

**SEABROOK PLANNING BOARD
MAY 20, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Peter Evans, Paul Garand and Alternate William Cox. Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, PB Attorney Walter Mitchell and Secretary Emily Sanborn.

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

MINUTES: S. Foote made a motion to approve the minutes of May 6, 2003 as written. P. Evans 2nd. Vote: W. Cox was not at this meeting and abstained. Motion Carried.

CONFERENCE WITH ATTORNEY MITCHELL: W. Cox made a motion to go into a conference session to consult with Attorney Mitchell. S. Foote 2nd. Vote: unanimous. The members and Attorney Mitchell went into conference at 7:02 P.M. and returned to the meeting at 7:45 P.M.

CASE #02-47 – EMC REALTY TRUST – CONDO CONVERSION – 264 SOUTH MAIN STREET – TAX MAP 17, LOT 20-3 – FORMAL CONTINUANCE:
Surveyor Gerrit Crabbendam and Attorney Eileen Nivins, representing applicant Francis Chase, presented the plans for a condo conversion at 264 South Main Street for the board's review and approval. The board looked over the plan.

Attorney Nivens addressed the comments made in Tom Morgan's letter of review and Attorney Simmons' condo document review letter. Nivens said that the sewer had been addressed in the condo docs and the issue of Eminent Domain has been cleared up in paragraph 18. Chairman Brown asked about the easement. Nivens said that the easement and utilities were addressed on page 4 section 9 and section 11 addresses the maintenance responsibility of any shared utilities.

Attorney Nivens told the board that Mr. Chase had acquired a copy of the agreement that the abutters had signed in reference to sewer responsibility with the town. Gerrit Crabbendam said that Mr. Chase had made out the agreement but he did not have it here tonight. Attorney Nivens said that the issue of the easement is a civil matter and should have no barring on whether the building should receive condo approval. W. Cox said that the letter from Attorney Riley who was retained by abutters Meyer and Larivee alleges that the house extends into the easement. Attorney Nivens said that the second access was not listed as concrete and according to town records Mr. Meyers on lot D-1 references the other access to his

property. She said that the easement which is in dispute only goes to the other easement and does not go to his property.

Chairman Brown said that the only problem he had is the tearing up of the hot top by the State's say so. S. Foote voiced her displeasure with these condo's being built before the plan is brought before the board. P. Garand explained the process of obtaining a building permit for a duplex and then converting the units into condos. Attorney Nivens again said that if there is an issue with the easement it is a civil matter.

Chairman Brown polled the board members. S. Foote said that there were too many people in a stew already without adding two more. P. Garand said that the issue of the easement was a civil matter. W. Cox and T. Morgan had no further comments.

ABUTTERS: Greg Meyers says that the right to use this easement is in his deed and that he could drive down the easement any time he liked. He said that that it was asphalt when he bought his lot. Karen Meyers said that she did not believe that a condo approval can be given with the pending issue of the easement. W. Cox said that there isn't any regulation that hasn't been followed. K. Meyers said that she believed that Mr. Chase knew exactly what he was doing when he removed the hot top. Abutter Ron Larivee of 270 South Main Street said that the existing water lines have been moved and that he did not see why if we can't even wash our cars because of lack of water why the town is still allowing building. Later in the meeting Mr. Larivee voiced his concern with if he had to dig and did not know the actual location of the water\sewer line and ruptured it who would be responsible. He said that there had been different locations already depicted on the plan and that Mr. Chase should have to sign the same agreement as the others about the responsibility and maintenance of the sewer lines.

Gerrit Crabbendam said that there were only two and that he had gotten the ties from the town and that it is located as shown on tonight's plan.

Attorney Mitchell said that the issue of the removal of the asphalt and the allegation to the blocking of the easement is all a civil matter that the board does not have jurisdiction over. Mitchell said that if the porch is on the easement, the applicant will have to move it. He suggested that if the condo is approved a note be added that if this happens the applicant will have to change the plan. S. Foote asked what would happen if the units were sold in the mean time. Attorney Mitchell informed her that the board has the power to revoke the approval under RSA 676 4A and that the buyer would be looking to the seller for a solution.

T. Morgan said that if the board was going to go along with the approval, did the board want to review the plan again or have the Chairman sign it. P. Evans said that he preferred that we see the plan again.

