



Town of Seabrook Planning Board Minutes

Tuesday, August 2, 2011
NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Vice Chair; Jason Janvrin; Dennis Sweeney; Elizabeth Thibodeau, Robert Moore, Ex-Officio; Francis Chase, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Donald Hawkins, Chair; Robert Fowler; Paul Himmer, Alternate; Michael Lowry, Alternate;

Foote opened the public meeting at 6:35PM

MINUTES OF JULY 12, 2011

Foote said the July 12, 2011 Minutes had been held at the last meeting and asked for comments or corrections. Thibodeau said that on page 1, bottom paragraph paving should be changed to catering; on page 14 paragraph 2 the Sentence should read: Salisbury doesn't plow on the Route 286 Bridge; and page 25 bottom paragraph should read Hampton Urban Compact.

MOTION:	Moore	to accept the Minutes of July 12, 2011 as corrected.
SECOND:	Thibodeau	Approved: Unanimous

Foote held the July 19, 2011 Minutes to the next meeting.

SECURITY REDUCTIONS; EXTENSIONS

Case #2004-49 – Almena Way.

Foote read a letter from John Starkey, the DPW Manager, dated July 1, 2011 stating the following:

“Please be advised that this writer believes the as-built has a flaw. In as much as additional drainage work from the existing detention pond in the vicinity of the spillway was required; I believe, as a minimum, this work should be at least acknowledged by a note on the plan referring to the other drawing Boyd did. Or show a matchline at the spillway and reference the other plan there”.

Foote said that this was a good idea because if someone goes by the original plan for maintenance work on the detention pond or spillway the work done at that location would not be showing. It should be corrected to show what is actually there, or somehow matchlined and recorded on the new drawing as to what is actually there. Chase said he had done the work on private property and that the DPW Manager had approved the Boyd plan. Foote said as far as being able to follow it through the years, the as-built drawing is supposed to show as built, not as approved by the Planning Board. Chase said the correction was done on private property. . Foote noted that as-built plans are not recorded. Chase thought that when the DPW Manager accepted the plan done by Boyd, that was sufficient; it was done on the other lot. Janvrin asked if this was a requisite for acceptance as a town road and thought that had already been approved. Kravitz said the approval was subject to the Sewer Superintendent's ok; that had been submitted. At the same time it was sent to the department heads. The letter is Starkey's response. Foote asked Morgan to suggest a solution. Morgan thought it would be fairly easy to satisfy Starkey.



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Foote said at the minimum this work should be acknowledged by a note on the plan referencing the other Boyd drawing, or show the match line at the spillway and reference the other plan there. Janvrin asked if this would be more appropriate in the Stormwater Management Plan. Kravitz noted that Boyd had provided the as-built. Chase pointed out the location of the area in question, and said another pipe tied into the catch basin up the street. Janvrin asked if the flow goes there. Chase said it pretty much did. Foote thought that what Starkey wanted was referencing that pipe so that in the future when it requires maintenance they will know that it does not stop at the spillway but goes further. Janvrin asked for the Stormwater Management Plan to see if it was referenced there. Chase said this work was done long after that. Foote thought the resolution would a note on the as-built referencing the other plan so people will look further. She thought the plan that Boyd did was for the other lot that was subdivided off of the main lot. It has a drainage swale that runs across it to piping onto Walton Road. Kravitz asked if it would have been in the Case #2004-09 file. Foote said it would be in the case for the lot that abuts Walton Road – a simple two-lot subdivision at the homestead and what was the wooded lot beside that. Kravitz said it would take research to find the related case. Chase did not think there was reference in the subdivision case. There was a problem, and they took care of it. Boyd did all the surveying.

Chase said that Starkey agreed to it. He thought probably a reference note on the as-built was the thing to do and reference the plan that was in the Public Works office. Foote said to attach a copy of that plan, because if the town will be responsible for the maintenance of the stormwater drainage, they need to know what happens when they get to the other side of the lot. Foote said this could easily be rectified by somehow linking the two plans together. Kravitz asked if this would be done on a revised as-built. Janvrin asked if Starkey wanted the as-built to be recorded. Foote said that as-builts are not recorded, and again stated Starkey's position in the letter. Foote noted that the Sewer Department was satisfied. Other than referencing the two plans together, she though Almena Way could finally be resolved. Foote asked if the Board wanted a vote, or just a direction from the Planning Board to instruct Boyd to make sure that those plans are well cross-referenced with a plan of the revisions to the spillway stapled to the as-built plan in the file.

