

**SEABROOK PLANNING BOARD
NOVEMBER 6, 2001 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Paul Garand and Selectmen's Rep. Asa Knowles, Jr. Others Present: Town Planner Thomas Morgan, CEO Robert Moore, and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:01 P.M. with a quorum present.

MINUTES: Paul Garand made a motion to accept the minutes of October 16, 2001 as written. Susan Foote 2nd. Vote: unanimous

01-16 – EDWARD & DELTINA GOSS – 227 & 231A SOUTH MAIN STREET – LOT LINE MERGER AND CONDO CONVERSION – TAX MAP 16 LOTS 8 & 9 – CONTINUANCE

The applicants were not present and had no representation. S. Foote said that she would try to contact the Goss family. S. Foote made a motion to continue this case to December 4, 2001 at 7:00 P.M. P. Garand 2nd. Vote: unanimous.

01-20 – LEDGE TWO ACRE REALTY TRUST – 11 LEDGE ROAD – TAX MAP 2 LOT 54 – THREE LOT SUBDIVISION – FORMAL CONTINUANCE

Henry Boyd of Millennium Engineering and Owner Charles Mclaughlin were present to go over the plans for a three lot subdivision at 11 Ledge Road. H. Boyd explained to the board that the owner did not wish to go along with the variance that he had received from the BOA because of the limitations set forth by the conditions on the approval. C. Mclaughlin said that he wants to move the mobile home and not bother with the variance and that he needed a little time before moving the mobile home and was hoping that the Planning Board will go along with this. S. Foote asked why he did not want to go along with the variance. Mr. Mclaughlin said that the variance basically would put him out of business as the condition was that all three lots would have to be residential. He explained that he had been operating his pavement business from this location since 1968. Mr. Moore verified this and said that he is grand fathered legal non-conforming.

Robert Moore explained to the board the lot line straddling and the setbacks and that they would have to be addressed before this plan could be approved. P. Garand suggested that the lot line be moved so the barn would not be straddling the lot line and that the shed be moved and that the box requirement for lot 1 be waived.

P. Garand made a motion to waive the 125'x 125' box requirement for lot 1. A. Knowles, Jr. 2nd. Vote: unanimous.

Abutter Stan Pond told the board that the major thing that he was concerned about was that the pile of hot top and the junk cars were supposed to be picked up according to the Board of Adjustment variance. Mr. Mclaughlin said that he had been a commercial business since 1968. He said that he has gravel, hot top and one vehicle which is a 56 Ford pick up truck that he is using to restore a pick up in his garage. He asked how he was supposed to run his business without storing his materials. He said that he recycles the material once a year and that this will be done in a week.

Mr. Pond had a question about when the mobile home is moved what about the sewer connection as the two mobile homes are on the same line. P. Garand explained that there would have to be a sewer easement and that the sewer line would be extended or it could be connected from the road. H. Boyd said that and C. Mclaughlin agreed that the shed would be moved and that the plan would show the proposed location of the mobile home and that they would agree to move the trailer in a year if that was what the board wanted.

Abutter Helen Lieber asked who was going to pay for the mobile home to be moved. Mr. McLaughlin explained about the lady that lives in this mobile home and that she owns the mobile home and he owns the land. He explained that he had a letter drawn up in regards to when the mobile home had to be moved and that as long as Mrs. Kelley lived the mobile home would not have to be moved. Mr. Pond had a question about the driveway on parcel A. H. Boyd said that this would require an easement.

Mr. McLaughlin said that he was going to ask for a re-hearing of this variance from the BOA with the revisions that the shed is to be removed, and that the lot line would be relocated for the barn to meet zoning requirements.

Paul Garand made a motion for T. Morgan to write a letter to the BOA asking them to reconsider this variance as there is a conflict between the variance to let the mobile home stay and the legal non-conforming commercial standing of lot one on the plan. Susan Foote 2nd. Vote: unanimous. Mr. Boyd was told that the next BOA meeting would be on November 28, 2001. Henry Boyd said that he would like to see a draft of the letter before it is sent to the BOA.

Susan Foote made a motion to continue the case to January 8, 2002 at 7:00 P.M. P. Garand 2nd. Vote: Unanimous.

01-24 - JAMES FARRELL & RAYMOND NICKERSON - 781 LAFAYETTE ROAD - TAX MAP 7 LOTS 59 & 61 - SITE PLAN FOR USED CAR LOT - FORMAL CONTINUANCE

Wayne Morrill of Jones & Beach Engineering and Real Estate Dealer Scott Mitchell presented the revised plans for a used car lot at 781 Lafayette Road for the board's review and approval.

Mr. Morrill said that sheet A1 had been added to eliminate the lot line between the two lots with a lot line merger. T. Morgan had a concern with this being another application and should be public noticed. P. Garand asked if it could be a voluntary merger. T. Morgan looked up this possibility and said that this would address the lot line elimination.

