

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

**MEMBERS PRESENT:** Chairman Robert Brown, V-Chair Susan Foote, Paul Garand, Philip Stockbridge, Mark Preston, and Alternate William Cox. Others Present: CEO Robert Moore, Town Planner Thomas Morgan and Secretary Emily Sanborn.

**MEETING OPENED:** Chairman Brown opened the meeting at 7:00 P.M. with a quorum present.

**MINUTES:** Philip Stockbridge made a motion to accept the previous minutes. P. Garand 2<sup>nd</sup>. Vote: 4 in favor. 2 abstained. W. Cox & R. Brown were not present at that meeting. Motion carried.

**CASE #02-45 – GAIL & DOUGLAS HERSEY AND TERESA ROWE – 42 ROCKS ROAD – LOT LINE ADJUSTMENT – TAX MAP 7, LOTS 115 & 116 – FORMAL:** Property Owner Gail Hersey presented the plans for a lot line adjustment at 42 Rocks Road for the board's review and approval. M. Preston asked the purpose for this adjustment. Hersey said that she needed 15' of frontage to be able to have two separate buildings on her lot. She said her neighbor, Teresa Rowe, was willing to do the swap. Mr. Moore informed Hersey that even with the lot line exchange she would not have enough land to do this and that she already had a building permit for a duplex. Hersey said that she was going to build a duplex but because of the shape of the land this would be hard to do. P. Garand gave her some suggestions on how to do this. Chairman Brown asked her if she still wanted to go forward with the approval for the lot line adjustment even though it would not allow her to put two buildings on the lot. She conferred with Ms. Rowe and said that she did. There were no abutters present.

M. Preston made a motion to approve the lot line adjustment. W. Cox 2<sup>nd</sup>. Vote: unanimous

**CASE #02-46 – J & B CONSTRUCTION CO. – 9 & 11 ELEPHANT ROCK ROAD – CONDO CONVERSION – TAX MAP 16, LOT 11-3 – FORMAL:** Chris York of Millennium Engineering presented the plans for a condo conversion on Elephant Rock Road for the board's review and approval. York said that T. Morgan's comments and recommendations had been addressed.

R. Moore said that proposed houses on a condo plan have to be built as shown. S. Foote questioned the lot numbers and was told that they were supplied by the assessing department. W. Cox said that these lots were supposed to be single family lots.

Abutter Mavis Eaton asked if this plan would affect her property. It was explained to her that it would not. T. Morgan informed the board that Attorney Simmons had reviewed the condo documents with his usual reply.

S. Foote made a motion to approve the condo conversion plan "only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations", and that both units are forever to remain single unit dwellings. P. Garand 2<sup>nd</sup>. Vote: 4 in favor, 1 opposed. W. Cox said that he was opposed because these lots were supposed to be single family lots. Motion carried.

**CASE #02-47 – EMC REALTY TRUST – 264 SOUTH MAIN STREET – CONDO CONVERSION – TAX MAP 17 LOT 20-3 – FORMAL:** Applicant Francis Chase presented the revised plans for a condo conversion at 264 South Main Street for the board's review and approval. P. Stockbridge noted that the revised plans had not been received by the deadline and made a motion not to review the plans because they were not in on time. There was no second to the motion.

W. Cox asked if the plan depicted the neighbor's lots. Chase said that it did and that T. Morgan's comments have been addressed. He said that there are two shutoffs for the water and that the plan had been cleared up. Cox said that the wrong stuff had been taken off the plan. S. Foote asked about the wetland delineation and why it had been taken off of the plan. Chase said that Bob Prokoff had done the delineation. S. Foote instructed Chase to put the wetland delineation, the shoreline setbacks and note #4 back on the plan.

Abutter Paul Hamblet asked about the plan that depicted two access driveways and asked why the driveway on Chase's lot had been removed so that everybody now uses the driveway that goes by his house. Chase explained that he had received a wetlands permit for this lot and that the wetlands board requested that the driveway be removed and loamed and seeded. The board told Chase to revise the plan by putting back the wetland delineation, shoreline setbacks and note #4.