Case #2002-37 Irene's Way – Bond Reduction

Foote referenced a letter from Henry Boyd Jr of Millennium Engineering, re Unitil placing the electric lines on top of the water lines. Foote said it has always been a problem that when a plan is approved the Board doesn't approve where the electric line is; the utility company decides that, after the fact. Boyd met on the site with Curtis Slayton. Paul LePere is looking to reduce the security on the approved 2003 Case # 2002-37. At the time, Unitil had not yet determined where the electric lines would be placed. Boyd thought the situation wasn't quite as bad as originally thought; as the line appears to be installed 4-5 feet to the east of the water main. As the electric line is above the water line it may still be wise to cut the power in the event that the water line needs to be repaired. Kravitz said that Boyd delivered the letter that day as he wanted to keep the Board informed. The security reduction checklist, which LePere had obtained, has not yet been returned to the Planning Board office, so this is still in process.

Foote said the Board will have to be aware of this issue and decide how to proceed. Moore said the electric line should be shown on the original subdivision plan, and asked why there is a deviation, if it was laid out properly in the beginning. Chase asked if the line was encased in concrete. Foote said it did not say. It seems to be running parallel within 4-5 feet down the same side of the road. Foote said there must be plenty of bold text notation on any as-built plan warning that the electric line is next to the water line. She did not know what the legal separation or sleeving regulations are. Garand said any change from an approved plan takes something in



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writing to the Planning Board. This is something after the fact, and is a big issue. Changes should have the ok of the department head, and the security should be reviewed. Foote said the developer brought Unitil onto the site and allowed the placement without mentioning that there was a water line there. Thibodeau thought this a ridiculous situation. Janvrin said if it doesn't adhere to the original plan, it shouldn't happen without a request to amend the plan so the Board can discuss the detail. Foote said sparks above the water line don't bode well. Thibodeau said they do what they want to do. Chase wondered if there was a rationale. Moore said the lines go downhill; there might be technical reasons [for the placement]. Janvrin asked for the procedure requesting this to come before the Board. Foote said that because of what had been encountered with other subdivisions that didn't follow approved plans, the Board should request that LePere come to the Board with an Application to amend an approved site plan, and showing where the utilities actually are.

MOTION:	Thibodeau	to inform Paul Lepere that the Planning Board requests the submission of an application to amend and improve the Case # 2002-37 approved plans, showing the actual location of the utilities.
SECOND:	Janvrin	Approved: Unanimous

CORRESPONDENCE

Case #2011-03 Demoulas south

Foote referenced Morgan's memorandum re the proposed option deed and agreement for Boynton Lane prepared by Attorney Ari Pollack: Foote read Morgan's memo dated July 31, 2011 as follows:

- 1) **The easement deed and accompanying plan (Exhibit A) and Legal Description (Exhibit B) are satisfactory in every respect.**
- 2) **Paragraph 2 makes reference to the siteplan "*dated November 29, 2010, last revised June 30, 2011.*" By the time this agreement is signed, the last revision will be subsequent to June 30, hence the word "*last*" should be deleted.**
- 3) **The last words of paragraph 2 reference an anticipated recording of the site plan at the Registry of Deeds. In general, the Town does not record site plans. If the Planning Board determines that this site plan will not be recorded, then the reference to same should be deleted from the Option Agreement.**

Foote said at the very least the page on the siteplan sheet that indicates where the easement will be, should be recorded.

- 4) **Paragraph 3 sets a deadline of September 1, 2016 for the Town to extend Boynton Lane. I recall no such discussion at the Planning Board meetings, nor is there any reference to a deadline in the minutes of July 12, 2011. In fact, stipulation #11 reads as follows: (xi) *the applicant shall submit a Memorandum of Agreement guaranteeing that the right-of-way depicted in the aforementioned site plan shall be transferred to the Town of Seabrook at such time as the town decides to connect Boynton Lane with Liberty Lane.*" As you can see, the stipulation is open ended. There is no deadline. Accordingly, the words "*on or before September 1, 2016*" *should be struck from the Option Agreement so as to maintain consistency with condition of approval #11.***



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Foote agreed with Morgan. She did not recall discussions about an end date, nor were there reference to any deadline in the Minutes.

5) The town's signatory should be identified beneath the signature line by name and title, i.e. Chair, Board of Selectmen."

