



## Town of Seabrook Planning Board Minutes

Tuesday, April 6, 2010

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Donald Hawkins; John Kelley; Keith Sanborn; Robert Fowler; Jason Janvrin ; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

**Foote opened the public meeting at 6:33PM, and moved the Organizational Agenda items to later in the meeting.**

### **INFORMATIONAL CONVERSATION PROPOSED COTTAGE DEVELOPMENT SALISBURY, MA**

Attending: Howard Hall, Jim Goodwin, Cottage Advisors;

Appearing for Cottage Advisors: Attorney Mary Ganz, Ganz Law; Chris Lorrain, LandTech, Merrimack, NH

Foote noted that the proposed development in Salisbury would have impact in Seabrook due to traffic as well as unfragmented woodland/wetland areas. Ganz introduced Hall, Lorrain, and Goodwin.

Hall thanked the Board for the invitation and felt that if everyone had the same facts they would probably agree. [Hall recorded the meeting.] Foote noted that the invitation had been extended because there'd been a lot of newspaper articles. Hall said there had been Seabrook visitors at some Salisbury meetings, and they had nothing to hide. He described Cottage Advisors as an umbrella company and indicated that his son works seven days a week for it. Hall said they do developments like that proposed in Salisbury, MA. After getting the permits and the like they then partner with others. In Maine he partnered on two projects with a friend, Steven Quill, through Quilland and in western MA with Dave Guthrie.

Referencing the latest drawing of the Salisbury proposal, Hall pointed out the Seabrook Road area where the Seabrook constituency lives and said a plan had been provided to the Salisbury Planning Board showing the entire length of that road, where the rights-of-ways are, and where improvements can and cannot be made to that road. Hall said that in most New England towns stone walls are expected on both sides of the road limiting the rights-of-way but there are very few stones on that road. He further showed where Seabrook and Forrest Roads meet and how the roadways get to Garrish Road and then get out to Route 1. They had talked about providing a roadway for emergency access and did not care whether it was a public, or private as the consensus seems to be so there won't be an official connection. The unofficial connection would be that if there were an emergency those vehicles should break the gate and go through. The water would be a continuous loop with the water department which would help better the service.

Hall said there had not yet been any public hearings in Salisbury so that he was describing where he thought things would go, but not where they actually would go. One side of the road would become open trails etc which can be used by the neighbors in Salisbury and Seabrook. The other side of the road is intended to be gated off and open to the people in the cottage complex. He pointed out the entrance, sales, and guest parking. Hall said according to the newspapers, the first issue was drainage and the topography had been done so they know the issues there. However, the engineer has said that without doing a final drainage plan he can't with certainty say there won't be more water going into New Hampshire. At this point the engineer says there won't be an increase in the rate of runoff and likely there would be less water going into NH than not. Hall said everything will be treated under the Massachusetts best management practices which he understood to be equal to or superior to NH standards.

Hall said they had a Brunswick Maine traffic engineer look at the proposal who said they couldn't do [a study] until at least June and probably not until the July 4<sup>th</sup> weekend. Hall has told Salisbury that they should hire a traffic engineer which Cottage will pay for. However, on one road they put up a roadway sign that measures a vehicle's speed and houses a computer that can count every car and create various reports on a weekly basis. The average count over one week in February was 460 cars per day in



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Salisbury, and he thought the Seabrook number would be about the same. He thought this was fairly consistent with what they know. Hall said that a traffic study done five years ago in the non-summer period for a project on the north westerly side of Seabrook Road, that had been approved but not built, showed the traffic was about 600 trips a day. He also referred to a traffic count done by an Essex County municipal planning organization recently found the traffic count at about 500. He thought the average would be about 500 cars per day in the non-summer season.

Hall said the lights at Route 286 and Route 1 are non-functional; they do not recognize traffic coming southbound on Route 1 and wanting to take a left turn onto Route 286; fixing that would help ease traffic. Hall said that the theory he heard from Seabrook residents that attended a Salisbury meeting, is that in the summertime Route 286 gets backed up so people go down South Main Street to Seabrook Road because it is a shortcut. He also learned elsewhere that if people coming from the beach go up South Main Street to Washington Street the light lets them pout and they pass all of the backed up vehicles. Hall said he watched the light and that on seven occasions every time a car approached the light changed within nine seconds, regardless of what the traffic was on Route 286. He thought that traffic engineers would say the normal wait-time would be thirty seconds. So if that is the problem today with people coming in from South Main Street, ie that light doesn't function and keeps letting people cross it becomes a self-fulfilling prophesy that will never work. He said that problem could probably be addressed just by fixing the timing at that light. That is for a traffic engineer to answer as he does not have such a degree.

Hall said another issue is that someone traveling [west] on Route 286 to go south on Route I-95 knows they go straight ahead, but someone coming up from the south does not know that. Also, the cottage development would put traffic on the road – about 750 cars per day although not in every day or every week of the year. Discussions with Salisbury have been to go from Patriot's Day [third Monday in April] until Veterans Day [November 11]. Therefore, there would be no one there from November 12 until sometime around April 15. The first weekend is usually fairly busy; then for the next five weeks to Memorial Day probably ten percent of the whole population ie approximately 25 cottages would be occupied by retired people there for the six months, plus some who come on weekends, although the ocean water is quite cold. After Memorial Day people get to be more regular; the busiest population is after kids get out of school, about June 20 to September 1.

So there would probably be about thirty days with about 750 cars; up to fifty days with around 650; and most up to 500. He thought that in Massachusetts, unless a special exception is granted, a ticket can't be given for a speed of less than 30 miles per hour even though the roads would be posted for 20-25. Hall commented that when they were doing the car counts, they noticed that by the fifth day the average speed dropped by a mile or two per hour. To express their appreciation for getting through in Salisbury, they suggested possibly putting a couple of those counters on Seabrook Road to show people the speed limit and how fast they are going as an attempt to slow them down. In his personal experience on an island in Wells, Maine speed bumps, chains, and rocks in the road were tried to slow speed down but nothing was successful until someone put these type of speed signs; now ninety-five percent of the people don't go over the speed limit. The issue is speed and volume – how many cars there are and how safely they [drive]. At several neighborhood meetings in Salisbury they said they would do their best to be good neighbors and to do what they can to recognize the traffic situation positively, and not put them in a bad situation. They couldn't keep that promise to Salisbury without having the same impact on Seabrook people. Hall then said he'd be happy to respond to a few questions.

Moore assumed that Salisbury officials would require a detailed traffic study; he could not see going forward with one. Hall assured Moore that they absolutely would. Based on the scope of the work his Maine expert has given him as well as on his other experience, Hall thought this traffic study would cost twice that of any other he had paid for. There are so many impacts including South Main Street, the Cottage development roads, and Route 1. Additionally, his understanding is that the failure of the lights on Route 286 to work properly causes people to [bypass] that road for a shortcut. If that is correct, then the background noise for the shortcut in the summertime would be closer to 1200 cars per day, instead of



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about 500, and they would have to look at what would happen to those intersections. The traffic study will be extensive. Moore asked if it would be done in July. Hall said they know that is when Salisbury [and Seabrook] wants it done. They will provide the money and make recommendations, but Salisbury would pick the scope and the timing. He thought it would be sometime in July. For example, they might recommend renting the speed sign machines for a week instead of putting the drive-over counters across the road.

