

**SEABROOK PLANNING BOARD
DECEMBER 4, 2001 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Philip Stockbridge, William Cox and Selectmen's Rep. Asa Knowles, Jr.
Others Present: Town Planner Thomas Morgan, CEO Robert S. Moore, and Secretary Emily Sanborn.

MINUTES: S. Foote made a motion to accept the minutes of November 20, 2001 as written with a correction on page 2 of the word striping. William Cox 2nd.
Vote: P. Stockbridge abstained because he was not at this meeting. Motion Passed.

CASE #01-16 – EDWARD & DELTINA GOSS – 227 & 231A SOUTH MAIN STREET – TAX MAP 16, LOTS 8 & 9 – CONDOMINIUM CONVERSION – FORMAL CONTINUANCE

The applicant was not present for this case. T. Morgan said that the 90-day continuance runs out in two weeks. S. Foote made a motion to continue to December 18, 2001 at 7:00 P.M. at which time final action will be taken. W. Cox 2nd. Vote: unanimous.

CASE #01-23 – HUNTER LOGAN REALTY TRUST LLC – 419 ROUTE 286 – TAX MAP 17, LOT 47 – FORMAL CONTINUANCE

Henry Boyd of Millennium Engineering, representing owner Patrick Carey, presented the revised plans for a 160 seat restaurant at 419 Route 286 for the board's review and approval. T. Morgan brought to the board's attention the correspondence from Mr. Carey to the NH D.O.T. and the letter of response from Michael Burlage. H. Boyd said that the note for dimensions of parking spaces had been added to the plan along with the dumpster hours and the 150' setback for the tidal buffer zone.

H. Boyd explained the situation with the D.O. T. in regards to curb cuts and sidewalks. He said that the state had come to an agreement with Mr. Carey. T. Morgan asked who would pay for the sidewalks. H. Boyd said that a note on the plan would state who would bare the cost. H. Boyd and W. Cox discussed the sidewalks in the R.O.W. and if the applicant had the right to do the sidewalks. Cox recommended a bond in case the state doesn't do the sidewalks. Cox asked about the berm around the dumpster. S. Foote said that Mr. Carey has an active Dredge and Fill permit for the site. Chairman Brown said that it could be put on the existing slab.

P. Stockbridge said that it was his opinion that the B.O.A. erred in their variance for parking spaces on this site. He said there were not enough. H. Boyd said that M. Burlage was happy with the proposal and that this is better than the existing

situation. W. Cox defended the decision and stated that there is a hardship of the land and that the existing use is short on parking spaces as it is. H. Boyd said that M. Burlage said that parking in the state R.O.W. is allowed because businesses are there. W. Cox said that it is incumbent on the applicant to do the plan as drawn if the state doesn't do the sidewalks. T. Morgan said that the sidewalks have to be built to state specs.

W. Cox made a motion to recommend that a \$5,000 bond be posted for 2 years to cover the installation of sidewalks if the state doesn't. S. Foote 2nd.

Vote: 2 in favor, S. Foote & W. Cox – 2 opposed, P. Stockbridge & A. Knowles. Chairman Brown abstained. Motion failed. Asa Knowles said to let the state do the sidewalks and if they know we have a bond they will not pay to do it.

S. Foote made a motion to recommend that a \$5,000 performance bond for 2 years be posted to cover all alteration on the plan. W. Cox 2nd. Vote: 2 in favor, S. Foote & W. Cox, 2 opposed, P. Stockbridge & A. Knowles. Chairman Brown voted in favor. Motion carried. Asa Knowles said this was an underhanded way of getting the bond for the sidewalks.

W. Cox made a motion to approve the site plan for Hunter Logan Realty Trust LLC. S. Foote 2nd. Vote: 2 in favor, S. Foote & W. Cox. 2 opposed, P. Stockbridge & A. Knowles. Chairman Brown abstained. Motion failed.

