

**SEABROOK PLANNING BOARD  
MAY 21, 2002 – 7:00 P.M.  
SELECTMEN'S MEETING ROOM**

**MEMBERS PRESENT:** Chairman Robert Brown, V-Chair Susan Foote, Paul Garand, Philip Stockbridge and Keith Fowler. Others Present: CEO Robert Moore, Town Planner Thomas Morgan, PB Engineer Michael Fowler and Secretary Emily Sanborn.

**MEETING OPENED:** Chairman Brown opened the meeting with a quorum present at 7:03 P.M.

**MINUTES:** Keith Fowler made a motion to approve the minutes of May 7, 2002 with a correction of the proposed square footage from 6,000 square feet to 6,300 square feet on page 2. S. Foote 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-09 – WALTER & CLAIRE LITTLEFIELD, PAUL BOULANGER, JAY TRIANDAFILOU & CATHIE BAINES – LOT LINE ADJUSTMENT – CROSS BEACH ROAD – TAX MAP 25, LOTS 12, 34 & 42 – FORMAL**

Henry Boyd of Millennium Engineering presented the plans for a Lot Line Adjustment at Cross Beach for Littlefield, Boulanger, Triandafilou and Baines. Mr. Boyd explained that the Littlefields were right in the middle of two of their neighbors who wished to purchase the marshland owned by the Littlefield family that abuts their property in the rear.

Boyd addressed Morgan's two comments made in his letter of review by clarifying that the plan that Mr. Morgan had reviewed was a draft. The surveyor's stamp was on the submitted plan but was not on the draft and note #1 was depicted. S. Foote made note that the applicants are to understand that the lot line adjustment does not give them the right to expand onto the marsh.

P. Stockbridge made a motion to approve the lot line adjustment for Walter & Claire Littlefield. P. Garand 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-10 – MARGARET STARD – TWO-LOT SUBDIVISION – WHITAKER WAY – TAX MAP 4, LOT 19-60 – FORMAL**

Real Estate Agent Scott Mitchell presented the plans for a two-lot subdivision off of Whitaker Way for the board's review and approval. Mitchell said that this lot was part of the approved 6-lot subdivision off of Whitaker Way. This lot was the largest and only lot not spoken for. Mitchell informed the board that the reason that we are here to re-subdivide this lot is that a local business, Mackenzie's Heating and Cooling would like to locate on part of the lot. Mitchell said that an easement for sewer would be needed but this would not be a problem because this lot was still owned by the Stard Estate.

P. Garand asked where the driveway for this lot would be located. Mitchell said that it would be off of Whitaker Way and would have adequate site distance. M. Fowler went over the sewer connections. P. Stockbridge asked Morgan to comment on #1 of his letter of recommendation and comments. Morgan said that this was part of a previous subdivision and that the applicants should be encouraged to present the entire plan in the beginning instead of piece meal. Abutter Carol Pineo was present. Mitchell gave him a copy of the plan. Mr. Pineo had no comment.

S. Foote made a motion to approve the two-lot subdivision for Margaret Stard. P. Garand 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-11 – SEABROOK CIRCLE TRUST & J. NORMAN JUTRAS – LOT LINE ADJUSTMENTS – MAIN STREET & SMITH’S LANE – TAX MAP 10, LOTS 16, 17 & 18 – FORMAL**

Henry Boyd of Millennium Engineering present the plans for a Lot line Adjustment at Main Street & Smith’s Lane for the board’s review and approval. Mr. Boyd said that in regards to T. Morgan’s comments in his letter of review that the authorization from the Eaton’s was not necessary because the deed to this property had been acquired and submitted to the board. S. Foote commented on the drainage ditch being a stream or pond. Boyd said that he truly believed that this was a ditch.

T. Morgan asked Boyd if this board had the authority to approve this with part of the lot being in Salisbury and would the registry record this. Boyd said he saw no problem and said that the registry would record the approved plan.

K. Fowler made a motion to approve the lot line adjustment for Jutras with the stipulation that the wording of drainage ditch be changed to stream and the Chairman to sign the revised plan. P. Garand 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-12 – SEABROOK CIRCLE TRUST & J. NORMAN JUTRAS – SITE PLAN TO EXPAND APPLIANCE WAREHOUSE BUILDING – MAIN STREET & SMITH’S LANE – TAX MAP 10, LOTS 16, 17, & 18 – FORMAL**

Henry Boyd of Millennium Engineering present the site plan to expand Appliance Warehouse Building located at Main Street & Smith’s Lane for the board’s review and approval. Boyd described his interpretation of the drainage ditch. R. Moore told him that this is a perennial stream not a drainage ditch.