Moore said the worry is the capacity of the road if during the nine weeks there is one big solid block of traffic all the way from Amesbury on Route I-95 to the beach and the bridge. That's why people cut off to South Main Street to detour through Wotherly Avenue to Salisbury and back. He thought that eighty percent of the Cottage traffic would come out to Seabrook because of the shopping and the beach. Hall agreed that is another issue; the "boxes" in Seabrook naturally attract Massachusetts people to save the sales-tax. One thought is to mitigate the traffic. On sunny days people go to the beach; on rainy days they go shopping. He asked for thoughts as to whether it would be helpful to put people on a bus on both sunny and rainy days, ie one bus instead of 10 - 25 cars on the road to the beach or the mall to cut down the number of trips. Thibodeau thought people like their own cars too much to pay attention to that. Right now it is bad all day long every

day, not just during the summer. Hall said that is why they would look at this to see if there is anything that can be done to make it better. Thibodeau said she lived near the Seabrook/Salisbury line and can't get out of her street most times unless she leaves at 6AM.

Hawkins asked if there is just one entrance and exit to the proposed development. Hall showed the main entrance, the emergency access, and identified a round-about. He pointed out two ways out with a "divider" bridge. Janvrin was concerned at how this development would affect the Seabrook fire and police protection and mutual aid assistance pacts with the Town of Salisbury. Hall said rather than having to go all around through Forrest Road, they will give the police and fire departments keys to the gate. Janvrin explained that his concern was that the Town of Seabrook has a mutual aid compact with Salisbury, and that there would be several times that the Cottage complex would be calling upon Seabrook for mutual assistance because of its proximity. He thought this would put Seabrook in a bind; three ambulances run 24 hours per day in the summer. Salisbury has a private company and Janvrin thought Seabrook would be impacted by Salisbury calls for mutual assistance or fire protection. Seabrook Police also have a mutual assistance pact with Salisbury in re crime or other issues that may arise on that property. If there were a development of this size in Seabrook, they would be asking for another fire-truck or two part-time policemen on duty. Where the property is in Salisbury, Seabrook can't ask for this. Janvrin said this is a big concern.

Hawkins asked if there are other options for exists from the proposed development. Hall said at this time there are two public ways – Forrest Road and Seabrook Road. In discussions with Salisbury they have suggested a connection through – either public or private. He thought at this time the preference would be for a private road, although no decision had been made and Seabrook could opine about this to Salisbury. Janvrin asked if there had ever been a notion to have the access road come through the Town of Seabrook. Hall said not to his knowledge. Goodwin said that was a different piece of property. Hall said that property was near the old fire station and, after doing their due diligence, they decided they couldn't develop that for their purposes even though the access would be easy and right off Route 286. Foote asked how far a Forrest Road entrance was from the intersection. Hall showed where the emergency exits would be and pointed out a four-lot subdivision that wasn't going to be built under the current proposal.



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Foote commented that she lived on South Main Street and has use the Washington Street/South Main Street intersection light all of her driving life. The reason why it is so successful to approach it from Washington Street to turn is because it has a pressure trip-switch, and is always red on Washington Street and green for Route 286 unless a car approaches it and hits the trip-switch. If the light turned green for Washington Street, run through its cycle, and gotten back to red (green on Route 286) there is a minimum wait of forth-five seconds before it will trip again. If the light is red, the people that know that road slow down as they approach to pace themselves and let it stay red for about twenty seconds before they roll over the trip-switch. Otherwise a car can sit there for up to four minutes. Hall said as Foote lives there she knows the situation. It must have been a bad day when he was there because he went through the light and turned around – it might very well have been forth-five seconds. Obviously a traffic engineer will look at this.

Hall said he had lived in Well, Maine and was chair of the Planning Board for 14 years. In that community they change the speed limit on Route 1 from 45 in the winter to 30 in the summer. There are all kinds of things that a good traffic engineer can recommend. During the winter he lives in Florida where in the winter they wait up to a minute for a cycle to change, but New Englanders wouldn't want to wait that long. He said at this time he doesn't know the answer, but he doesn't believe the situation can't be helped and they will try to do that. Hawkins asked about the portion of the property that Hall wasn't intending to build on now, and asked if it could be built on in the future. Hall said his reference meant that if his current plan is not approved, then someone else might come along with another plan for houses instead of season cottages. Everything Cottages owns will go into the project; if it isn't built on it will be in common. He pointed out that according to the bylaws, about 115 acres would be "quiet" in "perpetuity", and nothing else could be built on it.

Hawkins asked if the bylaws would include the operating times of the year and when it would be closed. Hall said it would, and that one requirement was that the water service to each structure house would be two-feet in depth. This would assure that no one would be there in the winter.

Hall explained that the proposal is for a condominium that runs one water bill and sewer bill and the services are turned off and on. When an owner leaves their cottage in November the condominium [association] drains the water and the association rules and regulations would not permit otherwise. Hel offered to provide a copy of the rules and regulations for Summer Village at the Pond in Westford, MA, which make this very clear. Hall said that the only way to get to that project was through Dunstable Road which he thought could be imagined as Seabrook Road. The only difference is that the background noise is five times what it is on Seabrook Road with about 2500 cars per day. It has houses right along that road, with small lots. Hall said he would provide a full tour for anyone that wanted to look at this project; the drive in would remind people of Seabrook Road. The project doesn't cause a problem for those people and they do not think a problem will be caused by the proposed project. Hall said if only 600 cars can be on the road there would be a problem because they will bring more cars than that. The peak hour on the traffic count is 97 cars. Probably in the morning it is 20 coming in and 70 going out, and the reverse in the evening – about one car every 40 seconds on the worst hour of the day on the worst weekend of the year.

Moore asked if all of the uplands had been used. Hall said with the exception of the clubhouses – it's not all built. Janvrin said he wasn't familiar with Salisbury zoning, but in Seabrook the 50-year flood plan is utilized. Lorrain said Salisbury utilizes the Commonwealth of Massachusetts the DEP standards for definition of wetlands which is not consistent with floodplains, however, there is a provision that they cannot construct within the 100 year floodplain. Hall added that they don't build on foundations which need fifteen foot clearing around them; as they were twenty feet apart the full space was cleared. The cottages are up on posts and only require clearing five feet so trees can be left. Without foundations is a kinder, gentler way and allows drainage into the soil under the units. Foote asked for further questions from the Board and Morgan; there being none at this time.



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David Michaud, who lives on South Main Street, thought there was a failure to realize that when people go down South Main Street to Washington Street they will keep going and won't try to get back onto Route 286's wall-to-wall traffic. That puts them onto Walton Road to take a left to head to Route 1 where there is a one-lane railroad bridge. He thought the idea to funnel traffic was quite incomplete. Additionally, kids walk down South Main Street three abreast; it may not be right but that's what they do. He took exception to putting cars from the Cottage complex on those streets. Hall said he respected that opinion and they would do their best to cause minimal damage in that situation. He did not what the right answer is now but was raising issues. A professional is needed and the Town of Salisbury would decide who the professional is that will make the recommendations. The professionals will tell him what they think is the right thing to do.

Foote said the plan delineates wetlands beyond the Salisbury border into New Hampshire, and asked if that is just to show the adjacent wetlands or if the Cottage property actually extends into Seabrook. Hall said to the best of his knowledge they own nothing outside of the Town of Salisbury, although doing titles in this area is very challenging. Foote commented that that whole side of Seabrook used to be [part of] Salisbury. Hall said that's why some deeds are hard to find even going back 100 years. They showed the limits for information purposes. They pretty much stayed on an old ancient path. Foote noted these were old rum-running trails. Hawkins asked if the traffic mitigation would end at the Salisbury line or, if appropriate, would the carry it into Seabrook. Hall said if what they heard about a lot of traffic being forced down the Salisbury part of the road turns out to be accurate, then he thought the only thing they could do to stop that is to get up onto Route 286 whether in Seabrook or Salisbury. He could not say at this time; it depends what the engineers say. If they report that there is nothing that can be done – a hopeless cause – needing to get up at 6AM to get out onto the road that is clogged all the time, then that is the answer.

