



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

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

MINUTES OF August 15, 2006 and September 12, 2006

Motion:	Lowry	To approve the Minutes of August 15, 2006 as written.
Second:	Moore	Approved: In favor: Foote, Khan, Lowry, Moore Abstained: Preston Absent: Himmer, Evans

Motion:	Preston	To continue the approval process for the September 12, 2006 Minutes to October 3, 2006 at 6 PM.
Second:	Moore	Approved: In favor: Foote, Preston, Khan, Lowry, Moore, Himmer Absent: Evans

REQUESTS FOR SECURITY OR EXTENSIONS

Case#2004-11 Turtle Creek Terrace

Foote noted the fully signed Security Checklist had been received, and referenced the letters from Edward M and Julie S Reusch and Thomas M and Jo-Anne Lowe requesting return of the security and acceptance by the Board of Selectmen as a Town Road. Foote asked if the wetlands markers had been posted and noted the absence of as-built and digital copies.

Motion:	Preston	To approve Case #2004-11 and to return the balance of the security except for the maintenance security in the amount of \$12,000, conditioned upon (i) wetlands markers being posted, and (ii) receipt of the as-built and digitals, and to then recommend to the Board of Selectmen that Turtle Creek Terrace be considered for acceptance as a Town Road.
Second:	Lowry	Approved: In favor: Foote, Preston, Khan, Lowry, Moore, Himmer Absent: Evans

Case #2002-18: Foote referenced a letter from Oliver and Evelyn Fowler requesting a reduction of the bond for the **Nicholas/Becky Way project**. A Security Checklist sign-off by department heads is needed.

Case#2002-21: Foote referenced a letter from **Wojcicki and McPartland Development** requesting the return of the security for Case #2002-21. Foote noted that the Public Works



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Manager has said that the re-bar is removed and the shoulder area is stabilized. The asphalt was fixed but is now dug up again because of construction work by a neighbor. Foote recommended release of the security because they can't be held responsible for damage caused by others.

Motion:	Preston	To approve the release of the balance of security for Case#02-21, and to close the case.
Second:	Lowry	Approved: In favor: Foote, Preston, Khan, Lowry, Moore, Himmer Absent: Evans

CORRESPONDENCE

Preston Real Estate, by letter, is requesting an exemption from site plan review for the proposed outdoor patio at Sharon's Sea Grille, 186 Ocean Boulevard. There are 33 parking spaces on the front site and 15 on the back site, only two of which would be used for the patio. Morgan said the Board could waive jurisdiction for site review as long as there is compliance with zoning. Foote was informed the Beach building inspector gave the go ahead indicating no planning board approval was necessary. Lowry said there is adequate parking including the back area and this is not a permanent building. Khan noted this is a common situation. Garand said parking on the back and sides meets requirements.

Motion:	Himmer	To grant a waiver of Planning Board jurisdiction for the proposed patio at Sharon's Sea Grille, provided it is in compliance with zoning requirements.
Second:	Lowry	Approved: In favor: Foote, Preston, Khan, Lowry, Moore, Himmer Absent: Evans

Letter to Beach Precinct: Foote noted several building projects are being built at the Beach without coming before the Planning Board, and submitted a letter to be sent to the Beach Precinct stating that Planning Board site review is needed for such projects. By consensus Board members approved the letter as drafted.

Letter to Paving Contractors: Foote said the Public Works Manager recommends a letter be sent to all paving contractors together with the driveway regulations and a reminder that a permit is needed before paving a driveway in the Town of Seabrook. Himmer said it may be necessary to require digging up of pavement placed on Town land. Moore said out of state contractors may not realize the permit is necessary. By consensus the Board approved sending a letter to paving contractors.

Fogg's Auto Recycling: The Code Enforcement Officer has advised Fogg's Auto Recycling that changes to an existing junkyard require prior approvals from certain Seabrook Boards including the Planning Board.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Case # 2006-35: Letter from DDS to JD Hospitality, re the proposed Holiday Inn Express, extending the previous permit until September 27, 2008 and identifying the applicable conditions. Foote said this letter is confusing, as it doesn't reference the plans or revisions. Morgan will get the date of the plan from DES. Foote noted JD Hospitality has posted security of \$92,000 plus an escrow of \$12,500 for the traffic light.

Case #2005-14 the Treasurer has reduced the **National Tire and Battery** security to \$3400.

BUDGET

Foote asked for comments on the Budget previously distributed to the Board, there being none.

APPLICATION AND FEE CHANGES

Foote distributed a proposed application revision increasing certain fees to better reflect the respective costs. The increases under the new schedule will be: Public Notice fee from \$30. to \$50, Billing Administration fee (for invoices) from \$10 to \$15, and the Recording fee to cost plus \$20, up from \$10. Preston said it is good to reflect current day costs. Evans asked for the current definition of "minor subdivision". Foote said this means there are no roads.

