

**SEABROOK PLANNING BOARD
OCTOBER 21, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

Joint Session/Work Session at 6:00 P.M.– Planning Board and the Economic Development Committee (see attached minutes taken by secretary Cora Stockbridge).

Meeting Opened: Chairman Brown opened the public hearing at 7:00 P.M. with a quorum present.

Minutes of the October 14, 2003 meeting

Peter Evans made a motion to accept the minutes of October 14, 2003 with a spelling correction on page 3, 2nd paragraph of “razed” not “raised”. S. Foote 2nd.
Vote: Preston, Knight & Fowler were not at the 14th meeting and abstained.
Motion carried.

Public Hearings on applications:

#3-23 – Proposal by Gail & Douglas Hersey for a two-lot subdivision at 38 Rocks Road, Tax Map 7, Lot 116 Continuance: Applicant Douglas Hersey was present and asked for a continuance because he had not received the wetlands permit. P. Evans made a motion to continue this application to November 4, 2003 at 7:00 P.M. S. Foote 2nd. Vote: unanimous

Chairman Brown stated to any abutters present, that this application would be continued to November 4th .

#3-13 - Proposal by Hunter Logan Realty Trust for a condominium conversion at 419 Route 286, Tax map 17, Lot 47, Continuance

Henry Boyd of Millennium Engineering, Attorney Peter Saari and applicant Patrick Carey were present to go over the proposal for a condominium conversion at 419 Route 286 for the board's review and approval. H. Boyd and T. Morgan sorted out the condo plans and floor plans. T. Morgan stated that his comment's had not changed from the last meeting on this case.

Mark Preston said that he had gone over the previous minutes and according to them, this plan had been previously motioned and voted on with the results being a tie and that the board had continued the hearing for more members. He asked if there was any new reason why this should be rehashed. Chairman Brown polled the members.

Keith Fowler asked if the utility company had been contacted in regards to the moving of the utility poles at the front of the building as indicated on the plan. He asked were they would be moved to, as it was not indicated. H. Boyd said that it has to be done with the co-ordination of the utility company. P. Carey said that the westerly pole would be moved to the end of the westerly side of the lot. Fowler asked how many poles would be moved. Carey said that the other pole was ok where it is and that the wire could not span the 296 feet. He said it would be located where it wouldn't be a parking hazard. Keith Fowler said that he still feels that the parking is a little inadequate.

Peter Evans said that he would like to reiterate that it was his opinion that this use creates a situation that the parking could be and likely will be abused. Also he stated that the access to the building is restricted so that fire equipment can not get to two sides of the building and possibly the front side because of the overhead wires and that this combination constitutes an unacceptable safety hazard.

Sue Foote said that she agreed with Evans and is very concerned about the health and safety hazard and the potential fire fighting issue. She said that something that hasn't been mentioned in previous meetings is that right next door there is a fire works company that advertises by shooting off its wares and that predominant winds are from the east and this creates a unusual fire hazard above and beyond the normal expected fire hazard.

Karen Knight said that she agreed with Evans and Foote about the potential fire hazard at the height of the fireworks season and the parking issue

Mark Preston stated that this is only a condo conversion of an approved motel with the same amount of parking and that he felt that it was unfair to the applicant to not give him this condo conversion because it was previously approved as a motel and the parking was the same. He said that there were not all these concerns with fire safety and everything else until the paper work for the condo conversion was sent out and the fire chief wrote that he has a concern with getting a ladder truck around the back and all of a sudden we were concerned with fire safety on this one issue of making it a condo. Chairman Brown told Preston that in previous meetings some of the things that were brought up were 2 week stays, multi-family parking, people coming to visit and double parking creating a gridlock. Preston asked if each unit came with a parking space. Saari said yes that there was one for each unit and someone would be there to tow the violators. Preston said that today as it sits, it can be built as a motel with the same amount of parking and if it meets the parking regulations we should consider approval. S. Foote said that they had received a variance for parking. H. Boyd informed her that the variance was for a proposed restaurant not for a motel and that it does meet the parking requirements for a

motel. H. Boyd said that Morgan's earlier comments were in regard to the June 9th letter from the fire chief in regards to the rear access and that another letter had been secured in which the fire chief said that it meets the compliance for the fire code.

