attorney could have looked into it.

Board members explained that a Capital Improvement Program would have allowed the enforcement of off site improvements but this was voted down by town meeting.

Catherine Evans asked if there are any provisions for notification to the abutters for site plan reviews. Cox said that non-abutters will not be notified but there are advertisements placed in newspapers and posted in various locations. Morgan volunteered to notify one person in the development so that they can spread the word. She brought up drainage issues, and Mitchell said he will review that again.

There was discussion of the water aquifer (not located under this development). Foote said it is located west of Borderwinds and that the industrial area will not flow uphill. Saari explained that the holding ponds are secured – they are not standing pools but will be dirt.

Borderwinds' residents asked how to do a citizens' petition on zoning and Morgan said that any proposed changes must go before town meeting. The residents were told that there needs to be 25 voters signatures on a petition. They asked if they can appeal to the Zone Board of Adjustment but were told that the time period for appeals has gone by.

Ms. Evans asked if Ledge Road will have to be reinforced, can it handle travel for this development as well as Poland Spring. Stockbridge said that a lot of money was put into it (making a well built road).

Motion: Bill Cox to conditionally approve with the following stipulations:  
Second: Mark Preston 150' stabilized construction entrance, a bond to be determined  
Passed by the Town Engineer, driveways on Lot 6 & 7 to cut no more than  
50' of trees.

**CASE 01-2** Proposal by David Benoit for a Lot Line Adjustment and a ten-lot subdivision off of Lafayette Road behind Demoulas, Tax Map 7, Lots 92-0 & 91-204. Public Hearing

Henry Boyd and Chris York of Millennium represented Mr. Benoit. They will work with Engineer Mike Fowler on his concerns with the plan. Warner Knowles, Water/Sewer Superintendent's comments have been addressed. Boyd said he has met with John Starkey, Department of Public Works Manager, and will address his concerns.

They are not in receipt of the curb cut – they haven't been told yet that one is needed. Boyd said repeated attempts have been made with no response to meet with Demoulas representatives over the past three years about the drainage. Boyd said this is a special opportunity for the Town to get a piece of land, and he has been working with the Conservation Commission on it. The Office of State Planning has written a letter supporting this project. Boyd read the letter in its entirety (attached). This project will improve the estuary and quality of the shell fish bed. He said this plan will assist naturally cleaning the water runoff.

Boyd stated that the Economic Advisory Development Committee has voted to support this project which is zoned as industrial. This proposal offers a swap of 9.6 acres of land to the town.

Bill Cox said he is concerned with the curb cut question and would ask for the 12' state easement to be grassed in. He commented that the cars currently located on Route 1 are not an attractive entrance to this project. Benoit said the car place is leaving and will be replaced with a fence company in September. Cox reiterated that he would like the 12' easement left open. Boyd said it could be written into the lease for the company.

Stockbridge asked Atty. Colliander for an explanation on the right of way and how it compares with the explanation given by the Atty. for Coupounas. Atty. Colliander said that in a foreclosure deed in 1994 the right of way was reserved to Benoit. He said the right of way along lot 2 was for a roadway and the right of way along lot 1 was in common. There was extensive deed research on the properties being discussed, and it was found that it was reserved as a roadway (to Benoit) before it was reserved as a right of way to other parties, Atty. Colliander said.

It was agreed to label and darken the 100-year flood boundary on the plan. Morgan said it doesn't need to be on the mylar but needs to be in the records.

Boyd said the water line and guard rail is depicted on the plan; they will submit the plan in Auto CAD 14 format; and Mike Fowler will recommend a bond for the road.

There was discussion as to whether there could be signage. It was suggested that 1' x 3' sign might be put on a road sign.

Motion: Sue Foote to tentatively approve the plans subject to the following  
Second: Phil Stockbridge stipulations  
Motion Passed.

1. that the DES wetland permit doesn't dramatically alter the intent of the plan;
2. that the property easement to DOT, Lot 7-93, remain a vegetative buffer area;
3. that the drawings show that the proposed decell lane on Route 1 be built as approved by the DOT;
4. that there be a bond of \$360,000 for the 1,600 foot roadway

Motion: Sue Foote that the Chairman sign the mylar when all conditions are met.  
Second: Mark Preston  
Passed



Chairman Brown reviewed correspondence regarding the Rockingham Planning Route 1 corridor management study committee. Stockbridge serves on the committee. They are seeking to update the 1989 Kimball Chase study of Route 1, and Seabrook is going to commit \$3100 over a two-year period for the study. Stockbridge said that the town is recommending that Seabrook join the Rockingham Planning Commission.

Stockbridge announced that there will be a public hearing on March 28 at 7 p.m. at the Community Center. This meeting will review and hear comments on the feasibility study of the railroad coming through Seabrook.

Sue Foote brought members attention to the four-page report she had submitted on the effects of filling in wetlands. She is looking into ideas that the Conservation Commission can come up with which will require more strength.

The annual planning board meeting will be held on Tuesday, April 3, 2001 at 7 p.m. The first order of business will be to elect officers and alternates to the board.

The group agreed to hold a joint meeting with the Economic Advisory Development Committee and the Conservation Commission on May 1<sup>st</sup>.

Motion: Sue Foote to approve the driveway permits for Viola Circle, Susan Lane  
Second: Mark Preston and Austin Way – to be signed by the Chairman.  
Motion Passed.

There was a short general discussion with new member Mark Preston as to some of the rules and regulations of the zoning ordinance.

Chairman Brown adjourned the meeting at 9:50 p.m.

Minutes taken by Secretary C. Stockbridge