

**SEABROOK PLANNING BOARD  
OCTOBER 14, 2003 – 7:00 P.M.  
SELECTMEN'S MEETING ROOM**

**MEMBERS PRESENT:** Chairman Robert Brown, Vice Chairman Susan Foote, Peter Evans, and Alternates Michael Cawley & Michael Lowry.

**Minutes** of the September 16 meeting: S. Foote made a motion to approve the minutes of September 16, 2003 as written. P. Evans 2<sup>nd</sup>. Vote: unanimous.

**Public Hearings on applications:**

**#3-13 – Proposal by Hunter Logan Realty Trust for a condominium conversion at 419 Route 286, Tax Map 17, Lot 47 – formal continuance:**

Attorney Peter Saari presented the condominium conversion plan for an approved 30-unit motel at 419 Route 286 for the board's review and approval. Saari said that the letter from the fire chief states that the plan meets the fire code. Chairman Brown said that the applicant had not done anything to make an effort to size down the building which the board recommended. Saari said that the applicant, Patrick Carey, was unwilling to do this.

*Town Planner T. Morgan* asked that if there was a fire in the building which way would the fire trucks approach the building and what if there were cars parked along the front. Saari said that the hose could be run between the parking spaces and the trucks would pull in front of the property. P. Evans said that the ladder truck would have a problem because of the overhead wires. Chairman Brown said that it was his understanding that a building must have three sides of accessibility for fire protection. P. Garand said that there is only 10' across the front and that a ladder truck would need more than 10'. Chairman Brown noted that from the berm there is only 5'. Saari said that he has seen nothing from the fire chief saying that access from three sides of the building is needed. S. Foote noted that it was said that they could access the rear of the building through the wetlands. She said that this would not be feasible because of the steep slope of the terrain and that there was a danger of the fire truck rolling over. P. Saari told the board not to forget that this building would be sprinkled. M. Cawley asked how far away from the building is the nearest hydrant. S. Foote said that it was across the street in front of the Dairy Queen.

*Patrick Carey* when asked about the dumpster location, said that it would be a hidden with roll door compartments. He pointed out the location at the rear of the building.

*Chairman Brown* polled the members for their views and concerns. M. Fowler said that the building will be sprinkled. P. Garand said that there should be a 10' corridor at the back no matter what the fire chief says. M.

Cawley said that he agreed with the fire chief. S. Foote said that this was an overbuild for the site and that parking was a big issue and more parking would be needed for this use and that better access was needed at west and north side. P. Evans agreed with P. Garand and S. Foote that there was insufficient parking for use and although he could not disagree with the fire chief there should be access from the north and west sides. M. Lowry said that the inadequate parking would hinder fire protection and create a problem.

*Attorney Saari* said that it meets the regulations. Chairman Brown asked if that meant that we had to overlook the safety issue. Saari again stated that the fire chief has said three times that it is alright. Chairman Brown told him that our regulations do not address condo conversions for motels. Saari said that under the statutes it has to be treated the same. Chairman Brown said it is not the same the use is different and that the condo would have visitors. Patrick Carey said that the space is limited for living. S. Foote said that it would be tough to enforce parking, etc. M. Cawley was concerned that that there were only two extra parking spots.

*Chairman Brown* scaled down the plan to gain 9' and 3'. P. Saari said that he knows that it is tight but that was what was approved. P. Carey said that he had architectural plans drawn on the prior approval. Brown said at that time it was not treated as a time share which uses more parking. S. Foote asked if Mr. Carey had looked into leasing land from abutters. Mr. Carey said that Mr. Rizzo was not interested. Foote said that the parking situation is going to be a nightmare but it meets regulations.

S. Foote reluctantly made a motion to approve the Condo Conversion. M. Cawley 2<sup>nd</sup>. Vote: 2 in favor – S. Foote & M. Cawley  
2 against - P. Evans & M. Lowry

Chairman Brown was asked to break the tie. Chairman Brown abstained.