Foote thought the purpose of bringing the memo before the Board was for the board's knowledge and approval to send the memo forward to the Board of Selectmen, the Town Manager and appropriate attorneys who must review it; also to Demoulas. Kravitz asked if it should go to Demoulas first for their response. Foote and Morgan agreed. Morgan said that if the Board agrees that there was no deadline mentioned, that should be conveyed to Demoulas. Janvrin recalled a discussion about a recorded mylar, and asked if this had to be on it. Morgan said they anticipated that. The document is a contract and a deed, and there is a drawing attached which he thought was a nice job, so another additional plan would be unnecessary. Kravitz thought that the Registry might not record the drawing. Morgan said they would. The drawing was a lot less cluttered than the siteplan pages. Chase asked if their intent was to limit the term. Morgan said that their document states that if the town doesn't extend Boynton by 2016, Demoulas would keep their land and not give anything to the town. Moore said that hadn't been discussed at all.

Foote said there was unanimous consensus that the Board does not agree with the sunset of 2016. Janvrin asked about Morgan's other comments. Morgan said they were minor, and anticipated that the Board would not record the site plan which generally it does not. Unless the Board wants to record the site plan, that language should be removed. Janvrin asked if the mylar would reference the easement on it when recorded. Foote said the mylar would not be recorded, only the easement. The plans for construction wouldn't be recorded. Janvrin thought the as-built would be recorded. Foote said as-builts don't get recorded either; they are for the town files. It is the Board's consensus that their memories concur with Morgan that there was no sunset clause discussed. Janvrin asked about correspondence. Morgan said that Kravitz would send a copy of his memo to them. Kravitz would make note of the Board's consensus when the memo is sent.

Case #2010-24 Eaton - 33-35 Gove Road subdivision

Foote referenced a memo from the Town Planner re Case #2010-24. Kravitz said that Ivan Eaton Jr has requested a security reduction for the work he is doing on the Jean Drive extension. He has yet to pick up the package that steps him through everything that is required. Morgan's memo dated July 31, 2011 indicated that revised deeds for the parcels were needed that mention water and sewer easements. She thought the Stormwater Operations and Maintenance Plan hadn't been received. Morgan said it was submitted but not signed to show who is responsible. Foote thought that since Eaton had not picked up the package including the Planning Board engineer's costing for the security, he did not realize all the other paperwork that is involved in getting the department signoffs etc. Kravitz said that Eaton had previously received copies of the engineer's memo and recently had a potential contractor ask for it again. Based on the DPW Manager's memo a copy of the engineer's memo was sent to that department. There is not yet a letter from Eaton requesting a reduction in the security amount. This began when Eaton told the Planning Board office that he wanted to post security but said it was too high a number, as some work had been done.



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Foote also noted the reference about the extension. Kravitz said the 180 day period stated in the Notice of Decision would need to be addressed. Morgan said that one of the subdivision regulations states that if the job is not completed in 180 days, an extension should be requested. Kravitz thought the Board wanted to make the period one year. Foote agreed. Kravitz said others had received this relief. Janvrin asked if the extension had been requested. Kravitz said it had not. Morgan said [the letter to Eaton in the packet] tried to give him some guidance as to what needs to be done. Foote said the letter going to him should remind him about the extension. Kravitz said the letter in the Packet does reference this. She asked if the Board wanted the Packet sent to Eaton, although he said it would be picked up at the Planning Board office the next day, noting that he does not have the letter in the Packet yet. Foote said it appears there are also some open Invoices. Kravitz said all of this was in the Packet. Starkey's memo came the next day so Eaton is obviously taking some steps. Foote said to send Eaton the letter from the Packet and not go the expense of mailing the Packet. It does state that he has to ask for an extension, unless the Board at this time could be benevolent and grant an extension prior to his request. Janvrin did not want to put the cart before the horse. Foote said just to send the letter to Eaton. Janvrin thought that there wouldn't be a problem if there was an extension request. Kravitz asked if the Invoices could be included. Foote said definitely, yes. . . .

Foote referenced **an announcement from the Newton Planning Board that there would be a hearing for modification of an existing cell tower.** Foote said that by state law they have to notify neighboring towns where the tower might be visible.

PUBLIC HEARINGS

NEW CASE

Case #2011-19E – Proposal by Charles Rosa to establish a youth education facility at 12 Dearborn Avenue, Tax Map 7, Lot 24.

Attending: Charles Rosa,

Rosa purchased 12 Dearborn Avenue about one year ago, and took down a laundry room because it was falling down. He wants to put a kitchen into that space to teach youths in the community cooking and life skills, and would install a couple of electric stoves. He has access to middle school and high school guidance counselors, and works with service agencies to benefit these kids and the community. Foote asked for Morgan's comments. Morgan wanted to be clear about anticipated parking, and to declare how many people would be on the premises at any one time. Foote asked for the number of students at a time. Rosa said about 6-8, and did not want to cram them in. The area has its own entrance and exit. He thought the kids would not yet have licenses; they might bike or parents drop them off. Foote asked if this was in Unit 1 or 2. Sally Ruffanello said it is Unit 1 and presented photos, pointing out the location. Foote said Ruffanello could comment after the Board asked its questions. Foote said it looked like parking could be a problem. Rosa said the two units have their own driveways.

