

**SEABROOK PLANNING BOARD
OCTOBER 15, 2002 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

PB MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Paul Garand, Keith Fowler, Mark Preston, and Selectmen's Rep. Karen Knight. Others Present: CEO Robert Moore, Town Planner Thomas Morgan, PB Engineer Michael Fowler & Secretary Emily Sanborn.

BEACH PRECINCT ZBA Members: Acting Chairman Richard Maguire, Claire Pollard, Pat Vivenzio, and Zoie Samaras. Also Present: Beach Commission Members Marian Kinlock and Building Inspector Thomas Pike.

MEETING OPENED: Chairman Brown opened the meeting at 7:03 P.M.

- 1) **MINUTES:** September 17, 2002 & October 1, 2002. S. Foote made a motion to accept the September 17, 2002 minutes as written. Mark Preston 2nd. Vote: unanimous. K. Knight made a motion to accept the October 1, 2002 minutes as written. R. Brown 2nd. Vote: motion carried.

2) **Public Hearings:**

#2-32 – Proposal by Donald Felch for a condominium conversion at 68 Farm Lane, Tax Map 13, Lot 58: Attorney Mary Ganz, representing applicant Donald Felch, asked the board to continue this case to the next meeting because the changes that were recommended by the Town Planner had not been done.

S. Foote made a motion to continue the condo conversion for Donald Felch to November 5, 2002 at 7:00 P.M. K. Knight 2nd. Vote: unanimous

#2-30 – Joint meeting with the Beach Precinct Board of Adjustment to hear a proposal by Daniel J. Sullivan and Wally L. Sullivan, Trustees, for a subdivision and lot line adjustment adjacent to 122 Ocean Boulevard, Tax Map 22, Lots 20, 23-3, 23-4, 34-2, & 141: Chairman Brown turned the meeting over to Richard Maguire, Beach ZBA Acting Chairman. Maguire introduced himself and the members of the Beach ZBA and the Beach Commission members present. Maguire said that they might not have a quorum for tonight's meeting but they had a scheduled formal hearing tomorrow night.

Acting Chairman Maguire reviewed the history of this property and said that this project has been before us for a long period of time. He said that he would like the record to show that he felt that the road should be accepted as a town road before

the Beach ZBA could grant the needed variance. Maguire read a letter written by Attorney Gary Holmes in June 1999 in which this subdivision was previously addressed. Mr. Maguire read what Mr. Holmes opinion had been on the roadway as follows: "It has been my opinion that the roadway does not comply with the requirements of the Town Zoning or Subdivision Regulations. Nor is it a roadway under the definition of RSA 674:41. That statute requires that no building shall be constructed, nor shall a building permit be issued, unless the street giving access to the lot upon which the building is located is a town road or street properly laid out on subdivision plan."

Henry Boyd of Millennium Engineering, representing the Sullivan's, explained to the board how he became involved with this case and went over the order of events of this case. He said that he had conferred with the original engineering firm about the previously drawn subdivision proposal and had made some changes. Mr. Boyd said that the Sullivan's originally wanted a private R.O.W. but he believes that Mrs. Sullivan will go along with what the board recommends. He said that the revised plan has six lots instead of the original seven. H. Boyd said that the notice of conditions from the Wetlands Board has already been granted but a roadway had not been applied for and that he did not have an approval for the revived Merrimac Street.

R. Maguire asked if any of the lots have been put up for sale. H. Boyd said that he believes the intent is to sell lots but he did not know for sure. S. Foote said that she had met Dori Wiggin and that each individual lot has its own wetland permit and that whoever builds on these lots and doesn't stay to the plan has to reapply to the DES. Maguire asked about a permit for the street. S. Foote said that the original plan was for lots not the street and the Sullivan's were contemplating a shared driveway in opposition to a public street. Maguire said that if the road is not accepted it is a mute point.

The board members and H. Boyd discussed what would be a sufficient R.O.W. H. Boyd said that he did not believe that a 24' paved road was needed. P. Garand asked about parking on the R.O.W. for the public. Chairman Brown asked for a profile of sidewalks. H. Boyd said that this would be totally out of character as there are no sidewalks at the beach. S. Foote said that sidewalks are required in our subdivision regulations.

The width of the R.O.W. was discussed by the members. M. Preston asked why not make the access to the beach wider. S. Foote stated that the wider the R.O.W the more it would protect the dunes. K. Fowler asked why go down to a 30' R.O.W. H. Boyd said that this would allow larger lots. Boyd explained that the location of the

existing houses would need a variance. Chairman Brown said that what his vision of this roadway was is to have a 5' sidewalk with granite curbing, 24' of pavement and 8' of shoulder for parking. H. Boyd said that 24' of paving is a super highway. M. Fowler's configuration was for a 40' R.O.W with 22' paved, 5' sidewalks, 10' shoulder and 1 ½' town R.O. W. on each side of road.