Foote referenced Hall's description of the Route 286 shortcut impacting Salisbury and said that would be after 3PM. In the morning it is coming the other way off Routes 495 and I-95 to Routes 286 and 110 and taking the shortcut to get to the beach. Once they found the shortcut it would be used both ways. Hall said they need to get up to Route 286 but commented that he selfishly tends to do things that are in his best interest which is selling cottages. If his people can't get in and out of there, he can't sell cottages. Whether he wants to be a good guy and help the neighbors or to help himself they need to do the best they can to address and solve the traffic problem. If people can't get into the cottages or to the beach when they want to because of Route 286 it is a problem – no one will but anything. Hall said he had more than Seabrook's interest at heart.

Foote noted that the discussion had basically been about traffic, and stated that she is also Chair of the Seabrook Conservation Commission. The cottage development is virtually proposed in the middle to 1/3<sup>rd</sup> of the largest area of unfragmented salt-marsh perimeter woodlands in the Seabrook/Hampton/Salisbury estuary area. It is major wildlife corridor with black bears, moose, deer that travel through there annually. She counted on seeing at least five moose come through that area, through her woods, and cut across Route 286 every spring, many times with a calf. In the fall she can count on seeing black bear traveling that area which she knows very well because her back property line is about less than 150 feet away from the cottage property line. There are otter, red and grey fox, and it is probably one of the most diverse woodlands in the Seacoast. She asked what Hall planned to do to mitigate the impact to the wildlife ecosystem. Hall said that normally if they disturb with a building or road more than ten percent of the total land area that would be a lot so about ninety percent won't be disturbed. This project has a lot of little cottages there whereas a subdivision would only have forth to sixty [homes]. Foote said if the whole area is fenced it wouldn't matter.

Hall said they want to keep their area private, and pointed out where they would also provide area for public walking etc. there would be a gate so someone couldn't drive a car into the cottage area, but that didn't mean it would be fenced off. There's nothing that would stop the flow of animals – no reason to put



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a fence up for that. The further away from people they are the less need for fencing. Hall did not see a fence totally surrounding their property, but didn't want cars getting in.

The only thing they would allow that isn't a car or light truck would be electric golf carts. An owner could drive their motorcycle from the entrance to and from their unit, but wouldn't be able to drive around the property. The quiet hour is 10PM Sunday through Thursday and 11PM on Friday and Saturday night. A watchman would go through the property on a golf cart to enforce that (outside of cottages). Hall said they are a family operation and not a campground where units might have many individuals partying until 6AM.

Hall said anyone could come to the Massachusetts development on Memorial Day weekend and talk with any owner there about how they function, whether they are family oriented etc. They have nothing to hide. Kelley asked if that project has the type of shopping problem that the Seacoast anticipates. Hall said it is a bigger project with 276 units and they are on a road like Seabrook Road. 150 units have been sold; there haven't been problems and he thought the proposed project wouldn't be any different. He commented that there are more visitors at the Massachusetts development because half of the owners live within twenty miles. Based on the demographics of the Maine development they do not anticipate that the average customer will come from twenty miles away. They hope people come from Haverhill ie out to Worcester County. Owners in Maine come

From eastern Massachusetts out to Worcester and down into Connecticut; it is a factor of travel time. Hall said they build communities and invited anyone to visit the existing properties. They have a recreation director whose only job is to set up programs for kids and adults; people have the best fun. Foote asked for further questions.

Max Abramson asked if Hall planned to fund any traffic safety or pedestrian safety projects that occur on the Seabrook side of the border like speed tables, cross-walks, or round-abouts. Hall said they would consider it if it makes sense for the whole situation. They've offered two lighted speed limit units to Salisbury, and if Seabrook wanted one they would do that, or something like a raised crossing, but not to rebuild a road. If a professional tells him something would help they would strongly consider it. Abramson said that Route 286 is a fairly dangerous road for the cottage owners going to the beach and favored anything that can be done to help. Hall asked Goodwin to give Abramson his contact information explaining that Goodwin works for him and would be interested in hearing ideas and passing them on to Hall. They won't say they'll do every idea but would listen. Hall said his company has a good reputation for doing things the right way and a \$2,000 cross-walk wouldn't make or break the project.

Foote asked for further questions and comments; there being none. Michaud said he could see the club house and the pool as sitting on a big rock overlooking the marsh. He asked if it could be assumed that there would be no blasting. commenting that it is all ledge and there is no soil. He thought blasting would be needed to get the water in, and did not know why this property was considered for the project. He thought there would have to be some serious altering of the land. Hall said some structures would be sitting on concrete pads, but not the cottages which would be on posts. If ledge is two feet down the posts would go to that depth. There are techniques to deal with ledge.

Morgan asked for the anticipated schedule with the town of Salisbury. Hall said that would be up to the Town of Salisbury. They met with Salisbury neighbors on Seabrook Road and hope their educational process helps people to understand the project. Previously he thought they might go for approval in the fall; at this time he did not know but emphasized that it is Salisbury's call, not his. He thought there had been a significant change in attitude as the people on Seabrook road learned more about what they proposed and how they would do it. Hall said if this goes ahead there would probably be a contract with the Salisbury Board of Selectmen before they go to the Town Meeting. He said there is a short window to decide within the next couple of weeks. The Salisbury Planning Board has to have a public meeting under the Massachusetts General Laws; he thought they would send Seabrook the notice if asked.



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Morgan asked how long the construction period would be if the [land use] amendment passed. Hall said if it passes, under Massachusetts usually the town clerk takes about 30 days to file with the Attorney General's office. Then there's a 90 day window for the AG to review it and render an opinion on the legality. He believed that once passed, they could proceed at their own peril because when the AG approves it would be retroactive to the Town Meeting. They would go forward with the Planning Board and hope to get into the ground by early October; later than October means waiting until next spring as they wouldn't start construction in the middle of January. He hadn't any experience with the Salisbury Planning Board. In Westford a year was pretty speedy; in other towns it can be done in a couple of meetings if all the [preparation] work is done. Hall commented that they would probably not start on Seabrook Road until the spring. Salisbury wants a bond before they start it. They would probably start on the land with foundations for the amenities, and then try to cut the road in.

Hall said one of the challenges with this type of a project is that people want to see and touch the amenities before they take the word that the cottages will be built, although they can show their history with three prior projects. If they can start in the fall they would build the roadway as far as they can before the winter, put in the foundation and frame the amenities so they can work inside during the winter, and maybe put in a couple of [model] cottages. When they start selling in the spring, they can show people what is being provided. He hoped the roadway could be finished before Memorial Day. Alfred Janvrin referenced Hall's traffic discussion in re lights and said that on Seabrook Road and South Main Street all of his traffic is going to rip up those roads that Seabrook would have to repair. Hall clarified that he would put in the traffic speed counters, but commented that it isn't any different for any town when traffic comes in from another community.