Attorney Mitchell drafted the conditions similar to: “ There is a dispute between the applicant and the abutters regarding alleged infringement on easements. The approval of this board is not intended as a comment on the merits of that dispute. However, if any subsequent decision of a court decides that the abutters have rights inconsistent with or contradictory to the representations of the applicant, or the content of the plan, than the approval of the board shall be void.

Peter Evans made a motion to continue the condo conversion to allow the added verbiage to the plan to June 17, 2003 at 7:00 P.M. W. Cox 2nd. Vote: unanimous

CASE #03-5 – EMC REALTY TRUST – CONDO CONVERSION – 14 LIGHTHOUSE WAY – TAX MAP 12 LOT 31-7 – FORMAL CONTINUANCE:

Surveyor Geritt Crabbendam and Attorney Nivens, representing applicant Francis Chase, presented the plans for a condo conversion at 14 Lighthouse Way for the board’s approval. Nivens said that the condominium documents have addressed any concerns with the responsibility for utility maintenance and the drainage easement ownership. Warner Knowles submitted a letter to the board in regards to future sewer services to condos and their share ownership and the maintenance of the sewer service. As to the closeness of the driveway, it was agreed that it meets the regulations. There were no abutters present for this case.

W. Cox made a motion to approve the plan only for the purpose of certifying that it complies with the Town of Seabrook’s Condominium Conversion Regulations. P. Garand 2nd. Vote: unanimous

CASE #03-8 – SEABROOK VILLAGE COOPERATIVE, INC. – LOT LINE ADJUSTMENT – OFF OF PINE STREET – TAX MAP 8, LOTS 13 & 14 – FORMAL CONTINUANCE: Attorney Mary Ganz, representing the applicants, presented the revised plan for a lot line adjustment for the Seabrook Village Cooperative, Inc. for the board’s review and approval. Ganz addressed the comments of T. Morgan in his letter of review with the following: 1) stamped blue line copies of the plan have been submitted; 2) 100’x 100’ box depicted on lot off of Pine Street other lot is in the mobile home park; 3) utilities have been depicted and easement added; 4) mylar was taken to registry and the print is alright; and 5) signature box now accommodates seven signatures as requested by the board.

There were no Abutters present for this case.

S. Foote made a motion to approve the Lot Line Adjustment for the Seabrook Village Cooperative, Inc. W. Cox 2nd. Vote: unanimous.

CASE #03-10 – WINELLA & EDWARD CHOUINARD – CONDOMINIUM CONVERSION AT 3 & 3A WHITTIER DRIVE – TAX MAP 8, LOT 38-3 –

FORMAL: Attorney Mary Ganz presented the plans for a Condominium Conversion for the Chouinards' at 3 Whittier Drive for the board's review and approval. Ganz addressed the following recommendations in T. Morgan's letter of review: 1) Signed application has been submitted; 2) Condo documents have been review by Attorney Simmons; and 3) The town had a hard time locating the water shutoffs. A note has been put on the plan to their existence and location.

W. Cox made a motion to approve the plan only for the purpose of certifying that it complies with the Town of Seabrook's Condominium Conversion Regulations. P. Garand 2nd. Vote: unanimous

CASE #03-11 – MARGARET STARD – STARD ROAD/WHITAKER WAY – TAX MAP 4, LOT 19-10 – SITE PLAN FORMAL:

Wayne Morrill of Jones & Beach Engineering, on behalf of Margaret Stard, presented the plans for a 5,000 square foot industrial building with a 2,100 square foot office building. Morrill said that there would be 18 parking spaces; landscape to be maple trees, white pine and junipers. He said that the entrance would be off of Stard Road only because of the flow to the loading dock for turning of large trucks.

DRAINAGE: Sheet C3 contains the drainage and the study includes every lot of the development with a decrease of flow runoff. P. Evans asked if it had been updated to comply with the 25-year storm. Morrill said that it had. Chairman Brown commented on the DPW department review. Brown said that John Starkey had a problem with the pavement on the existing sewer service on Stard Road being in need of repair and the flow of the storm water in the parking lot flowing out onto Stard Road and it should be handled on private property and not impact the public way. Morrill said that they would revise the plan with a slope and make it dip down and let it flow into the grass.