S. Foote made a motion to continue the application to March 4, 2002 at 7:00 P.M. at Mr. Chase's request. M. Preston 2<sup>nd</sup>. Vote: unanimous. Mr. Chase said that he would grant the waiver for an extension.

**CASE #02-48 - ANDREW & ALICE GOULD AND MICHAEL & KIMBERLY POTTLE - 130 & 132 BLACKSNAKE ROAD - LOT LINE ADJUSTMENT & 4-LOT SUBDIVISION - TAX MAP 3, LOTS 5-3 & 5-9 - FORMAL:** Chris York of Millennium Engineering, representing the applicants, presented the plans for a lot line adjustment and a 4-lot subdivision at 130 and 132 Blacksnake Road for the board's review and approval. W. Cox noted that that the zoning box does not fit in lot D. York said that they would be asking for a waiver. S. Foote said that if it did not have so much wetlands she would consider it. S. Foote and W. Cox said that the box should be 125'x 125' for a single family house. York said that the street name and the hydrant location were ok with the fire chief.

T. Morgan said that the site specific wording should be made more clear on sheet #2. S. Foote said that before any lots are developed, the road and drainage should be done and that no tree cutting take place also. Engineer Michael Fowlers letter of recommendation for a bond was \$126,000.

Chairman Brown asked for the members comments. S. Foote said that if and when this is approved, all road and drainage construction be completed before lot development. Cox said that lots D & E did not have the box requirements and that approval should be made on the condition that lots be single family only. S. Foote agreed and said that the intention of the box is to build on buildable upland.

Andrew Gould asked if the home on the front lot could be moved to lot A before the road, etc. was done. Chairman Brown said to recalculate and move house before you do the road. S. Foote said that all roads, drainage and moving of the house shall be done before any development of house lots and 125'x 125' box units for single family dwellings.

S. Foote made a motion to continue the subdivision & lot line adjustment to February 4, 2003 at 7:00 P.M. P. Garand 2<sup>nd</sup>. Vote: unanimous

**CASE #02-49 - SAM'S REAL ESTATE BUSINESS TRUST - 11 BATCHELDER ROAD - SITE PLAN FOR A GASOLINE STATION ADJACENT TO SAM'S CLUB - TAX MAP 5, LOT 14-5 FORMAL:** Chairman Brown changed the agenda arrangement and moved Case #02- 50 and Case #02-51 before Case #02-49. There were no objections.

Chairman Brown stepped down as chairman for the next case and Vice Chairman S. Foote took over the duties of chairing the meeting.

**CASE #02-50 – CHARLES & JACQUELINE BAGLEY AND B.R.N. REAL ESTATE CORP. OF SEABROOK – 181 LOWER COLLINS STREET – LOT LINE ADJUSTMENT – TAX MAP 14, LOTS 28-2 & 29-1 – FORMAL:** Chris York of Millennium Engineering, representing Charles Bagley and B.R. N. Real Estate Corp. , presented the plans for a lot line adjustment at 181 Lower Collins Street for the board's review and approval.

Acting Chairman Foote read the application. C. York said that Morgan's comments and recommendations had been addressed and the plan had been revised. He said that the mylar has been submitted and that this plan was only to eliminate a two foot wide strip. Cox asked who owned the 2' strip. York said that it was part of lot 1A. Foote asked if there were any comments from the members. There were none. There were no abutters present.

P. Stockbridge made a motion to approve the lot line adjustment. P. Garand 2<sup>nd</sup>. Vote: unanimous

**CASE #02-51 – ARTHUR & AUDREY EATON – 44 DOWS LANE – 2-LOT SUBDIVISION – TAX MAP 12, LOT 9 – FORMAL:** Chairman Brown resumed his position as Chairman. Chris York of Millennium Engineering presented the plans for a 2-lot subdivision on 44 Dows Lane for the board's review and approval. York said that the plan included the sewer and water lines. The other water line to the other lot was not on the plan. Chairman Brown polled the board and asked if any abutters were present. W. Cox's comment was that the zoning box be in uplands. There were no abutters present.