P. Stockbridge said that he opposed the proposal because this is a safety hazard. H. Boyd explained that M. Burlage is in favor of this proposal because it is a safer one. Chairman Brown stated that M. Burlage is not always correct in his safety issues.

W. Cox made a motion to continue this application to December 18, 2001 at 7:00 P.M. S. Foote 2nd. Vote: unanimous.

CASE #01-29 – JAMES REID AND STACEY FOBERG – CORNER OF WHITTIER DRIVE/PINE STREET – TAX MAP 8, LOT 37 – SUBDIVISION CONTINUANCE

Henry Boyd presented the revised plans for a 4-lot subdivision at the corner of Whittier Drive and Pine Street for the board's review and approval. T. Morgan said that M. Fowler said that the drainage calculation that was requested at the previous meeting is ok and that he is in favor of the results. H. Boyd said that the topo has been done and that the upland area has been corrected on lot #3.

W. Cox asked if a bond should be set for sidewalks. T. Morgan said that it would not be needed as the town has not started the sidewalks in that area.

S. Foote made a motion to approve the subdivision plan for James Reid and Stacey Foberg. W. Cox 2nd. Vote: unanimous.

PUBLIC HEARING: PROPOSED AMENDMENTS TO ZONING REGULATIONS

- A) Sign Requirements for Zone 5, Harbor Commercial, were left off in the original ordinance. There was no public input. W. Cox made a motion to recommend and send to Town Warrant. S. Foote 2nd. Vote: unanimous.
- B) Wetlands Setback: T. Morgan said that this proposal was the subject of discussion at the previous meeting and that the primary objection was that there are small and large wetlands. T. Morgan said that the compromised setback from small wetlands would be zero and the setback from large wetlands of ½ acre or more would be twenty-five feet. H. Boyd asked how the figure of ½ an acre or more was derived at. T. Morgan said that the conception was derived from Mr. Boyd's suggestion at a previous discussion.

Land Owner/Resident Bruce Brown gave an example of a five-acre piece of land that he owns on Adam Avenue that goes to Rte 286. He said that presently it is assessed at \$167,000 and if this proposal goes through it would wipe out the use of this parcel. He said that the reason that he is against the 25' setback is that with sewer the wetland problem should be taken care of. S. Foote said that the new subdivisions have compromised our wetlands. Chairman Brown asked if the wetlands could be different in the zones. R. Moore said that wetlands are wetlands and should be treated the same in all zones.

S. Foote explained that some towns have their own soil scientist come in and distinguish prime wetlands. H. Boyd voiced his displeasure with the states granting of wetland fill permits. He asked if this proposal is some kind of growth control. S. Foote said that this proposal is the result of the encroachment of wetlands by developers. H. Boyd said that they are in violation now and there is a wetland setback presently in place. He asked what part would the ZBA play in this. W. Cox said that the board had granted setback variance from a pond, stream and wetlands. A. Knowles questioned what effect this would have on the industrial zone and if it would render this land useless and would the town end up with this land because of not being able to build. He also was concerned that this would hurt families that had enough land to provide a place for their grown children now.

W. Cox made a motion to defer item (B) to December 18, 2001 Public Hearing at 7:00 P.M. P. Stockbridge 2nd. Vote: unanimous.

- C) Wetland Vegetation: S. Foote proposed this article because of the clear cutting being done by some developers leaving little or no vegetation. S. Foote described the State Regulations for clear cutting.

S. Foote made a motion to send item © to Town Warrant. W. Cox 2nd. Vote: 3 in favor. A. Knowles abstained. Motion Carried.

- D) Demolition Permit: R. Moore explained that the town water and sewer and other utilities have to be protected when a building is to come down. The fencing is for safety purposes. Bruce Brown spoke on this article in regards to notify all utilities having service connections within the structure and how difficult it is to get notification from these companies. S. Foote suggested adding after “shall” if deemed necessary by the Seabrook Building Inspector.

W. Cox made a motion to send item (D) to Town Warrant as amended. S. Foote 2nd. Vote: unanimous.

- E) Subsequent Sale of Land: The board agreed to delete the last line of the proposal to read “ all applicable deeds.”