Chase asked for the purpose of Rosa's program. Rosa said he wants to teach them life skills, how to walk to Market Basket, read a flyer, and purchase healthy, nutritious meals with a budget and not a lot of money. Moore asked if there is an official common driveway. Rosa pointed out where he parks, and said originally there was a common driveway, but the former owner put in another driveway. Sally Ruffanello submitted copies of condominium documents. Paul Ruffanello



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said the condominium members never agreed [to another driveway]. Rosa said a few years ago a small parking area was put in. Moore asked about the original plan. Sally Ruffanello said that was changed once they bought the house. Moore asked if that change went through the Planning Board process. Foote said they just put the driveway in or parked on the front lawn. Janvrin thought they probably don't have a driveway. Thibodeau asked if they needed a permit. Garand said that just went through the Department of Public Works. Foote asked if there were inside plans in re designated space or for the whole unit. Rosa said the area is the back end of the house and would have a separate entrance from the main dwelling. There would be 2 electric stoves, a ½ bath, refrigerator, possible a granite counter.

Thibodeau said it seemed as if it was the whole back of the building. Janvrin asked if it was the whole 1270-square-foot first floor. Rosa showed the area and said the front of the unit would be living area. Chase asked if the program were co-ed. Rosa said yes, but noted that he had done a workshop at the Chase home which was separate for girls and boys. It would be what works best. Janvrin asked if the rest of the building were residential. Garand said Rosa's area was about 14 x 20 feet – 300 square feet – a very small area. The application for the permit had been for a second kitchen, but upon learning that life skills would be taught Garand directed them to the Planning Board. It is just a lean-to area in the back. Moore asked if this was Zone 2 Foote asked if there was anything separating the living space from the school space. Garand said there was a door to a laundry area and from there to the residential area. Foote asked if more designated parking could be made available on the left side of the house, so there would be no potential confusion with students parking in the condo Unit #2 driveway. Garand said this would not be a problem. The units are totally separate; one is in the old colonial and that parking is to the left. The newer unit has a long driveway. Originally there was a shared driveway. A second driveway was installed, and several years ago they installed a 3 or 4 parking area. He said that Rosa had also done some landscaping with stones around and approved by the DPW, and also did some extensive repairs inside the home. It's a very nice single family home.

Janvrin thought this was actually a change of use. Garand said it was a mixed-use with a small part-time area to teach life skills. Any extension of that use would have to come back to the Board for a future hearing. First the Board would have to decide on whether to allow the proposed use on the property. For enforcement purposes, the Board should put limitations on rubbish, noise, lighting, signage, the number of nights per week, etc, as this is primarily residential. Foote asked for the intended hours of operation. Rosa said probably 6 – 7:30 on Tuesday nights. Foote said if it goes well, and the Board has approved, would they want only one night a week. He could ask for 3 nights per week. Rosa said he teaches self-defense Monday nights; perhaps two week nights. Foote asked if it would be done by 9 PM. Rosa said it would. He takes rubbish to the transfer station, and did not think lighting would be a problem. He did not think parking would be a problem. There would be rules and regulations re noise, guidelines, and a contract with the kids as to what could go on. Rosa said he had done this before. Foote asked if there were a doorway directly into the wing, so the only lighting would be a household light over the door. Rosa said there is a little deck with six steps to walk into the kitchen. Thibodeau asked about a sign. Rosa said he might not want to; a brochure for kids or counselors might say the grey house in the back at 12 Dearborn, and not to enter in the front because it is a dwelling. He was not thinking of a sign that said "this way to the life skills class" but he would do whatever was necessary. Foote asked if a sign was required. Garand said it was not. His concern was that there be no impact on the residents in the area, and it remain residential.

Janvrin asked if there would be a mailbox with an address. Rosa said he has one, but the mail isn't delivered. Foote asked for the maximum amount of students. Rosa wanted not more than 8,



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but he would be there and might have an intern or assistant who could get credits for helping to facilitate a self-help class. He did not want a lot of people in a small space. Foote said that would be a maximum of 10 people in the space. Foote asked for other questions from the Board.

MOTION:	Janvrin	to accept Case #2011-19E as administratively complete for jurisdiction and deliberation.
SECOND:	Chase	Approved: Unanimous

Foote asked for questions or comments from the public.