*Patrick Carey* said that this was a credible building for this area P. Evans said that he based his denial on the restricted parking, the overhead wiring restricting the ladder trucks access and two sides of the building being non-accessible. M. Lowry said that a hotel would be a weekend stay. He said a condo would be a longer stay with guest and friends dropping by which could cause six vehicles and they would double park behind the tenant. Lowry said that there would not be adequate parking for this use. P. Evans suggested that this be postponed to have more members present.

*Chairman Brown* announced that this case would be postponed to October 21, 2003 at 7:00 P.M. and to be first on the line up.

**#3-16** – Proposal by Miller & Yolanda Felder and EMC Realty Trust for a 3-lot subdivision at 231-235 Walton Road, Tax Map 13, Lot 42: Francis Chase and Surveyor Gerrit Crabbendam presented the revised plans for a three lot

subdivision at 231-235 Walton Road for the board's review and approval. Mr. Chase said that the wetland approval and the variance granted had been submitted.

*Chairman Brown* asked if the existing mobile home was to be taken off the lot. *Gerrit* said that it is to be raised. *M. Fowler* had a concern about the sewer connection. *Chase* said that he had talked with *Warner Knowles* and this is the way that he wanted it done. *S. Foote* said that *Warner* does not like to punch into a main. *M. Fowler* reluctantly went along with what *Warner* suggested. Board members agreed that the revised configuration of the lots looked better. *P. Evans* asked about sidewalks. *S. Foote* said that the sidewalks are located on the other side of the street. *T. Morgan* said it was a vast improvement. *M. Lowry* said it was fine. There were no abutters present.

*S. Foote* made a motion to approve the plan as drawn. *P. Evans* 2<sup>nd</sup>. Vote: unanimous.

#### Informal Discussions:

**Proposal by Jo-Anne & Thomas Lowe for a 3-lot subdivision at 155 Walton Rd:** The Lowe's told the board that they were here to get some ideas as to what they could do to create a 3-lot subdivision of their property at 155 Walton Road. The board went over the requirements for a minor subdivision road width and told them that they would need an engineer to do the plan. Their neighbors *Mr. & Mrs. Rush* were present and the Lowe's said that they had discussed an agreement about doing this together and what was needed to do this. *M. Fowler* made the Lowe's aware of the fact that a minor subdivision road would not be as costly. *M. Fowler* went over the connection of the utilities in the sewer easement at the rear of the property and the 65' radius need for a 50' R.O.W. *M. Fowler* asked about site distance. The Lowe's thanked the board for their advice.

**Proposal by Donald & Errick Johnson to establish a welding business off Walton Road:** *Donald & Errick Johnson* and *Bill Diamond* were present to ask the board what was required to establish a welding business in the building that is located at 193 Walton Road. *D. Johnson* told the board that he and his son have had a business on *Batchelder Road* for seven years. He said that the property had come up for sale on *Walton Road* and that he basically wanted to know if his business would be welcome there. *P. Garand* went over the previous approval for this site was for six employees and the hours of operation were 8 A.M. to 5 P.M. He said that it is in a residential neighborhood and wanted to know what the noise impact would be. *T. Morgan* said that this was a non-conforming use and that if he wanted to change the use it would require a trip to the Board of Adjustment.

*Bill Diamond* said that is basically what is done there now. *P. Garand* said that he would have to go before the board formally to make any changes. Chairman *Brown* said that they would need a berm for this proposed use. *D. Johnson* asked if the area way out back was wetlands. *S. Foote* said that this would be under the shoreline protection. *T. Morgan* asked about traffic. *The Johnson's* said that there would be 6 employees and there would be 1 or 2 trucks per week. *T. Morgan* said that they should know for sure because the board would hold them to the number of trips per day. *M. Cawley* had a concern about a flatbed truck being in that vicinity when the school buses are arriving or leaving school. *S. Foote* asked about some kind of sound barrier. *Diamond* said that he presently runs flatbed trucks at this site.