T. Morgan said that the members had seen the fire chief's other letter and that it is in compliance with the fire code. H. Boyd said that the fire chief has voiced his approval.

K. Knight said the fire chief told her that it meets building codes but that he was not happy with the lack of back access. H. Boyd said that the fire chief's first letter was not as clear as he would have liked, but that it was the chief's wish to get around the back of the building but it was not a necessity to meet fire code. H. Boyd said that Mr. Carey has satisfied the concerns of the fire chief. P. Garand said that the fire chief did not know about the overhead wires and said that he would look at it before he made a decision.

K. Fowler asked what the distance was between the proposed location of the overhead utilities and the beginning of the parking spaces. H. Boyd said that he did not know and Mr. Carey said that he did not know either. Boyd said that he was not aware of the overhead wire issue.

Chairman Brown asked if there were any abutters present who wished to speak. There were none. S. Foote said that she had voiced all of her concerns, yet we do not have zoning or site review regulations to negate what is proposed. It does comply with our regulations.

Sue Foote stated that with extreme reluctance she would make a motion to approve the condo conversion in that it complies with state and town condo regulations. M. Preston 2nd. Vote: 2 in favor – S. Foote & M. Preston

4 opposed – K. Fowler, M. Lowry, P. Evans and K. Knight.

Chairman Brown abstained. Motion denied.

#3-27 – Proposal by Two Seabrook Realty Trust for a condominium conversion at 268 Portsmouth Avenue, Tax Map 21, Lot 268: Developer Jim Wright and Attorney Mary Ganz presented the plans for a condominium conversion at 268 Portsmouth Avenue for the board's review and approval. Attorney Ganz addressed the letter of comments and recommendation of Town Planner T. Morgan by submitting the attorney certification of the condo docs and the fee for recording. Ganz asked if the plan was revised showing the water shutoffs, gas line and easement, could the plan receive conditional approved. Chairman Brown

questioned the setbacks and was told that these were ok according to the beach regulations. P. Evans said that the comments by T. Morgan had been done three weeks ago and that they had plenty of time to revise the plan before this meeting. Wright said that he had not seen the comments. Morgan said that they had been sent to the engineer. Chairman Brown asked if there were any abutters who wished to speak. There were none.

S. Foote made a motion to approve the condo conversion in that it complies with the town and state condo regulations, with the water shut-offs, the easement, gas line to be shown and the revised plan to be signed by Vice Chairman or Chairman. K. Knight 2nd. Vote: unanimous.

#3-29 – Proposal by David Janvrin for a 2-lot subdivision at 140 Centennial Street, Tax Map 13, Lot 1: Henry Boyd of Millennium Engineering presented the plans for a 2-lot subdivision at 140 Centennial Street for the boards' review and approval.

Boyd addressed T. Morgan's letter of review with the following: Boyd said that the lots meet the regulations and would not require a trip to the B.O.A. He said that they would need a waiver of the 100'x 100' box requirement and for the topographical contour as the lot is level. H. Boyd explained that the driveways were constructed after the initial plan was drawn and that a garage had been built on the other lot and that an easement would be needed for this. He also said that the two corner boundary markers would need a waiver.

M. Fowler said that he had no issues with the plan. P. Garand confirmed that this was a level lot and would not require a topo. P. Evans asked if the lots meet the width requirement and asked about the long narrow stretch of land on lot 2 that Morgan referred to as a bowling alley. Evans concluded that in fixing this problem by meeting the requirements you have created a bigger problem. Boyd said that his first advice was to go for a variance for an undersized lot. He also said that the regulations do not give a precise standard for width. Evans said that it is the board's job to interpret these regulations and he saw no reason not to grant the waivers needed for topo and markers. K. Fowler stated that the long piece of land has nothing to do with average width. H. Boyd said that the variance would create insufficient lots. H. Boyd discussed other variances that would be needed for a different plan.