Paul Ruffanello said he lived in Unit #2, and took exception to statements that the two houses couldn't be confused. He said that Rosa had done a great job fixing the house. The Ruffanello's had lived there for twelve years and it had gone from derelict to abandoned to being foreclosed no one living there. He was not sure that Rosa was aware that the property is a condex situation, and the documents state it can be used only for residential. They were never informed about the kitchen, which sounded like a great idea but he was shocked to get the [notice] that it would be a facility. That did not seem limited to a kitchen. It could be kids staying in the house. How could he rent the house with the kitchen. Paul Ruffanello invited the Board to visit his house and walk the yard. He's already seen a bag of trash in the yard. He knows it is still under construction, but wonders what would happen if this is the way the yard would be run. Also they are already abutting the Youth Center at the old Seabrook Academy; he thought Rosa could run a kitchen there because it's already up and running. Basically he has a youth center in his yard and will now have one in his living room – it is three feet from the living quarters. Paul Ruffanello said there is not enough land. He thought the cooking could make his house insurance go way up, and asked if there would be fire suppression for a cooking area. A utility shed had been added right next to his house; they were never notified about that. During construction they parked in his driveway and boxed him in. If this is open to the public they won't care what side they park on; they would not have access to their house anymore. .

Janvrin asked who the officers of this Condex Association were. Paul Ruffanello said the house was abandoned; they don't have any officers now. Unit 2 (Ruffinello) has 60 percent and Unit 1 (Rosa) has 40 percent. Janvrin asked if they had held a meeting within the last year. Paul Ruffinello said they had not; there wasn't anyone there. Sally Ruffanello said Rosa hadn't moved in yet but knew about the Condex. [the condex agreement was submitted]. She said the document said there was to be no sub-division, but that had already happened, and Rosa never came to them. She said Rosa knew about the condex, and asked if he had any questions. Rosa said he knew about it, but had questions. Sally Ruffanello said the issue is that this is investment property for Rosa ie commercial property; it is her residence. Occasionally Rosa stops by. They weren't there, but things have happened that they didn't know about. They should have been notified that he wants to turn this into a facility. The condo documents are recorded at the Rockingham County Registry of Deeds. Sally Ruffanello said the people that lived there before had two troubled children, and thought Rosa had worked with them. Rosa said he had. Sally Ruffanello said that even with parents there, they had parties, drugs, and lit a fire to their shoes. They have had issues with troubled teens for eleven years, so they are gun shy about having the old laundry room expanded into a kitchen. It's contrary to their condex documents which say this is residential and cannot be subdivided. Janvrin noted that the documents say the members will meet once a year and they haven't. Sally Ruffanello said they want to meet with Rosa.

Janvrin said his concept at the town level is that the Planning Board allows [Rosa] to use his property for [a particular] use. The Board had no authority to enforce or decline in re any problems at the condex level. If there was a problem at the condex level, it would not be within



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the purview of the Board. Sally Ruffanello said what about impacting the neighborhood and property value. Janvrin said the documents affected the Ruffanellos and Rosa. He wanted it to be clear that the Board had no authority to enforce or decline Rosa's use of the property based on their documents. Rosa said he had a permit for the shed, did the grading and it is nice and neat. The "trash" in the back yard was wood covered with a tarp and a few bags of white cedar for a wood stove. Rosa said there had been a shed used for cooking class on the back side that he helped with. It was taken out, and the space was rented to a business doing the same thing. That kitchen is no longer downstairs. Rosa said the day he came to get the permit for the building, he and the gentleman who does the construction for him, went to the Ruffanellos' house and told them about the plans for the kitchen, and that wasn't a problem for him. Rosa said he had upgraded the value of the property; it's a nice looking house now. No one said anything about a problem; he said there would not be a problem.

Foote asked if other abutters had comments. Kevin McKenna said since Rosa bought the property there had been noise from construction, and over a hundred green trash bags. There was a car with a broken muffler or engine trouble that they tried to start every fifteen minutes for four hours. Maybe Rosa won't be able to control the program as well as he says. McKenna said that others can roll into the driveway, one takes off a shirt, and hangs out with a woman for hours. He thought that should be behind closed doors. There's a pick-up truck in the driveway. Nancy Festo lives with McKenna and was working in her front yard, heard a bang, and found that a kid driving a truck plowed over a part of the fence and bushes in the back. They put up a fence because they don't want trash in their back yard. There is an oversized sink, a cement mixer, and spools. They had to move things away from the new fence because things were leaning over it. They built a house a year ago and had less construction for the same thing. There is vinyl siding and bags of cedar which she feels are trash.