For example, it is the same when traffic from Seabrook goes down Seabrook Road into Salisbury. Alfred Janvrin commented that Seabrook is not adding 600 cars. Hall said the overall average from the cottages would be less than 400. Alfred Janvrin cited the road impact. Hall said that roads get ripped up either because they weren't built correctly to begin with, or in the Spring when potholes occur.

Michaud said that at a prior meeting Hall had said that working on Seabrook Road would be one of the first things done. Also, they have to bring the sewer further down which would require blasting the road. He lives on South Main Street and his family and neighbors kin Salisbury use that road going in both directions to get around town. He thought it would be a number of months before that road would be passable. Also, the traffic to be generated during the construction phase with heavy equipment and big trucks would all be coming down South Main Street to that proposed entrance. He was concerned that in a few years there would be traffic jams even before the cottages are occupied. Hall said the minute the frost is out of the ground they would start the roadway project and finish by Memorial Day. Michaud said he'd heard reports of blasting and sirens. He said that Hall learned there was more ledge than they thought which means that when the water goes in, even at 2½ feet they will have to blast a line through there. As a resident he has to look forward to that as well as the traffic. Hall said he'd been asked what would happen if there had to be blasting, and responded that if that happens there are 5, 3, and 1 minute whistles before the blast. He did not think Michaud would hear anything other than the background noise because the blast area is covered with heavy blankets. If there is ledge blasting would be needed.

Michaud asked about the construction traffic. Hall said there would be some heavy equipment that would go down the road and remain on site for two or three months and then leave. Michaud said there would be trucks going in and out. Hall agreed. Foote asked for further questions or comments: there being none. She thanked Hall for the time and presentation.

Kravitz asked for detail for the individuals that come with Hall. Hall said that Chris Lorrain was President of LandTech, an engineering firm from Westford, MA, who lives in Merrimac, NH, Attorney Mary Ganz, and Jim Goodwin who works for Cottage Advisors and comes from Newton, NH.

### **INFORMAL CONSULTATION**



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### **BMX FACILITY**

Attending: Jim Kimball;

Kimball said the intended area for a BMX facility was Veterans Park on South Main Street. Using a drawing, he showed the park layout and outlined the area intended for the BMX track. He noted that parking spaces put in years ago haven't been used as much as they were previously. He wanted to create a motor cross venue in Seabrook and to have MBL sanctioned BMX races as there used to be at the well fields where he learned to race. Veterans Park is attractive to build a first class venue for the kids that want to ride as well as a nice facility with bathrooms and paved parking where parents can come for the afternoon in a beautiful neighborhood. He's asked the Board of Selectmen for permission to use the property and build the track. The actual construction would be done by the National Bicycle League which will provide two track builders. He's met with them and went to Tennessee for consultation. They hope to haul yardage from other places in town to construct the track on the vacant parking lot at Kimball hopes to bring the sport back to the area for Seabrook children and others.

Kimball said this is a good time because the BMX sport has grown in recent years. It made its Olympic debut in Beijing, China in 2008 and is to appear in 2012 and 2016. This is an opportunity for a Seabrook child aged 13 -16 to become a 2016 Olympic hopeful. He pointed out where basketball and softball courts had been placed, and the lighting. The track would be constructed on the vacant asphalt area and constructed with 20/80 percent sand/clay mixture. Kimball showed where the grass areas would provide drainage [swells] with a natural pitch to catch any rainwater that comes off the racetrack. The track area would be on asphalt; the bleacher area is outside of it. Everything that is constructed would be on a temporary basis and completed within about 11 days. i.e. and could be dismantled in about half that time if it were unsuccessful or needed to be moved to another venue. Kimball thought it would work out and expand eventually, and showed where the registration shack, donated by Post Woodworking would be. The only thing built on-site would be the media tower for announcing races, PA and playing music. It would be a post structure with staircases and a pitched roof. He pointed out the registration and first-aid areas, and the temporary fencing, also to be donated, separating the racers going to and from the track. A gate would be wide enough for emergency or town vehicles.

Janvrin asked about parking spaces. Kimball had visited the site the previous Saturday; there is no way that BMX racing could happen at the same time as baseball or football games, so there will need scheduled. Moore said there are games on Friday night and Saturday. Kimball said the parking area could be stripped for 114 spots (without the proposed race area). One suggestion is moving football to the Governor Weare Park but thought that would not happen. Janvrin asked how many spaces would be lost. Kimball thought about 70 spots would be lost if lines were painted and the debris was gone; 114 spots would remain including South Main Street, the grass that has been always used and the untouched asphalt area. Kimball said he had run Rye Airfield BMX for three years and the best turn-out for a race was about 44 racers. He thought if 50 people were racing it would bring at most about 70 cars – many would be families. He thought football, girl's softball, and soccer would have games at the site. Nothing is taken away from those facilities, but the luxury of driving right up to the fence to watch games would be gone although the transportable bleachers could be moved up to the fence when BMX isn't running. Sanborn said that part of the parking lot couldn't be used for those games.

Moore said several things were favorable for Kimball's proposal – a concession stand, rest rooms and other needed amenities. They could have a parking problem if there were more than one event. There is room enough for the BMX track but people couldn't sit in their cars to watch football, baseball, softball and soccer events. Moore said the Selectmen probably have authority to allow certain use for one year before putting this on the ballot. There are pros and cons. The parking would be the difficulty unless Kimball can really coordinate the event schedules. Kimball agreed and said he has already posted a request to coordinate schedules. Moore said the town wants to promote alternatives for kids to get involved. Janvrin asked why the Governor Weare property wasn't being considered. Kimball said a lot of townspeople are



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really excited about seeing a new football field in that area. Janvrin asked about the 4 existing fields and why one couldn't be used for the BMX track. Kimball would want to build a track in the Governor Weare, but recalled that a former track in another part of the state failed because it was so far off the beaten path and couldn't be policed, and there were no amenities. Also it didn't attract onlookers. When out-of-state people did come the track was destroyed.

Kimball said he travels with his kids to race at outside BMX tracks and most are built on town parks that are well-kept, in nice neighborhoods, and have amenities and visitors spend money. Veterans Park is being revived with a concession stand etc. Janvrin noted that the Town is building a new water facility and asked if there might be a possibility of co-locating a track in that area where policing and amenities issues could be avoided. Foote said there is a set-back from the well-heads, and the apparent rolling area on both sides of the water facility, which is being built in the lagoon, is actually wetlands that required an extensive wetlands mitigation permit. The non-wetland impact begins about at the shooting range where the old BMX track used to be. Moore said any activity would have to be at least 400 feet from the furthest well.

Foote said they could consider an alternative site albeit without amenities like restrooms or concession stand. About eight years ago the Conservation Commission contributed funds to purchase the additional four acres off the end of the Francis Chase cul-de-sac – the south end of the tri-town ponds. This is a big gravel field. Kimball said he had walked that site but it would need developing. He thought the residential impact would be greater as it has been used as a play area.

Additionally, a road for the traffic would need to be created, and it would be muddy for car parking after a rain. Also he thought the pond is pretty high, the footprint wouldn't be much bigger than at Victory Park, and he worried how kids would get there. He noted that the town has grown so much that kids have to cross Route 1 to get to the rec center. The elementary-middle school is about a mile away which is just bike ride. His concern was how successful the experience would be for kids.

Kimball said mulch for walking would come from downed trees, and said they would not want to impact the wetlands. Foote noted there is a lot of trash that has been dumped, mostly not by Seabrook residents. Kimball called attention to a notice he intended to distribute along South Main Street, Adams Ave and Butland Ave. He has already spoken with several families there and assured them these are bicycles, not motorcycles.

