



## Town of Seabrook Planning Board Minutes **Draft**

June 20, 2006

Members Present: Sue Foote, Chair; Peter Evans; Paul Himmer; Aboul Khan; Paul Garand, CEO; Tom Morgan, Planner; Robert Moore, Ex-Officio; Patricia Welch, Secretary.

Planning Board meeting opened at 6:00 PM. First item was acceptance of the minutes

**Motion: Himmer To accept the minutes of June 6, 2006**

**Second: Khan Unanimous**

Security reductions: National Tire & Battery requested all monies be returned except \$2,000 for digital and as-builts and \$1400 for landscaping (a total of \$3,400 retained).

**Motion: Evans To retain \$3,400.00 (\$2000 for digital/as-builts and \$1400 for landscaping) on case 2005-14 and return any other security held.**

**Second: Moore Unanimous**

Sandpiper Lane has been in maintenance for over two years. The Board of Selectmen is holding a public hearing on acceptance of Sandpiper Lane as a Town Road on June 21, 2006.

**Motion: Foote To release Letter of Credit, close case and recommend acceptance to Board of Selectmen on Sandpiper Lane, PB case 2003-47.**

**Second: Evans Unanimous**

G&D Realty Trust, 146 Batchelder Road obtained a site plan approval for expansion of this facility on December 6, 2005. Gregory J. Burzynski, applicant/owner has requested the site plan be revoked and the security of \$7250 be returned.

**Motion: Moore To return all security on case 2005-47, to rescind the site plan approval, and close this case.**

**Second: Khan Unanimous**

Foote presents a letter from Oliver & Evelyn Fowler requesting a six-month extension on the Nicholas Way/Becky's Way project (PB Case 2002-18).

**Motion: Evans To extend case 2002-18 to 12/19/06 contingent on security remaining in place for the six month extension.**

**Second: Himmer Unanimous**

Letter reviewed from Scott Bartlett, Town Assessor regarding street numbers. The legal address for a condominium conversion on Jean Drive is incorrect. Our regulations state that engineers are to obtain a signed letter from the Town Assessor verifying that street numbers are correct. A letter in which the assessor fills in the correct street numbers and then signs to eliminate waiting for the assessor to write such a letter can be submitted by engineers. The assessor's signature is paramount. Chair Foote noted that because of incorrect addresses, **case 2006-22 must have a revised plan and condominium documents resubmitted to the Planning Board and re-recorded at the Registry of Deeds.**

Next letter is from CEO Garand regarding 49 New Zealand Road, case 2005-48 Tomlinson, Urbani site plan for a wholesale retail building. The owners have changed their minds on the use of the structure and wish to make it a professional office building. Garand notes that they are offering to comply with the Planning Board's regulations if the Board determines this is a major change of use. Garand notes there will be less traffic in the residential area, parking requirements are still being met, there will be no outside dumpster and no deliveries, and hours of



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operation remain the same. Foote states that as long as the site plan does not change the footprint that was approved she has no problem with it. The Chair polls the Board and no members raise objections.

**Motion: Evans To waive jurisdiction on case 2005-48.**

**Second: Himmer Unanimous**

ZBA agenda is reviewed for cases that affect the Planning Board. There are none.

A notice has been received from the Department of Environmental Services that DDR Seabrook LLC has applied for a site specific permit to disturb approximately 1,350,000 square feet for demolition of an existing manufacturing building and two commercial buildings.

CEO Garand notes the Brownfield's report on the Bailey/Venture site in his office if anyone wishes to review it.

Board reviews a notice that UNH and the NH Coastal program seek Marsh Monitor volunteers. A postcard inviting the Board to the grand opening ceremony at Phantom Fireworks is presented. The Rockingham Planning Commission training series for Planning Board members is June 28<sup>th</sup> at Exeter Town Hall. A notice of application for a driveway permit for Broken Yoke on Route 1A has been received from DOT. The Board discussed a conceptual idea for this development last year but no application has been submitted to date.