Festo said that Rosa doesn't park in the driveway, but in the street and leaves the car door open. She had to yell at youths to shut the door because she cannot pull out of the parking lot when she cannot see someone coming the other way. This happens every day. Rosa cannot park in the driveway because he did not make a path to the front door. McKenna said they straddle the property line and had asked Rosa not to do this, and also not to park in his driveway. He said that Rosa paid attention once and then did it again. A car was parked in his driveway when he brought Festo back from the hospital. He shouldn't have to repeatedly ask; it's just not right. Maybe legally [Rosa] doesn't owe him, but morally he should not keep a cement mixer and bags of junk there; the place should be kept clean. Festo said they scoped out the corner property for months before buying their house across from a baseball field. They just thought there would be a house, and never thought about youths hanging out in the driveway. McKenna complained about the stuff in the yard. Sally Ruffanello said she had pictures of this. McKenna said people could drive by to see it.

Foote said the Planning Board did not resolve neighborhood disputes. The hearing was to look at an application for a youth service facility; the focus has to be on what the Board can deal with. She felt for the neighbors, but the Board had to focus on the application for a youth teaching facility for life skills and how it complies with the town's site plan, subdivision, and zoning regulations. Charlie Preston lived in the Dearborn neighborhood for the last 11 years. It's a nice, quiet neighborhood; the neighbors are great. He referenced [Morgan's] concern about parking, and said that Seacoast Furniture is in next door to his house; they have tractor-trailers in and out every day, all year. He was concerned about anyone parking on the street; it's narrow and is nice until people start parking on the road. It makes it hard and pushes people off the road, and breaks up the pavement. Three days ago, Preston drove by and saw Rosa's truck with both tires in the road with the door open. Rosa said that was when he's going in and out and apologized,



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saying that it wasn't deliberate. Preston said it would be important to know what is required for parking, or whether stacked parking was allowed. Presently no one parks on the street. There should not be any street parking; it's a matter of safety and access. Preston said Seacoast Furniture provides jobs and was there before everyone else. He wanted to know what parking and stacking was allowed and for how many cars, not about individuals' driveways. The two driveways are basically for two cars – one for each unit.

Foote said that parking is a major issue, and thought there weren't many 16 – 18 year olds that can't somehow find some owned or borrowed wheels maybe from parents, and they may have 4-5 friends in the car. If the facility targets teen youths, there has to be parking ability for at least half of the individuals Rosa is hoping to serve. It appears that there is room on Rosa's part of the condo land to develop a parking lot that would resolve any parking issues. Rosa thought it would not be an issue to get enough cars on his part; he won't allow parking in the street and will be more aware of this. Chase asked if it was legal to park in the streets. Foote said it is illegal to block the right-of-way. The problem is that if cars pull off randomly, the pavement starts breaking up costing tax dollars to redress, refill, and eventually repave. That's why a driveway entrance is limited to 20 feet. She felt there must be off-road parking available that is larger than what could be seen on the aerial photo and drawing Thibodeau commented that people park on every street in the town. Sweeney said that at 7PM in the winter it is dark and it's best to have a place to pull in to pick up kids. Foote noted this especially with snow banks.

Janvrin had no problems, but said he understood the Condex problem that had to be dealt with by the individuals themselves. The neighbors may be upset with Rosa, but had no bearing on the use that he is asking for, and commented that Rosa should work with his neighbors. He grew up on Rocks Road, and had to get along with his neighbors who were his family. Janvrin thought it was great that these neighbors all know each other and talked. Even after some relatives died or moved away, the neighbors still have cook-outs together. Sally Ruffanello commented that before Rosa bought his building they were raking his leaves, but didn't say anything. Janvrin wanted to motion for conditional approval. Moore said that Unit 1 had to have requirements for 2 parking spaces for the people that will be living there. He thought that Rosa would at a minimum need four parking spaces, making a total of six year-round, and wanted to see that parking area laid out. He applauded the work that Rosa does. They need to get the condominium squared away; there could be problems for his renters if cars would be in their way. Also, the town doesn't want anyone parking on the street.

Thibodeau would have felt a lot better if the residential area was rented out. Foote asked if Rosa intended the unit to be owner-occupied, or if it would be rented out using the back end for the school, and Rosa there only part time. She asked if it wouldn't be an owner home business. Rosa said it was not a business; he would be at the school for one or two nights teaching life skills. One of his sons or daughter might move in but that wasn't yet decided. Foote asked if this was a business, and if there were any fees or finances involved. Rosa said it was not a business; there would be no fees.