Kelley asked whether this was a for-profit venture. Kimball said this would be a 501 C3 program, a non profit organization through the National Bicycle League. There would be fundraising in town for awards – every races gets a trophy. Building the track is at no cost to the townspeople and with no tax impact. The sand and clay mixture would come from the old wells fields, and Kimball said he had driven samples to the track builder in Tennessee who built mini-tracks with it. They will lay sod and asphalt, and some fencing to get people comfortable with this change. He will do some fundraising in town and run the concession stand that will take in some money towards running the track. Once he has the go ahead a 16-race schedule will be put together and the National Bicycle League will provide and additional sum if that happens. He will solicit sponsorship in town. Matrix Excavation will do all the paving; Rosencrantz-John Deere offered the equipment to build the track; the National bicycle will provide their two best track builders who will be insured. Matrix will also haul the material to the track. SPS New England will provide the temporary fencing and the sod. A Post Woodworking affiliate in Brentwood will provide the gazebo, and he has the registration shack and photo-booth. Black iron fencing and canopies has been donated. He is working on a grant for the media tower.

Kimball said the track will be self-funded and the money he raises will be used for bigger trophies and awards to be given at a banquet. The Recreation Direction Director is on board to do some programs at the track for the kids. The National Bicycle League will set him up with a pro that is well-known in this area and they will do a free day of training. There are some free licenses for underprivileged



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kids. Hawkins asked how the dirt bikes and four-wheelers will be kept off the track, as well as controlling the noise. Janvrin said if an application is not required there should be a stipulation that the abutters have to be notified. Foote said by statute the Planning Board would have the right to notify abutters, but construction projects even the water facility project had to come before the Planning board for an official public hearing. Hawkins said it wouldn't be right to allow development on town land without letting abutters speak. Kimball agreed, saying he had spoken to many of them. Foote said abutters need a certified notice about when to attend. Janvrin asked if this could be an expedited application. Moore thought it could. Foote said this proposal meets the intent of an expedited application. [Foote noted there are recommendations to reconsider the criteria for expedited applications.] Except for the out-of-pocket costs the fees could be waived.

Janvrin wanted input from all department heads. Hawkins referenced the criteria for expedited applications and said they were met. Foote noted these are temporary structures and the asphalt is already there. The tower for the announcers would be of wood, Hawkins noted that the liability issue would be for the Board of Selectmen.

<b>Motion:</b>	<b>Janvrin</b>	<b>to allow the proposal for a BMX facility as presented to the Planning Board on April 6, 2010 to return as an Expedited Application.</b>
<b>Second:</b>	<b>Kelley</b>	<b>Approved: Unanimous Abstained: Moore</b>

### MINUTES OF MARCH 2, 2010 AND MARCH 16, 2010

Foote asked whether members had had the opportunity to read these minutes. Thibodeau asked that she be listed as present on March 16, 2010. Kravitz said that Morgan should have been listed as absent on March 16, 2010. Hawkins called attention to certain blanked lines on a March 2 page. Kravitz said that was a computer glitch but the minutes were uninterrupted.

<b>Motion:</b>	<b>Moore</b>	<b>to approve the Minutes of March 2, 2010 with Thibodeau listed as present.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Foote, Hawkins, Thibodeau, Moore, Abstained Kelley, Fowler, Janvrin;</b>

<b>MOTION:</b>	<b>Moore</b>	<b>to approve the Minutes of March 16, 2010, indicating that Morgan was absent.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

### SECURITY REDUCTIONS AND EXTENTIONS

There being none.

### CORRESPONDENCE

Foote referenced a letter from Rockingham Planning Commission indicating that the membership payment for the next year is due.

<b>MOTION:</b>	<b>Foote</b>	<b>To pay out of the Planning Board appropriated budget its share of the Town's membership dues to the Rockingham Planning Commission.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Foote, Hawkins, Kelley, Moore, Fowler, Janvrin;</b>



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	<b>Opposed: Sanborn;</b>
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Footo referenced the **notice for the Spring Conference of the NH Office of Energy and Planning**. Members interested in attending should contact Kravitz to make the arrangements.

Footo referenced the **letter from the Rockingham Planning Commission indicating that Robert Gossett's term had expired and asking the Planning Board to nominate a commissioner**. Morgan indicated that the Planning Board nominates someone and the Board of Selectmen appoints a Commissioner. Footo thought it was very important for the Planning Board as well as the Town to have RPC representatives, and that in her experience it was more beneficial to have someone who was either a member of this Board or the BOS for continuity and reporting back. She did not think that Gossett had ever visited with the Board. Footo noted that Selectman About Khan is a Seabrook Commissioner. Khan said he had reported to the Planning Board and also to the BOS when there is open discussion at the end of its meetings. He is also a member of the Executive Committee where RPC organization and budgets are discussed.

Khan announced that Seabrook is hosting the May RPC meeting as it did last year, and said this would be an open meeting where everyone is invited. Representatives of many towns in the region will attend. He thought it would be particularly helpful for Board members and others active in the Town. Kravitz said the date would be the second Wednesday in May. Moore said anyone interested in wanting to serve as a commissioner should send a letter to the Planning Board and then it would go to meeting the BOS. Kravitz noted that Khan had been very generous at RPC and at last year's meeting. She thought one topic for the May meeting would be the Adaptation Study which RPC did for Seabrook. In a follow-up to the Planning Board March 2 meeting, Theresa Walker was asked to contact the Town Manager to see if that presentation concerning sea level rise could be made for department heads. That meeting has been scheduled. Additionally, at Moore's request Kravitz had checked with RPC as to who was representing Seabrook on the Transportation Advisory Committee. It was confirmed that Norman Brown was the TAC representative and would be receiving the mailings. She added that Francis Chase, an alternate commissioner from Seabrook, sometimes attended those meetings and this might have caused confusion.

Khan noted PC's Executive Director had attended the Salisbury discussion earlier in the meeting. Footo said that in past years RPC hadn't done much for the Town which she believed happened because the Town hadn't really communicated with them so see how Seabrook could benefit. Over the past three or four years RPC had done quite a few projects for the Town including assistance with the Master Plan. To date neither the Planning Board nor the Town had been charged for additional work; this was one benefit for being a dues paying member. Footo said that the Conservation Commission had paid \$5000 toward the Adaptation plan because ConCom had initiated that contract and the Planning Board received the benefits.

Footo referenced a **letter from Altus Engineering re the Case #2007-11 Beckman Woods subdivision indicating that there was now agreement about handling the culvert issue**.

Footo referenced a **letter from Robert Ahti re a culvert on Dows Lane that was not installed according to the approved plans**. There had been reports of extreme flooding on adjacent properties. He requested that at this time the Planning Board take action to secure any and all funds held by the Town as security for the project and cause the culvert to be installed. The security is an activity money market account which the Town could draw upon. Footo recalled that this had been done a few times with former Treasurers and was not sure of the procedure; however the Planning Board would have to initiate this with a motion to instruct the Treasurer, Finance Department, CEO and BOS to coordinate obtaining those funds and utilizing them to repair the deficiency. Janvrin referenced the meeting of November 1,



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2005 which indicated the security in re the culvert was \$5000 and thought that would be the correct figure to pull for the box culvert.

Foote thought that in prior such situations the owner had been sent a letter giving ten days to come into compliance and maintain their credit rating.