Public Hearing opened at 6:40 PM

First case is **2006-26 Proposal by Robert Preston and Zapstix Surf Shop for site plan review for a 480 Square Foot addition at 186 Ocean Boulevard, Tax Map 26, Lot 93.** Chair Foote notes that revised plans were received from Henry Boyd two minutes before this meeting rather than by the required deadline of noon Friday, June 16<sup>th</sup>. Boyd states he had the plans ready for the Friday deadline but misspelled the client's name and had to redo the sheet. There is no representation for this case present at this time.

Next is **case 1999-11 Proposal by Charles Bagley, Jr. for a sub-division at Austin Way, Tax Map 9, Lot 7.** (Security (Savings) \$41,000 expired 6/13/06). A letter from Henry Boyd was received just before the meeting that states Clay Fowler wishes the swale to be constructed because he still has water issues on his property. Photos of the water problem are presented to the Board by Fowler and are reviewed. Bagley states he is ready, willing, and able to finish this project. Moore notes there is very little to do to complete the project to plan. Considerable discussion of how to construct the swales, their location, and the issues of two driveways follows. The Board, Linda & Thomas Moffett (property owners in the sub-division), Fowler (abutter to the sub-division), and Bagley discuss the necessity for the swales to be constructed to the plan's specifications, whether they are right or wrong unless a new public hearing is noticed and held on changes to the approved plan. The time constraints for a new hearing and revisions to the plan prohibit this action. Therefore it is determined that the developer will go forward with what was approved and once the Town accepts Austin Way as a town road, then changes can be made to suit the property owners. A detail of the swales is presented by Fowler and discussed by Board members. Since it differs from the approved plan it cannot be utilized even though it makes more sense than the stated construction details of a swale a foot wide at the bottom, six inches deep, three feet wide at the top with a one to two slope and 1" depth of 3" crushed stone. Wayne Morrill, engineer for Jones & Beach notes that if you change the design of the plan you could affect the flow calculations that were submitted. The Moffetts express concern that the developer uses care in completing the swales and driveways to avoid creating additional issues.

**Motion: Foote To grant an extension to September 19, 2006 for completion of case 1999-11, Austin Way sub-division.**

**Second: Himmer Unanimous**

**2002-12 Proposal by Seabrook Circle Trust & J. Normand Jutras for site plan review at Main Street and Smith's Lane, Map 10, Lot 18** (registered letter sent 6/8/06 requesting \$5000 security by 6/20/06 and giving 60 days to comply with approved plan)



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Security is in place as of 6/20/06 and Jutras is working with Henry Boyd to complete the project. The case is continued to September 19<sup>th</sup> at 6:00 PM. The Board strongly recommends that the engineer's plans for remediation be submitted prior to that time if the applicant cannot comply with the approved plans.

**Motion: Foote** To continue case 2002-12 to September 19, 2006 at 6:00 PM at which time the project is to be completed. Interim remediation plans are to be submitted prior to the completion date by the engineer.

**Second: Moore** All in favor except Khan who abstains because of personal connection to applicant.

**2002-21 Wojicki & McPartland, Ava May Lane 4-lot subdivision, Tax Map 3, Lot 2** (Applicant requested security reduction; Board denied until receive as-builts & digitals; \$5000 maintenance expires 12/7/06; BOS accepted as Town road). Chair notes that the Town has accepted Ava Mae Lane and the monies can be used to repair the cul-de-sac. Garand notes that this is a DES case and they will make a decision on what is to be done to remedy the issues on the private driveway. Discussion on calling the letter of credit follows.

**Motion: Foote** To initiate calling the security for case 2002-21.

**Second: Evans** Unanimous

**2000-23 Proposal by Eugene Dean for site plan review on 22 Stard Road, Tax Map 4, Lot 19-2.**

**2000-24 Proposal by Scott Mitchell for site plan review on 22 Stard Road, Tax Map 4, Lot 19-2.**

(Cases extended for six months to first meeting in July for as built and digitals at compliancy 12/13/05)

Wayne Morrill, Jones and Beach Engineers represents the applicants. They request two months to bring the road to as-built status and finalize the as-builts.