Sweeney asked about the hours and noise, and about the insulation. Rosa said there would be foam insulation; any renter would know that. Perhaps he would not rent it to someone he did not know, but had gotten that far; they are working on the building. Sally Ruffanello said they can feel the vibrations of the washing machine. They do not have kids or barking dogs they want quiet and to get along with everyone. Foote said that home businesses are allowed, but asked Morgan to clarify what the regulations allow. She asked if it is far enough off Route 1, or in the commercial zone. Morgan said it was in the commercial zone, and agreed that it did not fit the term "business" very well with the exchange of funds and product. Foote thought it was more a



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school. Morgan agreed and said he first looked at a school and the permitted use; it is a permitted use in both zones 2 and 2R. The challenge for the Planning Board was to find a way to assure there is no adverse impact on the neighborhood ie as little as possible. Getting cars off the street would be a good start. Bruce Pierce said that the previous owners had two teen-agers that ran amuck. The mother was a best friend and they did whatever they wanted at the house. There were bon fires, all night drinking, parties, and disrespect for the neighborhood, and the neighbors are gun shy; the fear is there. He'd dealt with them in court.

Pierce said that Rosa does a great job when he does this one thing with youth. The neighbors want assurances that the structure of the program would be maintained, and parking is a big issue. It's a narrow street and gets a lot narrower in the winter. They want a quiet and respectful neighborhood. He thought Rosa had a rough idea of what the kids were like, but he sees them once or twice a week. The neighbors had it 24/7. Foote asked Morgan if this program were different than Boy or Girl Scouts meeting in a house. Morgan did not think the Board wanted to regulate the Scouts. Thibodeau commented that she did Scouts for 11 years. Foote said a no-fee, educational and guidance program for youth life lessons would be similar to Boy and Girl Scouts or 4H. Morgan said that case could be made, but there are neighbors who are concerned about maintaining the residential character of the neighborhood. He thought the Board could handle the application in a fashion that protects the neighborhood with the right stipulation. Chase asked if Garand had concerns. Garand said there was enough land for sufficient parking for 2 residents and the program, as long as the parking is on the private property, does not impact the abutters, there are no squealing tires, late night noise, or complaints re noise and odors. Sally Ruffanello asked what to do if that isn't done. Garand said they would see him for violations of the site plan approval. Sally Ruffanello said the police know their address because they've gone to their house before. She said that Rosa has a good heart, but she thought he could choose another venue because this is his 2nd property; he does not live there – it could be in his home.

Foote was concerned because the zone is commercial, theoretically the whole unit could become a retail store, except for the Condex regulations. Sally Ruffanello said she understood this. Foote thought this is mixed use. Rosa said it is just a 12 x 24 square-foot space in the back part of the building, and is a separate entrance and blocked off from the main dwelling. Morgan said the proposal didn't fit the mixed-use definition as it is neither commercial nor industrial. Preston said he had a Laundromat with an apartment, and thought it was a 24-foot right-of-way, and 18 parking spaces; he asked if there were a plan to show. Foote said if there were an approval she would want to require a design including designated parking for the rental unit and the training area, and an application to the DPW for driveway permit. Preston thought he had to have 17 spaces and 2 for the handicap. Moore said to have 2 spaces for the apartment. Rosa asked if he might be allowed to park at Market Basket. Foote said someone else's parking could not be used. The parking had to be on-site created by pulling off the street, suitable during the winter, and no more than a 20-foot driveway. Rosa said the driveway would be for the tenants' cars plus space for parking six for the training. Garand said the driveway is existing, and there had to be an application with the DPW at that time. John Starkey was there to look at the stoness and the landscaping. Foote said that was a long time ago. Chase asked if the Board would require a permit. Moore said if John Starkey was there, they had a permit and that would be a condition of approval.

Janvrin said there needed to be space for six cars for the training, hours between 4Pm and 9PM, two days a week, a maximum of 10 people at any one time, and review by police, fire, and DPW. Foote said if it was a business, there would be all of that review. She asked about a business license, Garand said he had asked the NH Department of Health, about 2 kitchens, and an



