



Town of Seabrook Planning Board Minutes Draft

July 18, 2006

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Mark Preston, Vice Chair; Paul Himmer; Keith Sanborn; Aboul Khan; Paul Garand, CEO; Tom Morgan, Planner; Robert Moore, Ex-Officio; Mike Lowry, Alternate; Patricia Welch, Secretary; Barbara Kravitz, Secretary.

Members Absent: Peter Evans;

Chair Foote called the meeting to order at 6:00pm. Planning Board Secretary Patricia Welch has accepted a position with Heiffer International. Foote expressed the Board's appreciation for Welch's fine work and wished her well. Barbara Kravitz was introduced as the Recording Secretary going forward.

Acceptance of the June 20, 2006 minutes

Motion: Himmer To accept the minutes of June 20, 2006 as written.

Second: Moore **Approved: Unanimous**
Abstentions: Sanborn, Preston

Requests for Security Reduction or Extension.

Letter of Credit Expiration 7.30.06 for case #2002-03 Belgian Drive/Lloyd Perkins & Irving & Anita Brown,

Foote read the letter dated July 14, 2006 from Paul Lepere, Manager, Stargazer Real Estate Dev., requesting an extension for the Belgian Drive project to allow time to complete the finish asphalt and "as built" work, and for department head review. Foote read the DPW Manager's June 22, 2006 detail of the work to be done. The Provident Bank has extended the Security to September 30, 2006.

Motion: Preston **To extend the completion date for Case #2002-03 to September 1, 2006. A copy of the DPW Manager's letter to be provided with the Planning Board letter.**

Second: Sanborn **Approved: Unanimous**

Security (Savings) Expiration 7.29.06 for case #2004-11 Turtle Creek/Reusch & Lowe.

Foote read the letter from Thomas and Jo-Anne Lowe and Edward and Julie Reusch requesting the security be reduced to the maintenance level of \$12,000. Foote read the DPW Manager's June 22, 2006 detail of the work to be done including code enforcement re the erosion impact on the retention pond. Given the open items Foote said releasing the security would be premature.

Motion: Preston **To extend the security and completion date for Case #2004-11 for 90 days (October 17, 2006) with earlier release upon satisfactory proof of work completion. A copy of the DPW Manager's letter to be provided with the extension letter.**

Second: Moore **Approved: Unanimous**

Security (Savings) Expiration 8.2.06 for Case #2004-29 Acorn Lane/Allen & Cathy Felch.

Foote read the letter from Allen and Cathy Felch stating the Acorn Drive project is completed and will remain a private road, and requesting the return of the \$42,800 Security. Foote has communicated to Felch what he needs to do to keep the road private including stating this in addendums to the deeds for lots sold. The deeds also need to include language from Article III Section V of the Sub-Division Regulations stating this is private road and if a public road is applied for in the future it is at the property owner's expense to have the road inspected and brought up to town standards at that time. DPW states the work is substantially complete and in conformance with the approved plan except for stabilizing approximately 10' erosion on the detention pond embankment. Code Enforcement to follow-up on the letter to the Felches of June 6, 2006 re a complaint that the perimeter drain is discharging onto abutter property. The project is substantially complete and conforms to the approved plans except



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for the perimeter drain to the West of the detention pond which is not on the approved plans. Felch needs relocate or terminate the discharge pipe. The security will be retained until receipt of evidence that the satisfactory rewritten deeds have been recorded. Foote continued the case to August 1, 2006 at 6pm.

Return of maintenance security, Case #2002-21 Ava Mae Lane/Wojicki & McPartland, Ava Mae Lane.

Foote said the Board had requested as-built and digital plans and a notice to be placed on the plans that the lots are never to be sub-divided. The Treasurer was asked to initiate calling the Security to address work dressing the cul-de-sac within what will be the town way. The "as-built" and digital plans have been received. Jay McPartland said the guard rail has been extended on the embankment, the property is not lacking in vegetation and he doesn't believe the dressing on the side of the cul-de-sac is an issue for the developer because the grade of the driveway was approved in the original plan. Preston asked for the DPW inspector to do a current sign off.