Boyd addressed the comments and recommendations by T. Morgan in his letter of review of the proposed expansion. Boyd said that the plan demonstrates that the plan is in compliance with the requisite ten-foot setback and that a package has been submitted to the wetlands bureau. He said that it takes a lot longer than it

should to receive a wetlands permit. H. Boyd said that a clear span bridge would be built and there would be no wetlands crossing required for this and that they have chose to do a culvert which would be the only wetlands fill that will be needed.

Chris York gave a copy of the lighting specs for review by K. Fowler in the absence of W. Cox. H. Boyd said that they are the same as the lighting specs approved for Tim Johnson's proposed gym on Lafayette Road and it would need a waiver for photometric grid. Also discussed were the hours of operation to be put on plan, concern about present location of dumpster, curbing and sidewalks. H. Boyd explained why the sidewalks had not been depicted on the plan was that it would encourage pedestrian traffic. T. Morgan said that the purpose of a sidewalk was to protect the existing pedestrian traffic and make it safer. Mr. Morgan said that if you tell the NH D.O.T that you want to build a sidewalk they will say yes. Chairman Brown told Mr. Boyd to call the state about the location of sidewalks for this plan.

The board looked at the proposed curbing details on sheet #4 and were informed that the length of the curbing were noted by the **heavy lines**. S. Foote questioned why the second driveway was to remain. Boyd said that the applicant did not want to give up a curb cut because it would be hard to get it back. S. Foote said that from other such situations a stipulation put on its use does not work and that eliminating this driveway would prevent future problems such as trailer trucks going in and out of it. Her recommendation was that it be used for temporary site development and then eliminate it eventually because this rotary is already dangerous enough.

H. Boyd asked to go back to the drainage ditch issue. He said that if this is a stream then we will need a variance from the setback requirements. Mr. Boyd said that the proposed expansion will make a bad situation better because of what we are proposing will be removing pollutants from the storm water runoff. He asked that the board make a recommendation in favor of this plan to the BOA.

S. Foote had questions about the drainage calculations and if this project would over burden the pond. H. Boyd said it will not make it to the pond and will go into a swale. Foote asked if this was designed for all of the site or just for the old area. York told her that it was for the old area but was oversized and would work. He said that he had left room to take in account the new area. Chairman Brown asked about taking out some of the pipe and picking up the drainage elsewhere. H. Boyd said that this was grand fathered. H. Boyd complimented Cris York for doing a good job even better than he did in regards to the definition of the stream.

P. Garand asked about the open space requirement. York said that there was 25.6% open space. T. Morgan said that the addition is not proposed as retail space but if the allowed retail is used it would require 26 additional parking spaces.

S. Foote made note of Starkey's comments in his department review. H. Boyd said that they are not adding to the flow but are reducing it more. M. Fowler will submit a bond amount for new plan and noted that the Fire Department review said that the building would have to have a sprinkler system. Chairman Brown polled the board members. S. Foote said that she had received a complaint from one of the abutters about the accumulation of trash. She said that after viewing the site it was like the pot calling the kettle black. R. Moore and P. Garand discussed an enclosure for the dumpster and a maintenance agreement.

Abutters Mr. & Mrs. Michael Mckenna showed up and asked about the drainage and the possible overflow of the pond and the propane tanks out back. H. Boyd said that he did not know who owned the tanks and that he would look into it.

Keith Fowler made a motion to continue the site plan to July 16, 2002 at 7:00 P.M. P. Garand 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-13 – JOHN D. KING – TWO-LOT SUBDIVISION – 13 WHITTIER DRIVE – TAX MAP 8, LOT 38-13 – FORMAL**

Landowner John King presented the plan for a two-lot subdivision at 13 Whittier Drive for the board's review and approval. Mr. King said that the sewer and water is already to the lot and that he was going to divide the lot and build a three bedroom, two bath raised ranch home. S. Foote was concerned about the buffer on the property and whether this was for wetland. Mr. King said that the land was flat with no wetlands and the property had been surveyed. S. Foote said that a surveyor does not delineate the wetlands and that this would have to be done by a licensed wetlands scientist. T. Morgan said that the applicant needs a waiver from the requirements for a topographical survey. S. Foote said that it would also need a waiver for a wetland delineation survey.