*The Johnson's* were advised that they would need to go to the B.O.A and after they cleared the B.O.A. they would have to submit a site plan addressing traffic, drainage, noise and lighting. *T. Morgan* they would also have to give the number of trucks, hours of operation and no off site noise.

**Proposal by David Pritchard regarding storage trailers at 197 New**

**Zealand Road:** *David Prichard* told the board that he is presently using his property as an office site and for storage of trailer bodies. He said that he wants to use it as a retail sales business. *T. Morgan* told him that the property is not zoned for retail. *Morgan* told him that he could go to the Zoning Board for a variance. *P. Garand* told *Mr. Prichard* that he is not in compliance with the previous site approval. *Mr. Prichard* was told that what he is proposing would require Planning Board approval and the retail use would require Board of Adjustment approval. Chairman *Brown* informed *Mr. Prichard* that this would require a plan drawn up by an engineer with drainage, lighting, etc. *P. Garand* said that he would be sited for a violation on the trailer storage.

*Tom Morgan* suggested that the correspondence be addressed before the public hearing on the proposed amendments were voted on.

**Correspondence:** *T. Morgan* distributed the correspondence and Chairman *Brown* signed the expenditures.

The board went over a letter from Town Manager *Fred Welch* addressing the discharge of a number of approved projects which he felt would need the board to grant variances and accept the completed work as is, therefore eliminating the expanding substantial sums of taxpayers funds to perfect the original plans as approved by the Board. The following projects were reviewed:

- A) **Quaker Lane Subdivision:** *S. Foote* motion to approve the variances for this project and discharge this subdivision as requested by the Town Manager. *P. Evans* 2<sup>nd</sup>. Vote: unanimous.
- B) **Troy Way Subdivision:** *S. Foote* made a motion to approve work done and discharge the subdivision as requested by the Town Manager. *M. Cawley* 2<sup>nd</sup>. Vote: unanimous

- C) **Meredith Drive Subdivision**: M. Cawley made a motion to grant the variances and discharge this subdivision as requested by the Town Manager. S. Foote 2<sup>nd</sup>. Vote: unanimous
- D) **Beckman Landing Subdivision**: M. Cawley made a motion to grant the variances and to discharge this subdivision as requested by the Town Manager. S. Foote 2<sup>nd</sup>. Vote: unanimous
- E) **Charles Henry Way Subdivision**: M. Cawley made a motion to grant the variances and to discharge this subdivision as requested by the Town Manager. S. Foote 2<sup>nd</sup>. Vote: unanimous.
- F) **Elephant Rock Subdivision**: The board recommended to hold back the discharge of this subdivision.
- G) **Bill's Way Subdivision**: Town Manager Welch went over his letter of review and explained that there were two houses on this subdivision and that the bond had been released without the road being completed. He said that this road could be accepted by the town in three different ways. In his letter he recommended that the Board refer this matter to Counsel. Chairman Brown said that he would see the owner, Stanley Saracy, about this matter and report back to the Board. Welch informed Chairman Brown that Mr. Saracy could sign off in regards to the road ever being accepted.
- H) **Lighthouse Way Subdivision**: Mr. Chase, the developer, who was given a copy of the Town Manger's letter of review was present and said that he had no idea what Mr. Starkey the DPW Manger meant in his inspection report in regards to the deficiency of the proper backup of the roadway shoulders. He said that the subdivision had been inspected and had received approval from all the departments for the work performed on the site. Mr. Chase said that he would get in touch with Mr. Starkey to go over this matter.
- I) **Violette Lane Subdivision**: M. Cawley made a motion to grant the variances and discharge this subdivision as requested by the Town Manager. M. Lowry 2<sup>nd</sup>. Vote: unanimous.