P. Garand made a motion to approve the lot line merger. S. Foote 2nd. Vote: unanimous.

W. Morrill went over the other concerns from T. Morgan's letter of review. Morrill said that the open space had been complied with; the lighting needed a waiver; sheet D1 light base to be changed from 20' to 12' high pole; and the decrease in runoff had been met. Details of the sidewalks were depicted on Sheet D1 for Gove Road. Scott Mitchell told the board that this site had two accesses and that the owner was not willing to give up the Gove Road curb cut. S. Mitchell said that it didn't make any sense to give up the curb cut. T. Morgan said that it is good sense when it impacts a residential road and read from page 57 of the site plan regulations in regards to the detrimental effects to abutters. S. Mitchell said that the previous site was an ice cream stand and that this will have less impact.

S. Mitchell said that he had no problem with closing the Gove Road access when the business was not open. He said that some cars could be parked there to block the entrance on Gove Road. Chairman Brown said that he had some concerns with cars racing off of the lot. Resident Bill Donovan said that this was a safety issue with all of the children in that area and the baseball park. Mr. Donovan said that Papa Gino's has one entrance and does more business than a used car lot. He said that there were cars going fast up and down this road now and his concern was that someone test driving a car would open it up on this road. P. Garand said that this was an enforcement issue for the Police Department. S. Foote suggested signs and a speed bump or painted stripes. P. Garand said that the signs could state children playing and park area and stop sign at Gove Road access.

P. Garand made a motion to waive the lighting grid with the conditions set forth by W. Cox that no wall pack fixtures, flood or spotlights are added to the building. S. Foote 2nd. Vote: unanimous.

S. Foote made a motion to approve the site plan for James Farrell/Raymond Nickerson with the conditions of signage and location as discussed; stop sign; painted stripes; and block Gove Road during hours of non-operation. P. Garand 2nd. Vote: 2 in favor 1 abstained
Paul Garand Asa Knowles, Jr.
Susan Foote Motion Carried.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE LAND USE REGULATIONS

- A) Amend Table 3 in Article XIII of the Zoning Ordinance by subjecting properties in Zone 5 to the same sign requirements that are specified for Zones 1 & 2R. (This was discussed and it will be put to public hearing as written).
- B) In Article XV Section C of the Zoning Ordinance, increase the minimum wetlands setback from ten feet to twenty-five feet by replacing Section C with the following: ***C- Setbacks: Buildings and impervious surfaces shall be no closer than 25 feet to wetlands.***

(Bruce Brown asked what was the problem with the 10' setback as it is now? Susan Foote explained that the wetlands were a sponge and that a larger setback was needed because the 10' setback was being infringed upon by residential clear cutting. Scott Mitchell voiced his concerns about properties on Ledge Road that could not meet this criteria and asked whether the setbacks could be different for industrial and commercial. Chairman Brown said that it should be the same for all zones. Sue Foote said that if we don't have a reasonable setback that the EPA can force us to go with a 100' setback. Asa Knowles said that he was not in favor of increasing the setback for wetlands and stated that those who have got what they wanted now want to make it impossible for others to use their land. He said they were acting like Hitlers. Mr. Knowles left the meeting. There was no longer a quorum. The Public Hearing was set for December 4, 2001 at 7:00 P.M. due to the lack of a quorum.)

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:09 P.M. The remaining members informally went over the rest of the proposed amendments.

- C) Add the following language to the beginning of paragraph D in Article XV of the Zoning Ordinance: *"In order to ensure that wetlands remain well vegetated..."*

- D) Add the following to Article XX of the Zoning Ordinance:
“R - Demolition of Structures: Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections have been removed in a safe manner. Demolition shall not commence until after a demolition permit has been issued by the Seabrook Building Inspector. During and after demolition, the premises shall be maintained free from all hazardous conditions, fences shall be erected, and the grade shall be restored.”
- E) Add the following to Article III of the Subdivision Regulations: *“R - Subsequent Sale of Land: All Planning Board stipulations and conditions of approval shall be incorporated as permanent provisions into the deeds that enable the subsequent sale of any portion of the property.”*
- F) Add the following to Article V of the Subdivision Regulations: *“L - Wetland Survey: If the subject property includes wetlands:*
1) the plan shall include a delineation of said wetlands as mapped by a qualified wetlands scientist,
2) proximity to off-site wetlands shall be indicated on the plan, and
3) the boundaries of all on-site wetlands shall be marked on the ground by permanent monuments.”
- G) Add the following to Article VI Section G of the Subdivision Regulations:
“All drainage infrastructure shall be constructed prior to the sale of any lot.”
- H) Add the following to Article X of the Subdivision Regulations and re-number subsequent sections accordingly: *“B- Maximum Number of Dwelling Units per Lot: One.”*

The Board also discussed Adding “streetlights” to the end of Article VI Section J of the Subdivision Regulations and Adding the following to Article XI of the Zoning Ordinance: *“E – Connected Dwellings: Structures that connect dwelling units together shall enclose viable living space and shall be architecturally consistent with the adjacent dwellings.”*

Minutes Taken By: Emily Sanborn, Secretary