Chairman Brown asked if there were any abutters present. There were none.

S. Foote made a motion to grant the waiver for topographical contour and the box requirements & boundary markers on the south side of lot 1. P. Evans 2nd Vote: unanimous

S. Foote made a motion to approve the subdivision with the waivers granted and they will have to remember where their lot lines are. M. Lowry 2nd. Vote: K. Fowler abstained, P. Evans opposed. Motion carried.

#3-30 – Proposal by Seabrook International to expand their industrial facility at 15 Woodworker’s Way, Tax Map 6, Lot 17:

Applicants Joe Oldfield and Patrick Spearman presented the plans to expand their existing industrial business at 15 Woodworker’s Way for the board’s review and approval. The board members looked at the 10/8/03 wetland permit.

Jessica Winston with Millette, Sprague & Colwell Engineering said that the swale would remain. Chairman Brown said that the parking spaces are sufficient. He asked what the purpose was for this expansion. Mr. Oldfield said that their present machine shop was overcrowded and that they need to expand. Mr. Spearman went over the number of employees and shifts.

Peter Evans made a motion to state that the plan should have 50 parking spaces on it. S. Foote 2nd. Vote: unanimous. T. Morgan asked if this DES revision would affect the number of Parking spaces needed. Ms. Winston answered no. Chairman Brown said that the applicants would have to come back with a full set of plans with the actual approval from DES. K. Fowler and S. Foote told the applicants that the approved plan is what the contractors are suppose to follow.

K. Knight made a motion to continue to November 4, 2003 at 7:00 P.M. K. Fowler 2nd. Vote: unanimous

#3-31 – Proposal by Bruce & Cynthia Brown for a lot line adjustment and an 8-lot subdivision at 31 Adams Avenue, Tax Map 15, Lots 109, 110-1 & 110-2: Chairman Brown stepped down and S. Foote took over the Chair for this case. Henry Boyd presented the plans for a lot line adjustment and an 8-lot subdivision at 31 Adams Avenue for the board’s review and approval.

H. Boyd said that this was three pieces of property that are located at where Route 286 and Adams Avenue meets. H. Boyd reviewed T. Morgan’s letter of recommendations. Boyd agreed with Morgan that the plan was busy and that is why he said that he had brought two options of this plan which do meet the regulations. Lots “F” & “H” on option plan #1 had tails. Option plan #2 had squared off the lots.

T. Morgan's concern #2 in the letter of review was that there are at least four lots in this proposed subdivision that depend on the 30-foot wide minor subdivision roadway and this would require a waiver. H. Boyd went of the wetlands in this area and said that there would be only 3 driveways off of this road which would be shared. He said that lots have frontage on 286 but these would require a wetland crossing. Mr. Morgan asked what would distinguish this subdivision from another person wanting a waiver. H. Boyd explained that Mr. Brown has a large amount of area and that to allow access to the lots fronting on Route 286 from Ashley's Way would be safer would limit the crossing of wetlands.

S. Foote agreed that this would be less impact to the wetlands. P. Evans stated that these 4-lots on a minor subdivision roadway would set a precedent and that there must be more option with less profit that would not be at the expense of playing games with the regulations. H. Boyd said that each case should be individually viewed and considered. Boyd again stated that the proposed access would have less impact on the wetlands with the shared driveway off of Ashley's Way K. Fowler said that it would be a relief to the wetlands it would be better to grant the waiver.

K Fowler made a motion to grant access off of Ashley Way for lot C. K. Knight 2nd.
Vote: unanimous

Abutter Mary Souther asked about the DES delineation

K. Fowler made a motion to allow Ashley Way to be built to Minor Subdivision Specs. M. Lowry 2nd. Vote: unanimous.

M. Fowler told the board that he had reviewed this as a minor subdivision road and said that Warner Knowles asked that there be an inside drop on the manhole and that the pipe used be label correctly. He went over the sewer line and the water line.

H. Boyd asked about using cedar post for the wetland markers. S. Foote recommended tags or small signs attached to trees being far less invasive. H. Boyd suggested wetland boundary shields.