<b>MOTION:</b>	<b>Foote</b>	<b>To encumber \$5000 for the repair of the Dows Lane box culvert.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

Foote called attention to the attorney-client privileged communication re the litigation in the Supreme Court emphasizing that it was confidential and not public knowledge. If someone wants to know about it they can consult the court records. Kravitz added that the fee for the transcript had been paid.

## **PUBLIC HEARINGS**

**#2009-25 – Proposal by Charles H Felch, Jr. and Vicki Felch, by means of lot line adjustments and subdivision, to expand three lots to six lots at 118 Centennial Street and Linda Lane, Tax Map 13, Lots 4, 8-6, and 8-7, continued from February 23, 2010;**

Foote referenced a request from Henry Boyd of Millennium Engineering for a continuance of Case#2009-25 Felch, due to the recent rain storms the wetlands work was delayed. Foote continued Case #2009-25 to April 20, 2010.

**Case #2010-01 – Proposal by Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64.** Foote referenced a letter from Wayne Morrill of Jones & Beach Engineers requesting a continuance for Case #2010-01. Kravitz said this resulted from the applicant’s changing the Technical Review Committee date. Foote said that the continuance to April 20, 2010 had already been granted – this was the written request.

**Case #2010-07 – Proposal by Alfred Janvrin, Jr., James Bolduc, and Frank Catapano for a condominium conversion at 44-46 Parkersville Lane, Tax Map 16, Lot 32-1.** Attending: Alfred Janvrin, Jr.; Frank Catapano; James Bolduc;  
Appearing for the Applicant: Attorney Craig Salomon, Christian Smith, engineer;

Salomon said he represents the project; he thought Janvrin had been at the meeting earlier. He introduced Catapano as the principal purchasing the property from Janvrin. He said the Case #2010-07 & 08 proposals were to create two condominiums each on property that was approved in 2008 and recently signed-off and recorded. He said the plans had been revised according to Morgan’s March 14, 2010 memorandum and the package brought to Town Hall although not given to Kravitz and were not found. Salomon said he then spoke with Morgan who agreed to review that package over the weekend and left a voicemail for Salomon as to his findings. Salomon handed out revised plans that he said comprised the revisions requested in Morgan’s memo and voice mail. Kravitz noted that plans would have to be logged in. Foote said Board members should return the plans after the hearing.

Salomon said the one item raised in Morgan’s March 14 memo was for non-motorized vehicles to be guaranteed public access along the old woods road. Salomon said he had submitted revised deeds for Parkersville I which clarified that that easement is for the public, as well as the Stormwater Maintenance Plan signed by Janvrin on March 23. As also requested in Morgan’s March 14 memo, Salomon said had also submitted the certification that the condominium documents are in compliance with the RSA 356 B and the town zoning ordinance, and had added a paragraph that responsibility for maintenance, operation and replacement of utilities is spelled out in the condominium declaration and each unit would have a proportionate share. The utilities shown on the subdivision plan have been added to the condominium



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plans. At Morgan's suggestion a notation that the status of the woods road was unknown had been deleted. The approval signature line was added above the title block, and the street numbers had been included. He asked that the placement of the revision block at the left of the title block be waived or made a condition of approval.

Salomon said the final issue was the most difficult. The original plan submitted by Francis Chase said that the driveways would be gravel or bituminous. The note on the condominium plans said gravel or bituminous. They have asked their engineer to explain in a letter why the difference between gravel or bituminous is the equivalent of a drop of water in a bathtub. He asked if a letter from Mr Smith was in the file; Kravitz said it was not and that Morgan may have it. Salomon distributed the Smith letter. Foote said to give a minute for the Board to read the cover page. Smith said that Catapano had asked him to input the proposed data from the drainage study prepared by Civil Construction Management. They looked at the remaining gravel areas as if they were paved. They found that the gravel drive is such a small area compared to the overall catchment. Smith recited the various pertinent figures and said the overall runoff numbers did not affect the peak flows for any of the three storms calculated. Those drainage peak flows would remain the same as if they were the approved gravel. Additionally, Smith said with the drainage management plan in place it did not appear that the small area of gravel being paved would be environmentally detrimental.

Thibodeau noted that a recent storm was 13.1 inches of rain and a previous year brought 22 inches of rain and asked if Smith had looked at those situations. Smith said they reviewed the three required storms by ordinance. Thibodeau questioned that. Smith said a fifty-inch storm in Seabrook is 5.1 inches of rain over 24 hours he did not see an increase if there wasn't one at that level. Foote recalled that Mike Fowler reviewed an initial storm water drainage analysis submitted by Chase and noted that it did meet the criteria and had more run-off after development. That's when Chase said he would not pave the driveways which brought him down below the run-off numbers. Now a different engineering group is recommending pavement and the numbers may differ. She recommended using porous asphalt. Garand asked if these plans would go to the technical review committee. Foote said historically condominium conversions of existing plans haven't gone to TRC.

Garand said there had been some issues re water and sewer installation and shut-offs. Foote said these plans had just come in at this meeting. Garand asked if it is usual to look at plans that don't come in until the meeting. Foote said recently that hadn't been done, but the applicant is at the meeting with his entire team and they are owed the courtesy of being allowed to talk. It did not mean that a decision would be made at this meeting. Garand said the plans should be accepted as complete for review so the process could proceed. His issue is that his office has not seen this plan.

Usually he has plans in time to see if they meet the criteria for shut-offs and right-of-way and Morgan has the chance to look at deeds. Salomon said the utilities on the condominium plan are the same as on the approved subdivision plan and their engineer has stamped it. He asked Smith if he would be ok with the suggested pervious building material. Smith said they usually don't use this as it requires maintenance. Garand added that it doesn't stand up to the wear and tear. Smith noted it would be especially so with three houses sharing one driveway.

Salomon said this was a little unusual but they did try to get the revisions to the Board. However, Catapano's marketing plan, which is not the Board's concern, includes taking advantage of the first time buyers tax credit. To do that he needs agreements on the units by April 30 and have the building done by June 30. It is a condo conversion that hasn't really changed anything from the subdivision approval, and all of Morgan's comments have been addressed. He asked that the Board take jurisdiction and give an approval – the issues would be the title block which could be a condition of approval, and the paving of the driveway. He would check with his client but believed they would abandon the paving if there is an approval, and then give the tech review people the chance to review the plan and make changes down the road, if necessary. The primary concern was to move forward.



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Foote said the first step was acceptance. Moore asked for Morgan’s view. Morgan said the application was administratively complete; the only issue was the driveway. Jason Janvrin recused himself from this case as it involved his cousin.

<b>MOTION</b>	<b>Moore</b>	<b>To accept Case #2010-07 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Foote, Hawkins, Moore, Kelley, Fowler, Sanborn; Recused: Janvrin</b>

Smith said that in addition to the gravel driveways they also introduced the infiltration of the roof edge; he would have no problem in having the planning Board engineer look at this. Foote thought there was very little difference between a gravel packed driveway and paved permeability when you compare it to forest land that is like a sponge. From the conservation aspect, pavement doesn’t get hit hard by the rains that wash off fine silt while gravel has to be brought in and spread. However, she thought the Planning Board engineer was owed the courtesy of another look at the calculations. She asked how the Board felt about this. Moore thought there was not much difference with hard packed gravel. Foote said in the long run gravel was more detrimental to the adjacent wetlands. She asked if they wanted to take the extra time and expense to have the Planning Board engineer review at this time. Thibodeau thought the first time homebuyer credit was to be continued. Moore asked where the power was on the plan. Smith said it was overhead with Unitil. Moore asked where the poles were located. Smith said one pole would be added but they hadn’t heard back from Unitil.