S. Foote made a motion to approve pending having the other water line added to the plan and have the Chairman sign the revised plan. P. Garand 2<sup>nd</sup>. Vote: unanimous

**CASE #- SAM'S REAL ESTATE BUSINESS TRUST – 11 BATCHELDER ROAD – SITE PLAN FOR A 02-49 GASOLINE STATION ADJACENT TO SAM'S CLUB – TAX MAP 5, LOT 14-5 FORMAL:** William (Skip) Schneider of CEI Engineering Associates, Inc. told the board that he was at tonight's meeting to represent Sam's Club for their site plan for a gasoline refueling station. It was noted that the ZBA would meet tomorrow evening to address an appeal for a re-hearing of a variance that had been given for this gasoline station.

T. Morgan said that the applicant had received a variance and according to the ZBA minutes the variance was granted for Article 14. Mr. Morgan said that what was needed for this application was two variances, one for Article 14 and one for Article 5. W. Cox who is on the ZBA explained the variance for Article 14 and how it was granted. Mr. Schneider argued that this was wholesale because it was to members only. Chairman Brown noted that non-members can purchase at Sam's at a 10% higher rate and concurred with T. Morgan that any way you look at it, it is retail. Mr. Moore commented that the gas goes in your car and you use it and that's retail. Mr. Schneider asked if he could address T. Morgan's comments even though this would have to be tabled because of the appeal process. M. Preston said that he saw no sense of going over this case until the appeal had been settled and the variance had been granted.

P. Stockbridge made a motion to postpone this application to March 18, 2003 at 7:00 P.M. after the application for a variance from Article 5 and the ZBA decision on the appeal for a re-hearing. M. Preston 2<sup>nd</sup>. Vote: unanimous

**CORRESPONDENCE & EXPENDITURES:** T. Morgan distributed the correspondence and Chairman Brown signed the bills.

**DRIVEWAY PERMITS: NONE**

**OTHER BUSINESS:** Pro Wash Car Wash – Corner of Pine Street & Lafayette Road  
Robert Moore informed the board that Pro Car Wash had converted one of their 3 manual bays in to a full service car wash bay. W. Cox said that he was concerned with the noise this would cause and asked if there had been any complaints. Moore said that there had been none but that it was winter and windows are closed. P. Garand said that they could only operate until 10 P.M. R. Moore said that the company had done a water usage study and a noise study and that the highest noise level was 70. Moore and Garand went over the details of the latest high-powered laser system. T. Morgan asked the board if they should be asked to come back to the planning board or have the building department handle it. R. Moore said that it is all right at the present but he will have them come back if a noise problem occurs.

**SUBDIVISION REGS:** S. Foote presented her version of how to stiffen up subdivision regulations to avoid the “it fits to all your regs” excuse. She suggested that the “box” must be entirely in uplands and no more 2000 sq ft of wetlands may be impacted to access the building box. R. Moore voiced his concern that this would be circumventing the zoning. Chairman Brown told T. Morgan to work on it for our next meeting.

**TRAFFIC ON ROUTE 1:** W. Cox suggested that a letter be drafted and sent to Mike Burlege of the NH D.O.T. in regards to the town wanting five lanes straight through because the current configuration of lanes is not suitable for any new development. S. Foote said that a recent or current traffic study should be required for any new development along Route 1.

**MEETING ADJOURNED:** Chairman Brown adjourned the meeting at 8:58 P.M.

Minutes taken by Emily Sanborn, Secretary.

Secretary's Notation: 1/24/03 Mylar recorded for Bagley/B.R.N. Inc. D-30403, Arthur & Audrey Eaton, D-30404. 1/27/03 J. B. Construction, Elephant Rock Road, Condo Conversion, D-30405, Docs 9385, Gail Hersey/Rowe, lot line adjustment D-30406.