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application was submitted. Because it is residential, it was pushed for Planning Board approval. It's characterized as a school, commercial not residential use, teaching life skills for troubled kids; he hadn't known about a tenant. Foote noted that day care facilities get similar permits; there will be hot surfaces. Foote asked Morgan what regulations would apply. Moore said if it was Scouts, a permit wouldn't be needed. Thibodeau said a cooking license would be needed for five days and more than 20 hours. Janvrin asked if it could be just 2 days a week. Garand said to make it two days a week with a maximum of 10 people; any expansion requires returning to the Board. Rosa should meet with the abutters about the hours etc and make it work out with them. Foote said Rosa is trying to get over the hurdle of the Planning Board. If approval is given, it would not negate the legal condominium documents. Sally Ruffanello asked if they would have to use attorneys. Foote said it is whatever the condominium documents say. She believed the condo documents could be changed if there is an official meeting of the Association and the members vote. Sally Ruffanello said if the Board already approved, wouldn't that override them and they would have to say yes. Foote said they have every right; the Board does not override their documents. Sally Ruffanello thought that would mean the Association would have to sit with an attorney to see if this is allowed within the condominium documents. Foote said an attorney wasn't necessary; the Condominium Association could decide on a change. If they don't come to a meeting of the minds, then call in an attorney. Sally Ruffanello said this is not the end, and said that Rosa should meet with them. Rosa agreed. Foote said no matter what the Board does there is a whole legal process through the Association.

Foote asked about police, fire, and DPW approval. Foote thought at the very least it should be inspected by the Fire Department on similar standards to a restaurant. Janvrin's concern was that would happen for a business license. Since that was moot, he wanted it to be a condition of Planning Board approval. Garand said they would be reviewed and licensed by the NH Department of Health. Also, as there would be students there, safety lighting would be needed. He wanted these items to be in writing so if something did happen where abutters are unhappy, he could go to the site plan approval for compliance. Moore noted this would be non-profit. Morgan said to stipulate no on-street parking. Foote said the tenants have to know where their parking is, and the students have to know where their parking is. Moore recommended 8 parking spaces. Garand clarified that the surface can be gravel-pack, P-stone; and the like. Foote preferred permeable surface in that neighborhood, and suggested using landscape timber to designate the parking spots. There should be no doubt as to where the tenant and school parking are designated; that could be the downfall. Foote asked for further comments; there being none.

MOTION:	Janvrin	<p>to approve Case #2011-19E – Charles Rosa to establish a youth education facility at 12 Dearborn Avenue, Tax Map 7, Lot 24, subject to the following stipulations:</p> <ul style="list-style-type: none"> (i) parking for 8 cars with a legal driveway permit; (ii) the training facility to be open no more than 2 days per week with hours from 4PM to 9PM; (iii) a maximum of 8 student youths plus one assistant or intern, and the trainer; (iv) inspection by police, fire, and Department of Public Works; (v) the operation is non-profit with no fees; (vi) no on-street parking;
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		<p>(vii) a covered shed or lean-to for closed and covered garbage disposal receptacles; (viii) no signage; (ix) no additional lighting other than at the back entrance door, and the standard residential lighting; (x) compliance with all regulations of the State of New Hampshire and the Town of Seabrook for noise, odor, and neighborhood disturbances; (xi) all applicable State and Town licenses shall be obtained prior to occupancy; (xii) a revision of the siteplan that specifically designates the location of both the tenant parking and the parking for the student facility;</p>
SECOND:	Chase	Approved: Unanimous

Foote closed the Public Meeting.

OTHER BUSINESS

Janvrin said in a Board of Selectmen meeting, the shooting range had been discussed. He thought it would be on the next agenda. He wanted the Planning Board to be aware of the use of that property, and thought that at some point it might come to the Board.

Foote reported that she was honored at the last BOS meeting for being the recipient of an award from the Rockingham Planning Commission

Kravitz said that at the last meeting the Board had been informed that Case #2011-08 would be withdrawn. That withdrawal had not been received. Henry Boyd said he would undertake to get the withdrawal letter with the Applicant's signature.

Thibodeau informed the Board that she would be away from mid September to mid October.

Janvrin said the Board had voted to have a joint meeting with the BOS about the sidewalk issues with NHDOT. Moore said to wait until the Town Manager had a response from his letter to NHDOT asking for proof of the authority to force towns to accept sidewalk responsibility and liability. He had not forgotten, but wanted a meeting after all the information was in hand. Chase said he is working with RPC on this. Moore understood that the same thing was going on in Newington; they gotten the same answer. Janvrin said it was an unfunded mandate. Moore said if the whole world was doing this, Seabrook would be stuck with it. Janvrin commented unless the legislature did something. Moore said NHDOT claims this has been in place for 4-5 years. Janvrin recalled that the town signed off for the Kohl's. Moore said that was a small piece that the town was doing anyway because of the hydrant and the crosswalk and the switch is right there.

Foote adjourned the meeting at 8:40PM
Respectfully submitted
Barbara Kravitz, Secretary
Seabrook Planning Board