Hawkins asked if the driveway was the only issue, and if there was anything to say this should go back to TRC. Foote noted the sewer manholes and shutoffs, and reminded that the plan was for both Case #2010-07 and 2010-08, so each of the lots would have 2 condominiums. She understood that the comments and descriptions re driveway pavements obviously apply to both cases. Foote asked if Garand would feel better reviewing the plan. Garand said that could be part of the conditions so that assure that water, sewer and his office had the chance for review. Foote asked if Garand was willing to have a conditional approval pending Morgan’s review of the changes and assurance of the condominium regulations and Garand’s review to be sure that all necessary utility call-outs were properly on the plan. Morgan said he had already reviewed the one page of regulations concerning the required submittal for a condominium plan; the pavement is the issue. Foote said the only issue is whether the Board would decide to accept pavement rather than gravel.

<b>MOTION:</b>	<b>Moore</b>	<b>to approve Case #2010-07 Alfred Janvrin, Jr., James Bolduc, and Frank Catapano for a condominium conversion at 44-46 Parkersville Lane, Tax Map 16, Lot 32-1 in so far as it meets the statutes of the State of New Hampshire and the regulations of The Town of Seabrook, conditioned on the approval of the Code Enforcement Officer and the provision of the case mylar.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Foote, Hawkins, Moore, Kelley, Fowler, Sanborn; Thibodeau; Recused: Janvrin</b>

Foote said the plans needed to be logged in and Garand would see them on April 8, 2010.

**Case #2010-08 – Proposal by Alfred Janvrin, Jr., James Bolduc, and Frank Catapano for a condominium conversion at 48-50 Parkersville Lane, Tax Map 16, Lot 32-2.**

Attending: Alfred Janvrin, Jr.; Frank Catapano; James Bolduc;  
 Appearing for the Applicant: Attorney Craig Salomon; Christian Smith, engineer;



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Salomon said the only difference between this and the immediately prior case was that Case #2010-07 has the Woods Road easement open to the public.

<b>MOTION</b>	<b>Foote</b>	<b>To accept Case #2010-08 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Foote, Hawkins, Moore, Kelley, Fowler, Sanborn; Recused: Janvrin</b>

<b>MOTION:</b>	<b>Moore</b>	<b>to approve Case #2010-08 Alfred Janvrin, Jr., James Bolduc, and Frank Catapano for a condominium conversion at 48-50 Parkersville Lane, Tax Map 16, Lot 32-2 in so far as it meets the statutes of the State of New Hampshire and the regulations of The Town of Seabrook, conditioned on the approval of the Code Enforcement Officer and the provision of the case mylar.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Foote, Hawkins, Moore, Kelley, Fowler, Sanborn; Thibodeau; Recused: Janvrin</b>

Salomon asked when Garand would have this plan. Foote said the Planning Board office would be closed on Wednesday and Garand would have the plan on Thursday. Jason Janvrin resumed his seat.

### ORGANIZATIONAL MEETING

#### CONSIDERATION OF ALTERNATES

Foote said there were two requests for Alternate positions on the Board. There could be as many as five. Currently Thibodeau and Garand are alternates. Foote referenced letters from Mike Lowry and Paul Himmer requesting to be appointed alternates to the Planning Board. Foote recommended accepting both requests.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to appoint Paul Himmer and Mike Lowry as Alternate Members of the Planning Board for a term of three years.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Unanimous</b>

Kravitz noted that Thibodeau's term would be expiring later this year.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to reappoint Bette Thibodeau as an Alternate Member of the Planning Board for a term of three years.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Unanimous</b>

### ELECTION OF OFFICERS

<b>MOTION:</b>	<b>Foote</b>	<b>to nominate Donald Hawkins as Chair of the Planning Board.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous Abstained: Hawkins</b>

<b>MOTION:</b>	<b>Moore</b>	<b>to nominate Susan Foote as Vice Chair of the Planning Board.</b>
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<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous</b>
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### **EXPEDITED APPLICATIONS**

The Board discussed various aspects of Expedited Applications.

Footo referenced the April 6, 2010 memorandum re Expedited Applications and Procedures and called attention to certain related minutes. She said that the intent of expedited applications was always understood by Board Members, but it is not clear to the public. Some of these applications that are being submitted are not appropriate for an expedited procedure; this angers applicants who must resubmit a full application. Footo said the purpose needs to be more explicit: (i) no discernable impact on abutters, (ii) no adverse impact to the public...environment; and (iii) no building expansion. It is not meant for a lot-line alteration – one has been submitted. Morgan said that the expedited provision was only adopted into the site plan regulations; lot-lines are under subdivision regulations and it is not correct to attempt to use the expedited process. Hawkins asked if that would exclude lot-lines from the expedited process. Morgan said it would. Hawkins said some definitions are needed to address this, but noted that even then other aspects will surface. The Board should think about providing flexibility to avoid having to consider every possibility in the future. The intent was to speed up the process where a major review is not necessary. The language should be reviewed with that in mind. Footo said the applicants engineers should communicate with the Town Planner and CEO if there are questions about whether a proposal is appropriate for an expedited application. Some have been submitted in an attempt to pressure the Board to act quickly because their client wants to get the project done.

Janvrin asked if it were normal for someone wanting to do a project to come for an informal discussion. Footo said very seldom. He noted that during recent informal sessions the Board agreed that something could be submitted as expedited. Hawkins said perhaps there should be a “pre-approval” of the building inspector or the town planner, who could say it doesn’t meet the requirements, before someone submit an expedited application; ultimately it will be the Planning Board’s vote. Then the Board wouldn’t have to argue whether it should or shouldn’t be expedited. At least there would be someone recommending something as expedited. Garand said common sense goes a long way. He looks at a change of use that doesn’t impact the neighbors or be a burden on the system. For example there is a change in restaurant space for non-profit gambling which will be coming in with his recommendation under an expedited application. But the Board has to look at whether this should be expedited because it is changing the intensity of the space even though it isn’t doing anything to the exterior or occupancy of the building. There is no way to know what applications may come forward to try to circumvent the full process because it is quicker and less expensive to use an expedited process. The intent is to avoid bogging down the system but sometimes it doesn’t help. The property still needs to be reviewed.

Garand said that it was important to keep notification of abutters in place before cases are discussed. Additionally, plans should be in place on the deadline; if plans are not there they should not be heard. Referencing the earlier condominium case, he said if the plans had been in on time he could already have reviewed them. The Board is put at a disadvantage when an applicant tries to push it for a decision. That applicant is now stuck with four condominiums that are exactly alike. Perhaps Morgan did not have the chance to catch an oversight. Footo noted there wasn’t even an outline of the house. Garand added that the common area wasn’t depicted. Morgan said those plans were submitted in several different rounds. Garand said that is a problem. Morgan said the common area was there, although hard to find. Garand said plans should be more closely looked at; how can the Board do this when a plan is put in front of them that quickly. Garand asked Morgan if he had seen the plan presented to the Board at this meeting. Morgan said he saw the last rendition last Saturday. Hawkins said he wanted to hear these comments during the discussion before the vote. He could have voted no.