P. Garand made a motion to waive the requirements for a topographical survey. K. Fowler. Vote: unanimous.

S. Foote made a motion to waive the wetland survey based on her personal knowledge of the area not on the surveyor's delineation that there are no wetlands on the property. P. Garand 2<sup>nd</sup>. Vote: unanimous.

P. Garand made a motion to approve the subdivision for John King with the waivers. P. Stockbridge 2<sup>nd</sup>. Vote: unanimous.

**CASE #02-14 – 35 FOLLY MILL ROAD REALTY TRUST I & II –  
CONDOMINIUM CONVERSION – 35 FOLLY MILL ROAD – TAX MAP 9,  
LOT 167 – FORMAL**

Attorney Mary Ganz and Applicant William Eaton were present to go over the plans for a condo conversion at 35 Folly Mill Road for the board's review and approval. M. Ganz stated that this was a simple plan for a condo conversion. Mr. Eaton said that his brother owns one of the existing homes and he owns the other and the purpose for this plan is that they can have separate deeds for their homes. The board reviewed the proposed plans.

S. Foote discussed the swale and wetlands that were on the property and the history of her involvement with the properties wetlands. W. Eaton explained the existing swale and what he has done to maintain it. S. Foote said that this is a perennial stream and that the driveway is infringing on the wetlands. Chairman Brown asked T. Morgan what the regulation is in regards to wetlands for a condo conversion plan. T. Morgan said that there are no regulations addressing this. Eaton said that he was not aware that this was wetlands and was not told by the previous owner of any problems with wetland violations.

T. Morgan asked what was S. Foote's opinion in regards to handling this situation. S. Foote spoke about the vegetation being better and the best case scenario being that a berm and some curbing being along the driveway, no more filling or decrease the impact even if it means moving the driveway. She said the area needs to be stabilized and she would like for Mr. Eaton to have the wetlands delineated. Mr. Eaton said that he would work with everybody concerned to better the situation without having to move the driveway. T. Morgan asked S. Foote if she could come up with a compromise. S. Foote said that she would abstain from the voting on this application. T. Morgan informed her that to abstain would indicate that she has a conflict of interest. S. Foote said that she has faith in R. Moore and P. Garand to police the driveway stabilization.

K. Fowler 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" and when the driveway is fixed, Robert Moore and Paul Garand are to oversee the project. P. Garand 2<sup>nd</sup>. Vote: S. Foote opposed. All others in favor. Motion carried.

Chairman Brown read the regulations for a condo conversion and although it does not reference wetland delineation, it does say that it must meet site plan regulations which stipulates wetlands being delineated. K. Fowler rebutted this.

**CORRESPONDENCE:** T. Morgan distributed the correspondence to the members. Morgan read a letter to CBL Associates from E. Russell Bailey in response to their concerns about the access easement being used by Home Depot.

**DRIVEWAY PERMIT APPLICATIONS: NONE**

**OTHER BUSINESS: *Capital Improvement Program:*** T. Morgan asked how the board members made out in chasing down the smaller departments for their input into the CIP. P. Stockbridge said that he had spoken to Paul Kelley of the Housing Development Committee and Mr. Kelley did not have anything at this time. P. Stockbridge also spoke to J. Titone. Chairman Brown said that the response from the Library was that they did not see any projects of over \$5,000 in the near future. He said that he hadn't been in contact with any of the school board members yet. S. Foote said that a list had been made up by the Conservation Committee and all that was missing was the dollar amounts for the list of projects. Mr. Morgan crossed off his list the departments that had indicated that they would not be participating in the CIP.

**CIP COVER:** T. Morgan presented two price quotes for the printing of the cover for the CIP. P. Garand made a motion to go with the \$370.00 quote. K. Fowler 2<sup>nd</sup>. Vote: unanimous. K. Fowler left the meeting.

**MEETING ADJOURNED:** Chairman Brown adjourned the meeting at 9:03 P.M.

Chairman Brown re-opened the meeting at 9:04 P.M. to discuss the signing of Phase II of the approved Ledge Road Industrial Subdivision Plan.

P. Garand made a motion to sign Phase II of the Ledge Road Subdivision. S. Foote 2<sup>nd</sup>. Vote: unanimous.

**MEETING ADJOURNED:** Chairman Brown adjourned the meeting at 9:06 P.M.

**Minutes taken by Emily Sanborn, Secretary.**

**Secretary's Notations: Mylar recordings: 5/23/02** Littlefield Lot line – D-29841, Margaret Stard 2-Lot Subdivision – D-29840, Seabrook Circle Trust, Jutras D- 29839, King – Two-Lot Subdivision D-29842.