Motion: Preston **To return the maintenance security for Case #2002-#21/Wojicki & McPartland/Ava Mae Lane conditional on satisfactory DPW inspection of the cul-de-sac area in writing.**

Second: Himmer **Approved: Unanimous**

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PUBLIC HEARINGS - 6:36 PM

Case #2006-28 Proposal by Scott Sheehan, Trustee Harbor II Nominee Trust, for a condominium conversion at Tax map 15, Lots 110-10 & 110-100 at 14 & 16 Katelyn Way. Attorney Mary Ganz appearing for the applicant said Millenium Engineering has changed the plan to indicate the water lines asked for in Tech Review and can clarify the name of the roadway as a private way so it is the same wherever it appears on the plan. Ganz said the easements and responsibility for maintenance in the declaration of common drive approved by the neighbors is binding on the current owners and appears in the condominium deeds. Morgan wants the street sign to say "Katelyn Way - A Private Road owned and maintained by the Condominium Association". Foote said easements allowing for all town services and utilities must be in place. If changed to a common way all town specs have to be met.

Phyllis Desharnais, 22 Katelyn Way, said she is the only condominium owner living in the area and is concerned about safety. New renters drive quickly and they have children; there is no room for 2 cars on the road. Preston noted this is the responsibility of all the unit owners. Foote said the contractor was to have installed a common mailbox and trash pick-up enclosure. Desharnais said this hasn't been done. Foote says recycling and trash pick-up receptical, and conforming the street name and completion of the original sub-division plan can be made a name a condition of approval. Foote continued the case to August 1, 2006 at 6 pm.

Case #2006-25 continued from June 6, 2006: Proposal by Paul & Mary Durant for a lot line adjustment at 520 & 522 Hooksett Street, Tax Map 21, Lots 6-2 and 6-20. Ernie Cote appearing for the applicant. Foote said the Beach Zoning Board has already provided a variance for the lot line adjustment for the two non-conforming lots. Cote said the pavement goes up to Ocean Drive extended and Lot 6-20 would only have 65 feet of frontage. Foote read through the Tech Review checklist. Morgan said the changes for addressing the lot and street address and sketching in proposed dwelling location.

needed seem minor and suggested conditional approval be granted. Ganz has submitted draft deeds.

Motion: Preston **To grant the lot line adjustment 520 and 522 Hooksett Street pending receipt of the draft deeds and a plan reflecting utility details and a proposed residence dwelling and have the Chair sign upon receipt of those items.**

Second: Moore **Approved: Unanimous**



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~~Case #2006-27 continued from June 6, 2006: Proposal by Ray Grasso, trustee of 120 Ledge Road Realty Trust of 2006, for a condominium conversion at 103 Ledge Road, Tax Map 5, Lot 8-120. Foote granted request to continue to August 15, 2006 at 6 pm.~~

Case #2004-50 continued from June 6, 2006: Proposal by Paulo & Lisa Cabral and Cheryl Wills for a 5-lot subdivision at 94 Blacksnake Road, Tax Map 3, Lot 4-1. An extension is needed while the Court action is underway. Continued to August 1, 2006 at 6 pm to allow time to get paperwork in order.

Case #2006-13 continued from June 6, 2006: Proposal by Harley Real Estate Development LLC for condo conversion at 85 Ledge Road, Tax Map 5, Lot 8-70. Condominium documents not yet completed and signed so they can be recorded. Continued to August 1, 2006 at 6pm

Amend Article IV. Section C of the Town of Seabrook Sub-Division Regulations to clarify Maintenance Security to provide a smoother transition from subdivision road to Town road.

Foote read from the Town Attorney's letter advising that most towns take responsibility for a common road for two years but hold the 10% maintenance amount of the construction Security to address maintenance repair issues arising during that period. Current documents require a developer to be responsible for the full two year security amount regardless of whether the town accepts the road during that period. The Town Attorney also recommends releasing the balance of the construction security only at the end of construction.

Motion: Foote To amend Article IV Section C of the Seabrook Subdivision Regulations to eliminate the language at the end of the paragraph -- ...“regardless of whether the roadways or other improvements are accepted by the Town within 2 years.”

Second: Preston **Approved: Unanimous**

Preston asked to public notice the change in wordage for the August 15, 2006 meeting. Garand suggests “maintenance” be defined.