**Motion: Foote** To extend cases 2000-23 and 2000-24 to September 19, 2006 for completion.

**Second: Moore** Unanimous

**2001-34 Proposal by Honor & Mason LLC and Margaret Stard for site plan approval on 15 Whitaker Way, Tax Map 4, Lot 19-50** (letter of credit expired 3/4/05; compliancy hearing 12/13/05 set security at \$5000 for digitals & as-builts; never posted)

Wayne Morrill, Jones and Beach Engineers represents the applicants. He requests an extension to September 19, 2006 so that a nine-point punch list can be completed. Chair Foote strongly suggests that the security be posted.

**Motion: Foote** To grant an extension to September 19, 2006 for case 2001-34 to be completed contingent on \$5000 security being in place no later than July 3, 2006 or the site plan will be revoked.

**Second: Himmer** Unanimous

**2005-42 Proposal by Marianne Gibbons for a four-lot subdivision on Dow's Lane at Tax Map 12, Lot 14**

(extension to meet original conditions of approval to June 15, 2006 given at PB Meeting 4/4/06)

Wayne Morrill, Jones and Beach Engineers represents the applicant. All conditions of approval have been met except the pre-construction hearing. Developer Bagley states DPW Manager John Starkey told him that pre-construction meetings are no longer being done as Sue thinks they are a waste of time and that he needs to speak with Foote about it. Chair Foote states that pre-construction meetings are required and that the Secretary will set up a time with the department heads and notify the developer of the date and time. She notes that the developer is responsible for having engineers, utility companies and others involved in the site's development attend.

**2006-13 Proposal by Harley Real Estate Development LLC for condo conversion at 85 Ledge Road, Tax Map 5, Lot 8-70.** (Approved 2/21/06 and conditions never met; not recorded at registry yet). Wayne Morrill, Jones and Beach Engineers represents applicant. They are waiting for the attorney to change the condominium documents. The Board requests that this be completed no later than July 18, 2006 and continues the case to July 18, 2006 at 6:00 PM.

**Case 2006-26 Proposal by Robert Preston and Zapstix Surf Shop for site plan review for a 480 Square Foot addition at 186 Ocean Boulevard, Tax Map 26, Lot 93** now has a representative present. Himmer recuses himself



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from this case as he has a monetary interest in the outcome. Chair Foote notes that revised plans were not received until tonight so the Board must decide if they wish to waive the regulation requiring submission by noon on the Friday prior to the meeting. Evans states that since the plans are simple and do not require technical review and Henry Boyd has a good excuse, he feels the Board should waive the submission requirement. Linda Paugh, applicant is present

**Motion: Evans**

**To waive Article III C (- Revised Plans** shall be submitted to the Planning Board Office no later than 12 Pm on the Friday prior to the next Planning Board meeting. The Planning Board will not review any plan for which this deadline has not been met. Revised plans shall include revision blocks that detail every revision to the plan.)

**Second: Moore Unanimous**

Chair Foote notes that at its last meeting the Board requested that Paugh ask for a waiver in writing from the specific site plan review regulations that do not apply in her case, but that at minimum a plan showing parking, lighting, drainage and the dredge and fill permit (since this property is within the Shoreland Protection area) are necessary. Paugh notes that DES has not returned her calls. CEO Garand notes that he spoke with Frank Richardson of DES and since the main structure is past the 100-foot high tide line, the addition does not require a dredge and fill permit. Foote notes we need something in writing for the file. Garand notes he will meet with DES the first week in July and obtain a written waiver. Morgan asks about electric poles and lines, catch basins and manholes on the site. Paugh states there are none on the site. Evans asks about parking. Foote notes the site is all gravel and parking is in the rear as well as in the front. Paugh says there are six parking spaces in the front of the shop and no new pavement will be put in. There will be no excavation for the addition as it will be built on sonar tubes. Foote notes that type of construction will reduce the roof run-off issues. Evans is concerned about the utility locations. Garand states that a sewer and water application will be required as parts of the building permit approval process and will show the existing utilities. Moore says it's just a simple plan with nothing behind the addition. Foote notes that the site plan review allows the Planning Board to review inconsistencies in sites and requiring a site plan covers the Planning Board's responsibility to the regulations and justifies its decision.