K. Fowler made a motion to instruct H. Boyd to pursue option #2 with squared off lots. P. Evans 2nd. Vote: unanimous

Abutter Janet Claire Dow asked about the location in regards to her property and was shown the subdivision entrance location. She asked that there be good a drainage system. Scot Jones of 42 Adams Avenue was also present. S. Foote said

that the board could encourage the developers to direct any runoff to the wetlands in that area. M. Fowler said that there was a basin in that area to be used. The board asked that the postal boxes be located on Adams Avenue, lots H & C to be single-family dwellings and not to be subdivided. H. Boyd said that the manhole would be addressed on the revised plan.

K. Knight made a motion to continue to November 4, 2003 at 7:00 P.M. M. Preston 2nd. Vote: unanimous.

Karen Knight left the meeting at 9:05 P.M.

#3-32 – Proposal by William & Pauline Melanson for a condominium conversion at 451 New Zealand Road, Tax Map 2, Lot 13:

H. Boyd presented the plans for a condominium conversion at 451 New Zealand Road for the board's review and approval. Boyd said that a subdivision of this property was not feasible because of the limited width. He said the lot will be the same only the ownership will be different.

Boyd went over the two comments made by Morgan in his letter of review. Boyd said that the backside of the lot was tied into the Deschenes subdivision. Boyd said that Mr. Melanson will be selling the front lot. Chairman Brown polled the board members. They had no comments.

Abutter James Akerley of 455 New Zealand Road asked about what a condominium conversion was. S. Foote explained that this was allowed by the state and the town and the lot can be condo.

S. Foote made a motion to approve the Condominium Conversion in as far as it complies with the state and town Condominium Conversion Regulations. M. Preston 2nd. Vote: unanimous.

#3-33 – Proposal by Lloyd Perkins for a 2-lot subdivision at 38 Belgian Drive, Tax Map 9, Lots 36-11 & 36-110:

H. Boyd presented a 2-lot subdivision at Belgian Drive for the Board's review and approval. H. Boyd said that this was a simple 2-lot subdivision that T. Morgan in his letter of review had recommended approving. Boyd did not bring the mylar to the meeting.

K. Fowler made a motion to approve the subdivision. S. Foote 2nd. Vote: unanimous. *K. Fowler* made a motion to have the Chairman or V-Chairman sign the plan at their earliest convenience. M. Cawley 2nd. Vote: unanimous.

#3-36 – Proposal by Robert & Iona Aucion for a condominium conversion at 24 True Road, Tax Map 2, Lot 9:

H. Boyd presented the plans for a condominium conversion at 24 True Road for the board's review and approval. Boyd went over T. Morgan's letter of recommendations with the following: 1). Condo documents and attorney certification have been submitted; 2) Variance from B.O.A granted and 3) No gas lines and electrical noted. Abutter Douglas Stoddard stated that he was in favor of this application.

S. Foote made a motion to approve the condominium conversion as it complies with the state and town condo regulations. P. Evans 2nd. Vote: unanimous.

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

Driveway Permit applications: None

Other Business: Michael Fowler told the board that he would be taking a look at some of the subdivision and would be filing a report once or twice a month with a periodically up date on the bond details.

Resignation: T. Morgan told the board that he had received a letter of resignation from alternate member Philip Stockbridge. P. Evans made a motion to accept with extreme regrets Stockbridge's resignation. S. Foote 2nd. Vote: unanimous.

Meeting Adjourned: Chairman Brown adjourned the meeting at 9:37 P.M.

Minutes taken by Secretary Emily Sanborn.

Secretary's Notations: The following plans were recorded at the Rockingham Registry of Deeds on October 24, 2003: Two Seabrook Realty Trust Condo Conversion Plan D-31087, Docs 9:15 a.m. 130306, certification 130308 and easement 130307; David Janvrin 2-lot subdivision D-31088; William Melanson Condo Conversion Plan D-31089, Docs 9:18 a.m. 130311; Lloyd Perkins 2-lot subdivision C-31086; and Robert Aucion Condo Conversion Plan D-31090, Docs 9:19 a.m. 130313.