LIGHTING: Sheet C4 containing the lighting will be revised with back shields recommended by W. Cox. Morrill said that he would change the lighting numbers depicted on the plan. Sheet D1 shows the details, sheet E1 shows the Erosion control and El-1 shows the proposed building elevations.

Chairman Brown asked what the proposed use was going to be. Morrill said it would be light industrial and Scott Mitchell said that they did not have a user at present but the application for a business license would curtail the use. Engineer Michael Fowler recommended that in anticipation of a sprinkler system, etc. the $\frac{3}{4}$ " water line should be changed to a 6" line. He recommended a bond of \$15,000 to cover granite curbing, lighting and as-built plans.

Mr. Morrill went over T. Morgan's comments in his letter of review. 1) No user at this time; 2) Entrance off of Stard road has a better angle for access to loading dock; 3) P. Evans said that he would like to see sidewalks on Ledge Road. Morrill said they would ask for a waiver; 4) P. Evans asked about the handicapped parking space being so far away from the office building. Morrill said it will be revised; 5) legend will show granite curbing; and 6) Back plates will be put on lighting and cut sheets will be sent to W. Cox.

P. Garand asked what was going to be done with the house on this lot. Mitchell said that they had looked into moving it but it was not feasible. Other concerns addressed by the board were $\frac{3}{4}$ " water line will be changed to 6" for future use; bond of \$15,000 to be posted; road cut to be to DPW standards; lighting cut sheets will be sent to W. Cox and Stard Road entrance to be closed off during construction. T. Morgan said that because this lot is on the edge of the industrial zone, the aesthetics should be pleasing therefore they should either go heavy with the landscaping or\and improve the appearance of the building. Chairman Brown noted that this was across from the residential zone and there should be noise control. Morrill said that there would be a note on the plan about noise, etc.

Abutter David Pineo and his wife asked questions about this project. Mr. Pineo had concerns about the proposed use of this building and said that he hoped that it wasn't like the business presently located on Whitaker Way. He complained about the noise, the hours of operation, the debris of cars in the yard and the peeling out of the driveway. Pineo said that this was being used as an auto repair and asked if this was not a violation of the use. P. Garand said that he would inquire about this business.

W. Cox made a motion to continue this case to June 17, 2003 at 7:00 P.M. S. Foote 2nd. W. Cox withdrew his motion and S. Foote withdrew her 2nd.

W. Cox made a motion to continue this case to July 15, 2003 at 7:00 P.M. P. Evans 2nd. Vote: unanimous

INFORMAL PRESENTATION:

HALES BROTHERS –INDUSTRIAL SITE APPROVAL – EXTENSION:

Gary Dolan, owner of Hales Brothers, told the board that he had received an approval for a site plan off of Chase Way two years ago. Mr. Dolan told the board that at that time he was in the process of acquiring the building that he was occupying to extend his business operation. He asked the board if they would extend the approval. T. Morgan told the board that they had the power to do this. Mr. Dolan was asked how long he needed. He said he would like a years extension.

P. Garand made a motion to extend the site plan approval to one year from tonight. S. Foote 2nd. Vote: unanimous

BOB'S FURNITURE STORE: T. Morgan said that Bob's Furniture store wanted to extend their store to the adjacent lot and wanted to know how this would be with the planning board. The board said that they were ok with this proposal coming to the planning board.

ELECTION OF OFFICERS: Chairman Brown opened the nomination of officers.

P. Garand made a motion to nominate Robert Brown as Chairman. W. Cox 2nd.

Vote: unanimous

Chairman Brown made a motion to nominate Susan Foote as Vice Chairman. P. Garand 2nd. Vote: unanimous

P. Garand told the board that he might need a replacement. W. Cox said that he would consider taking his place on the board.

CORRESPONDENCE & EXPENDITURES: T. Morgan distributed the correspondence. There were no bills to be signed.

DRIVEWAY PERMITS: None

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10: 05 P.M.

Minutes taken by Secretary Emily Sanborn.

Secretary's Notations: Mylars for the following were recorded May 23, 2003: Condo Conversions for Winnela Chouinard, 3 Whittier Drive D-30700, Docs. #59432 at 11:15 A.M. – EMC Realty Trust, Lighthouse Way, D-30698, Docs. #59431 at 11:14 A.M. – Lot Line Change – Seabrook Village, ine Street, D-30699.