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Garand said if the Board held steady with every applicant that wouldn't be an issue; it could have been said that the plans were not here on time and the case continued to the next meeting. Everyone should be treated the same and engineers should not think they can come into a hearing every time for special treatment. If it is allowed once they will do it the next time. Garand wanted firm rules that everyone has to live with so the process goes smoothly. Foote noted they said they had delivered the plans but they sort of got lost in the process. Kravitz said the record needed to be corrected, referencing a memo she had written to Attorney Salomon after receiving a letter from him that was in the file. Salomon's letter had stated that plans were delivered to Tom Morgan on March 26, although Morgan was not in the office (Town Hall) on that date. Kravitz and Morgan had turned the office upside down on Thursday (April 1) without finding any new material for this case. Kravitz said when there are misstatements of fact the record needs to be corrected.

On April 1 Morgan called Attorney Salomon [about min-morning] and explained that we had no recollection of receiving the plans referenced in his letter. Her recollection was that Attorney Salomon said he would check on this. Morgan said that Salomon was fairly certain that the package was delivered. Kravitz said

At about 3:50PM Bolduc arrived with a package and wanted it to get to the Board. He was told that the packets had already been done; nothing could be added.

Foote said that regardless it was submitted on Thursday when it should have been submitted on Tuesday – so it wouldn't have qualified. Foote said that because nothing was said she took them for their word that there was a mess-up somewhere in Town Hall. If no one says anything, how would they know. Garand said it wasn't in the packet that Kravitz sent out, why would the Board review it. If [the package] had been submitted in a timely fashion it would have been in everyone's packet. If it wasn't there [in the packet] the Board should not have reviewed the case. The Board should stand firm on the rules. It's making it a hard decision for the Board and everyone else. That's how there is trouble when a decision is made before things are reviewed fully. Moore said the smaller proposals need to be looked at. For example: if someone wanted to add a 4"x8" smoker; there's nothing wrong but it has to come before the Planning Board and go through the whole process and time delay. There has to be some judgment in the field so as not to stack up cases with every "bump-out" and air conditioning unit outside of the house. Garand said then the problem is with commercial and industrial when an abutter puts in a complaint and there is no leg to stand on. If there is a complete application there isn't much that doesn't get covered during the process. Moore said there has to be some common sense. Garand said it is like the convenience stores coming back after the approval for signage which should be called an incomplete application. Foote said there is a line on the full application for changes to an approved site plan and that is where the [signage] proposal should have come in. Garand said it was insufficient information to begin with.

Kelley said to take this as a learning opportunity going forward. The Board should get the plans that are [timely] submitted or the case should be continued. Hawkins wanted that to apply to reading materials and memos that don't make the packet, which he goes out of his way to get early, but then there are five more memos at the meeting. If all of the information is not in the packet, the case should be continued. He thought applicants would fall into line quickly if cases are continued. Garand said if they are turned down once, they will follow the rules the next time. Hawkins wanted to think about this, and also consider a pre-approval process with Garand or Morgan will save a lot of meeting time energy. Garand said this is applicable to commercial/industrial/non-residential. He directs people toward the expedited application in anticipation of complaints down the road where people say they have not been treated the same as others. Hawkins said the point of the expedited process is the abutter notices to let people know about something next-door, even if it is minor.

Kravitz called attention to the lot-line application that came in as expedited. When the application was submitted she had explained that she wasn't sure a lot-line could be done as expedited and would consult with the Planner. After speaking with Morgan, she called the applicant with Morgan's message that there is no provision for a lot-line adjustment to be processed as expedited, however he would bring this up at



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the Board meeting. The people were told that the package, including checks, would be held until the Board had met. Kravitz asked whether, in a case like that, the package could be used for the full application with the additional fees paid. Foote said to return the whole package and they can resubmit a full application. Kravitz asked if she had the Board's permission to do that after consulting with the Planner. Foote said that part of the problem is that the secretary does not have the authority or the leeway to refuse a submission; only the Board or potentially the Planner could do that. Hawkins thought Kravitz had the authority to tell a potential applicant that the submission does not meet the requirements and the Planning Board would reject it. They can leave the package or not. Hawkins said the Board gets into trouble when it makes too many exceptions. Rather the Board should change the regulation if it wants to allow exceptions. If not, stick with the regulations. Sanborn pointed out that if an exception is made others will want the same. Garand said waivers are submitted with applications. Hawkins says this takes common sense; some things need to be allowed but not everything. Document submission is a really good start to getting people to follow the rules, and will be a lot easier on the Board. Kelley agreed.

Foote called attention to letters addressed to the CEO re Dows Lane and Timber Court. She thought the Dow's Lane matter had been somewhat resolved, and that they would try to resolve the Timber Court culvert excessive water issue. Garand said the expansion of the rest area might have an impact and he would check that detention pond out. Foote said there had been changes prior to the Mother's Day and Patriots' Day storms. Garand said the flooding had occurred since that time. Moore said there is a really big detention pond. Garand said if one side had washed out it could be impacting the abutters. Foote said the flow into that pond would be the problem - from the side that drains down to Cains Pond which has already had a blow-out around the overflow. Letters have been written to the NH Department of Transportation about the state taking care of poorly designed and maintained detention ponds. About 75-100 cubic yards of sane washed into Cains Brook four years ago; it hasn't been cleared out yet. Janvrin asked if there is a town easement to go in and fix it. Foote said there is not. Moore said the town is preempted. Foote said they are trying to have the DES Wetlands Bureau to fine NHDOT but have no authority. Garand said he would go with Foote for the spring check-up of the area. Additionally, Foote noted that the Greenleaf Whittier area drainage into Mary's Brook could also be affecting this. She thought that during the last two rain storms there wasn't any place in the Seacoast area that didn't have flooding problems. She said her 2 ½ acre field was a lake for three days, stretching across five yards. She'd only seen that once before. Thibodeau thought it interesting that Route 286 is a town road in Massachusetts, and a state road in New Hampshire. That's why the Routes 286/1 intersection is always such a mess. However, her property now has drain pipes.

### **OTHER BUSINESS**

#### **Further to Cases 2010-07 08 Parkersville Lane**

Garand said in his review of the revised plan, he found an incorrect reference to a previously recorded plan. Salomon said they would change the note and bring the floor plans with the condominium papers. He said that Catapano didn't want to close without a signed plan and they would submit the [revised] plans including floor plans, and the condominium papers. Garand said it could be done as convertible condominium regulations called out with the state. Morgan concurred and said that recording is done by the Planning Board office. He noted that the drainage calculations etc were on the prior plan. Also that the floor plan, site plans and condominium documents are recorded at the same time. Salomon said he is an expert on condominiums and that the Planning Board's jurisdiction is limited to site plans in re condominium conversions and they can't discriminate. Morgan said that the town counsel had constructed the regulations. Salomon asked if they could amend the condominium papers. Morgan noted that surveyors can incorporate floor plans into the mylar. Catapano was concerned that the home-buyer tax credit would expire and said he needed plans filed now. Morgan said the Board would want to follow the same procedure [in these cases] as it did with others. He noted that the revision block should be to the left of the title block.



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Salomon said they would correct the plan number in Note #8, and declare convertible land and change the condominium documents accordingly. Catapano said they would site the houses when they are working on the site. Salomon said they would deliver the mylar with the changed note #8, and amend the condominium documents to show four convertible lands. He said the [condominium] mylar needs to be recorded before 30 days and would send an email to the Board indicating that the applicant would assume all risk. He noted that the subdivision mylar had been recorded. Morgan said he did not have a problem with this but it was up to the Board. Garand noted that he cannot sign the building permit until after the Public Hearing for water and sewer, and recommended they start that right away. The pre-construction meeting should be set as soon as possible; the security would be \$27,400.

Foote closed the meeting at 10:15PM

Respectfully submitted

Barbara Kravitz