Correspondence

Robert W. Carnes of Foggs Lane discussing water problem on his lot and back lot since the development of “goat’s site”. Moore says if the State installed drainage ditches as should have been done previously the water would have a place to flow. Concern is for potential new construction on the mausoleum property. Foote noted the area has a fairly large wetlands area. A letter outlining the situation will be attached to the subdivision file.

Millenium Engineering, Inc. re proposed Holiday Inn Express on Rocks Road indicating a new individual has bought the plans for the Holiday Inn Express and wants to alter the building footprint to add 475 sq feet and 3 units. Current parking is adequate provided there are no more than two employees. Millenium asks if this is a minor modification or does it have to come back to the Board. The owner has been advised that the changes need to be reviewed by the Planning Board.

Code Enforcement Officer re Hannah Foods and the complaint submitted to the Board of Selectmen. Approval for the second entrance on Railroad Avenue lapsed due to non-compliance of the conditions of approval. The addition to the building is considered substantially complete but occupancy for the entire structure has not been granted due to the site work being incomplete. The “maximun of 3 truck trips/day” in the original approval needs clarification. Moore says the original approval referred to



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Hannah's 3 trucks unloading at the warehouse. Garand points out Hannah has no control over the carriers who use various types of trucks and [recommends limiting traffic to certain hours.] Moore would want legal advice re interfering with local traffic. Foote says PB can't limit who drives down the road. Hannah could try their best to limit # of trucks. Foote is disappointed in Hannah Foods' lack of follow through in creating a new, wider, more substantially built road that would absorb the vibration to help the abutters. Garand says a South Road entrance would eliminate the truck issue and will issue the occupancy permit upon compliance with all approval conditions

Beachwood Homeowners request to use power and influence to get their subdivision finished. Foote has given Mr Benoit permission to receive a copy of Appledore Engineering's analysis of drain plans and drainage. Jason Page noted the Planning Board previously approved recommendations 1,3,4,6,8 and is concerned that by turning over the entire study more requests for amendments may occur. With bonding Ledge Road Realty Trust has become Border Winds Development LLC and Mr Benoit and Mr Colleander are both on that bond. \$75,000 is insufficient to complete work. In the August 3, 2005 meeting the Planning Board voted that the Town Engineer analyze the work to be done and estimate the cost. Foote says Attorney Mitchell advised the amount of security could not be changed without declaring the entire subdivision invalid. The independent engineering firm security was \$20,000 of which \$16,000 has been spent for Appledore Engineering and water line review. Page asked if attorney Mitchell could get a finish schedule signed off by court or file suit to have court mandate developer to maintain power and street lights until Planning Board accepts road. TDBankNorth extended bond details with Finance Director and Treasurer. Foote said it is easy to confuse Beachwoods and London Lane which have the same partners and both were active at the same time. Foote is concerned that letter in newspaper is bad timing now that Benoit is asking what needs to be done. Colleander is still here. Sanborn says this is private property. Preston says the plan accepted by the Planning Board is what the developer was expected to build. People not getting the full services of the Town because it doesn't own the road yet they still pay taxes. Page says the Town should take action in court which Foote says has already occurred. The court says the developer was to complete the work. The alternative is to return to the court, file another suit. Page wants a timetable. Preston says Mitchell should contact Benoit/Colleander [attorney] to enforce the court order and get time table. Got copies of work order by certified mail.

Motion: Preston

To have Attorney Mitchell inform Benoit/Colleander or their representative that the Planning Board wants to enforce the court order and the conditions that were set forth on August 3, 2005 and get a timetable for completion.

Second: Kahn

Approved: Unanimous

Police Activity with Box Stores. Currier has provided tally of number of calls and manhours responded to by police. Foote has requested the Town Planner to review subdivision regulations re creating a fee ordinance to address the increased burden on police and fire capacity. Foote notes the lack of ability to successfully prosecute due to security cameras aimed high and/or unusable camera footage. Moore said to require private security. Preston says larger stores can handle civil prosecution but smaller stores don't ask for help. Morgan says impact fees can be adopted but not before March 2007 Town Meeting. Morgan says salaries are not but you can buy equipment. Offsite impacts are limited by State law to traffic, sewer, water, and storm water.



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Motion: **Moore** **To adjourn at 8:20pm**

Second: **Foote** **Approved: Unanimous**