**Other Business: Harborview**

P. Garand said that he had received a letter from Twin Brooks Campground in regards to a drainage issue that the owner Mr. Ballentine says that is being caused by the Harborview housing development on Lower Collins Street. Chairman Brown, who is the developer of Harborview, explained that prior to the development the previous owner of Twin Brooks, Richard Adams came to Bruce Brown and asked and was given permission to dig a trench across and to the rear of the Brown property to alleviate the water situation that existed on Mr. Adams property. Chairman Brown said that his father and Mr. Adams agreed that if Brown developed his lot that this ditch would be taken out. Chairman Brown said that he would get in touch with Mr. Ballentine about this matter.

**Public Hearings on proposed amendments to land use regulations:**

- A) **Proposed Zoning amendment to require 30' setback from residential use:**

Chairman Brown read the proposed amendment. Emily Sanborn questioned what affect this would have on property owners, such as herself, who have land that is commercially zoned and is being used as residential. T. Morgan said that he would take this in to consideration and re-write this proposed amendment.

**B) Proposed Zoning amendment to establish traffic safety standards:**

Chairman Brown read the proposed amendment. T. Morgan explained that what we are looking at is an edited copy executed by Attorney Mitchell to be able to add a traffic safety section to our Zoning Ordinance and Site Plan Review Regulations. Morgan said that this would not help the Route 1 situation but it would allow the board to require the developer to make improvements around the entrance to a shopping center. S. Foote made a motion to send this amendment to Town Warrant with the recommendation of the Planning Board. M. Cawley 2<sup>nd</sup>. Vote: unanimous

**C) Proposed amendment to Site Plan Regulations re: water connections**

Chairman Brown read the proposed amendment. S. Foote explained that the need for a required six inches of loam on new lots is to conserve water usage. She explained that if enough loam was used for suitable growing than the over watering of lawns with not enough loam would not occur. P. Evans was in favor of this. S. Foote said that it was recommended by the DES. Chairman Brown explained how loam settles and asked how much leeway would a developer be allowed. M. Cawley expressed his opinion that six inches of loam was extreme. M. Cawley made a motion to continue this proposal for further discussion with more members present to November 4, 2003 at 7:00 P.M. S. Foote 2<sup>nd</sup>. Vote: unanimous

**International Building Codes:** P. Evans made a motion to direct T. Morgan to public notice the adoption of the International Building Codes. M. Cawley 2<sup>nd</sup>. Vote: unanimous

**Proposed Land Use Amendments** as recommended by the Master Plan

The board set November 4, 2003 as a date for a work session to go over the proposed land use amendments submitted by member Peter Evans.

**Bond Releases: Poland Springs**

S. Foote said that she would like to reconsider the release of the bond for Poland Springs. She said that she had received more information about this bond and now believes it should be release. S. Foote made a motion to release the bond for Poland Springs. M. Cawley 2<sup>nd</sup>. Vote: unanimous

The board agreed that there were still some issues with the release of this bond. S. Foote will do a follow up with the DES.

**Driveway Permit applications**

M. Cawley made a motion to approve the driveway permits for 152 Franklin Street and 15 Alison Drive. S. Foote 2<sup>nd</sup>. Vote: unanimous

Chairman Brown stepped down and S. Foote took his place as Chairman for the Driveway permit at 76 Centennial Street. M. Cawley made a motion to approve the driveway permit for Robert Brown at 76 Centennial Street. P. Evans 2<sup>nd</sup>. Vote: unanimous. Chairman Brown resumed his position as chairman.

**Other Business:** Town Engineer re: provision of inspection services. M. Fowler said that he would wait for the Board's direction on providing inspection services.

**Resignation:** Chairman Brown read a letter of resignation from secretary Emily A. Sanborn effective October 30, 2003. Letter of resignation was accepted.

Meeting Adjourned: Chairman Brown adjourned the meeting at 9:35 P.M.

Minutes taken by Emily A. Sanborn, Secretary.

Secretary's Notations: The taping of the minutes didn't go as plan. I did not have the tape on record. I had it on play.