Mr. Maguire said that the Planning Board would have to accept the street prior to the Beach ZBA granting the variances. T. Morgan recommended that the Planning Board make a motion for preference for parking, etc. so the ZBA has specific numbers and some real signals from this board.

P. Garand made a motion that the R.O.W. be 40' as follows: 5' sidewalks with slope granite curbing, 22' of pavement, 10' shoulder for parking and 3' town R.O.W. and if the subdivision is approved the R.O. W. will be a town road. M. Preston 2nd. Vote: unanimous

K. Fowler made a motion that the public access be a 40' extension of the R.O.W. S. Foote amended the motion to read that because we are creating a public access, that the 2' private access be abandoned. S. Foote 2nd the amended motion. Vote: unanimous.

W. Cox said that he would suggest that the board not call this a minor subdivision but instead waive the 50' R.O.W. Tom Morgan conferred that we not focus on this as a minor subdivision. R. Maguire said that these lots would be restricted to single family use. S. Foote suggested it be written on the plan. S. Foote recommended that the dredge and fill permit be on plan and attached to deeds so that it will be passed on from deed to deed. R. Maguire said that it was his opinion that the road be accepted before the Beach ZBA addresses the needed variances.

M. Preston asked if these variances could be issued on the condition that we accept the plan. T. Morgan said that it could. R. Maguire said that the ZBA would be meeting tomorrow night and could continue this discussion. T. Morgan informed him that they had not public noticed this for the agenda. Maguire said that he would discuss holding a special meeting to address this matter. There were no abutters present. S. Foote made a motion to continue the subdivision plan for the Sullivan's to November 19, 2002 at 7:00 P.M. K. Knight 2nd. Vote: unanimous

Acting Chairman Maguire adjourned the joint meeting at 8:43 P.M.

#2-33 – Proposal by Paul Garand for a lot line adjustment at 63-65 Walton Road, Tax Map 10, Lot 38: Paul Garand stepped down and William Cox took his

place on the board for this presentation. Paul Garand presented the plans for a lot line adjustment for 63 and 65 Walton Road. Garand explained that he has a family apartment and a house on this lot. He told the board that this limits him to renting the house, which his deceased grandmother lived in, to a family member only. He said this would make the lot 30,000 square feet to allow for two units. There were no abutters present for this case.

S. Foote made a motion to approve the lot line adjustment for Paul Garand. M. Preston 2nd. Vote: unanimous

#2-34 – Proposal by Pride Development for a condominium conversion at 6 & 8 Old New Boston Road, Tax Map 1, Lot 4-4: Henry Boyd of Millennium Engineering presented the plans for a condominium conversion at 6 & 8 Old New Boston Road for the board's review and approval. H. Boyd said that the shut-offs had been shown on the plan as recommended by T. Morgan and that the lot has the required 30,000 square feet for this duplex. There were no abutters present for this case.

W. Cox made a motion that this plan be approved only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations. S. Foote 2nd. Vote: unanimous.

William Cox stepped down and Paul Garand returned to his seat on the board.

3) Correspondence: T. Morgan passed out the correspondence and Chairman Brown signed the bills and expenditures.

4) Other Business:

Charles Brown – 432 New Zealand Road – Minor Subdivision

Henry Boyd asked the board what their opinion would be about a minor subdivision with frontage off of Route 107, which has limit access, being serviced by a driveway off frontage on New Zealand Road. Boyd went over a letter from the State D.O.T. stating that they had no objections to this project and a letter of legal opinion about this kind of situation from Attorney Gary Holmes. Mr. Brown said that he had done a lot of leg work and what he is trying to get across is that this section of Rte. 107 is limited not controlled.

R. Moore said that this application would need a variance for a R.O.W. easement. P. Garand asked why this could not be done as a minor subdivision with a road. H. Boyd explained the reasons why this would be difficult to do. It was the board's opinion that they would consider such an application.

VOLUNTARY LOT MERGER: William & Christine Cox – 36 & 37 Lakeshore Drive – Tax Map 9, Lots 68 & 69: William Cox presented his voluntary lot merger for the boards approval.

K. Fowler made a motion to approve the lot line merger. M. Preston 2nd. Vote: unanimous. Chairman Brown signed the document.

5) Driveway Permit applications: M. Preston made a motion for the Chairman to sign the following driveway permits: 14 Lighthouse way, 543 Hudson Street, 4 Whittier Drive, 9 Whittier Drive, 6 & 14 Old New Boston Road and Lot 10 Ledge Road. P. Garand 2nd. Vote: unanimous.

6) Capital Improvements Program: S. Foote made a motion to meet at 6:00 to 7:00 P.M. on November 5, 2002 before the scheduled meeting to go over the C.I.P. K. Fowler 2nd. Vote: unanimous.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:35 P.M.

Minutes taken by secretary, Emily A. Sanborn.

Secretary's Notations: Mylars recorded for Belgian Drive 10/04/02 D-30149, Pride Development 10/17/02, D-30192, Bylaws 91630 at 9:00 A.M. and 10/17/02 for Paul Garand D-30193.