**Motion: Evans To accept case 2006-26 as a complete application for deliberation.**

**Second: Moore Unanimous**

Morgan notes that the building is to be used for storage only, that there is no foundation, it is a minor addition with no additional parking or lighting so the Board can waive requirements as it deems appropriate. Evans completes the Checklist of Items required for an application to the Seabrook Planning Board (see attachment) and the applicant submits a letter with that checklist as her formal request for waiver from the regulations.

**Motion: Evans To approve case 2006-26 pending receipt of a request for waivers letter.**

**Second: Khan Unanimous**

Khan raises a concern he has received from a citizen about the monument rock and sign at the corner of Rocks Road and Route 1 where the Advanced Auto Parts Store has begun construction. Garand offers to contact the developer to ensure that the monument is maintained and protected.

Chair Foote suggests that the Planning Board hold a Public Hearing on the question of changing the regulations regarding maintenance and site security at the July 18, 2006 meeting. She recommends that Board members review the materials previously provided (for the June 6, 2006 meeting). Morgan asks for a copy of Town Counsel's opinion on this matter.

Meeting adjourned at 8:20 PM  
Respectfully submitted,  
Patricia R. Welch, Secretary  
Seabrook Planning Board



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### Checklist of Items Required for an Application to the Seabrook Planning Board

	Item	Submitted	Not Submitted	N/A
<i>Application</i>	Completed application form with owner signature	X		
	Fees paid	X		
	Abutters list	X		
	Copy of deed	X		
<i>Subdivision &amp;</i>	Ten paper copies	X		
<i>Site Plan Exhibits</i>	Mylar meeting Registry of Deeds specifications			X
	Digital copy			X
	Scale not greater than 20' nor less than 100'	X		
	Locus	X		
	Title Block, with owner, in lower right corner	X		
	Date	X		
	North arrow	X		
	Surveyor stamp	WAIVE		
	Engineer stamp	WAIVE		
	Wetlands Scientist stamp	WAIVE		
	Acreage	X		
	Easements and easement holders			X
	Dimensions to hundredths of a foot	X		
	Radii & bearings of prop lines, ways & easements			X
	Street & Utility profiles, cross sections & details			X
	Street name	X		
	Proposed use of property	X		
	Proposed public areas	X		
	Permanent monuments			X
	Flood elevation data	WAIVE		
	Sign details			X
	Lighting details	No additional lighting proposed		
	Landscaping details	No change		
	Driveway details	WAIVE		
	Wetlands, streams, ponds & creeks	WAIVE		
	2-foot contours, existing & proposed	WAIVE		
	Revision Block to the left of Title Block	WAIVE		
	Approval signature line above Title Block			
	Stormwater Drainage Analysis	WAIVE		
<i>Subdivision &amp;</i>	Intended location of dwellings & structures	X		
<i>Site Plan Exhibits</i>	Size and location of impermeable surfaces	X		
	All appropriate setback lines	X		



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	Lot depth & width rectangles on building sites			X
	Lot numbers	X		
	Street numbers	X		
	Board of Adjustment approval with explanation			X
	Applications filed for State & Federal permits			X
	ConCom comments, if wetlands involved			X
	Technical Review Committee comments			X
	Wetlands Survey extending 25 feet off-site	WAIVE		
	Permanent boundary markers for wetlands	WAIVE		
	Stormwater Pollution plan	WAIVE		
	Erosion & Sediment Control plan	WAIVE		
	Water Meter installation note			X
	Draft Deed citing easements and wetlands			X
<i>Site Plan Exhibits</i>	Architectural elevations	X		
	Lighting fixture details	WAIVE		
	Lighting locations & hours of operation	WAIVE		
	Maintained horizontal luminance	WAIVE		
	Photometric grid	WAIVE		
	Light pole foundation & pole details	WAIVE		
	Traffic Study	WAIVE		
<i>CondoConversion</i>	Certified copy of condo documents			X
	Utility plan showing shutoff valves			X
	Wetland delineation			X