P. Stockbridge made a motion to adopt item (E) as amended. S. Foote 2nd. Vote: unanimous.

- F) Add L-Wetland Survey: If the subject property includes wetlands:

- 1) *the plan shall include a delineation of said wetlands as mapped by a qualified wetlands scientist,*
- 2) *proximity to off-site wetlands shall be indicated on the plan, and*
- 3) *the boundaries of all on-site wetlands shall be marked on the ground by permanent monuments.”*

The board agreed to add to 2) after “wetlands” situated within 25 feet of the property line. S. Foote said that the permanent monuments could be 4” wetland markers fastened to trees.

S. Foote made a motion to approve item (F) as amended. P. Stockbridge 2nd. Vote: unanimous.

- G) Add the following to Article VI Section G of the Subdivision Regulations: *“All drainage infrastructure shall be constructed prior to the sale of any lot.”*

W. Cox made a motion to approve item (G). P. Stockbridge 2nd. Vote: unanimous.

H) Add the following to Article X of the Subdivision Regulations and re-number subsequent sections accordingly: ***"B- Maximum Number of Dwelling Units per Lot: One."***

S. Foote made a motion to approve item (H). W. Cox 2nd. Vote: 3 in favor 1 opposed, Asa Knowles opposed. Motion Carried.

PUBLIC NOTICE: December 18, 2001 – Input

A) In regards to wetlands:

(a) Amend the definition of *Wetlands* in Article II of the Zoning Ordinance by adding the following: *"For setback purposes, Wetlands means an area of one half acre or more."*

(b) In Article XV Section C of the Zoning Ordinance, increase the minimum wetlands setback from ten feet to twenty-five feet by replacing Section C with the following: ***"C – Setbacks: Buildings and impervious surfaces (except access driveways) shall be no closer than 25 feet to wetlands."***

T. Morgan asked the board if they considered this a minor editorial change. The Board answered in the affirmative.

B) Add the following to Article XI of the Zoning Ordinance:

"E - Connected Dwellings: Structures that connect dwelling units together shall enclose viable living space and shall be architecturally consistent with the adjacent dwellings."

C) Add *"streetlights"* to the end of Article VI Section J of the Subdivision Regulations.

W. Cox made a motion send these Articles to public hearing on December 18, 2001 at 7:00 P.M. S. Foote 2nd. Vote: unanimous.

OTHER BUSINESS: W. Cox made a motion that T. Morgan draft a letter from Chairman Brown to the state in regards to the master plan for the Route 1 expansion. S. Foote 2nd. Vote: unanimous.

CIP: P. Stockbridge asked about the adoption of the Capitol Improvement Plan and whether it still existed. T. Morgan said that it had been adopted but not funded and that the authorization for a CIP goes on forever. P. Stockbridge said that his reason for this concern was that the Economical Development Committee had received \$25,000 from the Power Plant, \$19,000 for ENDC and \$6,000 to fund the CIP. Mr. Stockbridge indicated that he did not want it going to something other than what it was intended for. R. Moore told Stockbridge that the Power Plant should designate it for a specific use.

ZBA DECISION: W. Cox made a motion that the Planning Board letter for Charles McLaughlin make reference to lot #1 not lot #2. S. Foote 2nd. Vote unanimous.

SIGN VIOLATIONS: W. Cox gave R. Moore pictures that he had taken of signs along Rte. 1 that he believed to be in violation of the sign ordinance.

DRIVEWAY PERMITS: None.

ANNUAL APPRECIATION BANQUET: Chairman Brown will make the arrangements.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:53 P.M.

Minutes taken by Secretary Emily Sanborn.

Secretary's Notations: Mylars and By-laws for the following were recorded December 4, 2001: Poland Springs D-29463, Fowlers Court D-29462 – 10:43 A.M. 93152, Lighthouse Way D-29464 – 10:43 A.M. 93153.