Motion:	Preston	To update the Application and increase fees as proposed by the Chair.
Second:	Lowry	Approved: Unanimous.

PUBLIC HEARINGS

Case #1999-11 Proposal by Charles Bagley, Jr. for a subdivision at Austin Way, Tax Map 9, Lot 7, continued from 06-20-06. Foote said the Public Works Manager is pleased with the progress and completion should be this week; there is a cash security.

Motion:	Preston	To continue Case#1999-11 to October 17, 2006 at 6PM with the expectation the remaining work will have been completed or the applicant will have signed a waiver.
Second:	Moore	Approved: Unanimous.

Case #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, continued from 06-20-06. Foote read the letter from Millenium Engineering requesting an extension because the site needs reworking and a new wetlands permit may be required. A site visit with Frank Richardson of Department of Environmental Services is scheduled for 09-21-06 and the Planning Board Chair has been asked to attend. Subsequently, Millenium will draw and submit final plans. Foote said she had passed by the warehouse which seemed full. Garand said appliances were being stored, but no occupancy permit would be issued without complying with the site plan.regulations Evans suggested asking for a completion plan for the Spring. Moore said to include the trailer and loading area. Garand said it would be a hardship to ask them to vacate the building.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Motion:	Preston	To continue Case#2002-12 to the first meeting in May.
Second:	Himmer	Approved: In favor: Foote, Preston, Evans, Lowry, Moore, Himmer Khan recused himself from this vote.

Case #2001-34 Proposal by Honor & Mason LLC and Margaret Stard for site plan approval on 15 Whitaker Way, Tax Map 4, Lot 19-50, continued from 06-20-06.

Wayne Morrill of Jones and Beach appearing for the applicant. Foote noted money is posted for the bond. Garand will inspect the property.

Motion:	Preston	To continue Case#2001-34 to November 7, 2006 at 6PM with the expectation that the remaining work will have been completed or the applicant will have signed a waiver.
Second:	Lowry	Approved: Unanimous.

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

Case #2000-24 Proposal by Scott Mitchell for site plan review on 22 Stard Road, Tax Map 4, Lot 19-2, continued from 06-20-06.

Wayne Morrill appearing for the applicants. Morrill said these cases involve removing the property line and a site plan expansion. The pavement and grading cannot be done before the Spring. Preston said the property looks like a junkyard and asked what action had occurred since the June meeting. Garand said enforcement action would be difficult as circus equipment is coming in now. Merrill said a fence can't go under the power lines. Garand wants a \$5000 site security put in place. Foote said the security is to be posted by October 17, 2006. Moore asked about security for the Mitchell lot.

Motion:	Preston	To continue Cases#2000-23 & 24 to October 17, 2006 at 6PM by which time site security of \$5000 for each case must be posted.
Second:	Khan	Approved: Unanimous.

Evans suggested Fowler get in touch with Morrill to look at the site {now? when done?}

Case #2000-14 Bieder/Hamilton Elephant Rock Sub-division, continued from 01-17-06.

Foote read a letter from Henry Boyd of Millenium Engineering, on behalf of Dr Francis Hamilton, requesting an extension of 60 days to complete this project. Boyd said the Public Works Manager has no outstanding issues and the pathway and fencing is to be completed during next week.

Motion:	Preston	To continue Case #2000-14 to December 15, 2006 at 6PM.
Second:	Moore	Approved: Unanimous.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Moore asked if there had been a follow-up by on the **Beechwoods** matter by Attorney Walter Mitchell. Morgan said he had not heard of any and would check back with Mitchell. Moore said the Town of Seabrook would be changing legal council but Mitchell would be finishing up whatever assignments for the Town he already has.

Case #1998-31 Phoenix Way continued from 01-17-06. Foote noted this is a particularly dormant case.

Motion:	Preston	To close Case #1998-31 with Phoenix Way to remain a private road.
Second:	Moore	Approved: In favor: Foote, Preston, Evans, Lowry, Khan, Himmer Moore recused himself from this vote.

Case #2002-30 the Sullivan Merrimac Street subdivision continued from 01-17-06. Foote said a meeting to decide who is responsible for getting the boardwalk work done is set for 09-21-2006 with Frank Richardson of the Department of Environmental Services and Henry Boyd of Millenium Engineering. John Leary of Leary Consulting and Valuation said the DES permit was issued in the Spring and asked why the delay. Foote said the Fish and Game Department would not release the area for plovers until August 15, 2006 per the Endangered Species Act, Dr Richardson had been on vacation. Leary wants to be sure the Boardwalk is placed to the left of the hydrant for a reasonable grade and noted that Carey and the Sullivan Company attorney say they are ready. Foote said DES must approve the layout. Leary said the work could have been done sooner. Foote said driveways exceeding 20 feet need to be ripped up and transformers replaced.

Motion:	Preston	To continue Case #2000-24 to December 15, 2006 at 6PM by which time the Boardwalks are to be built.
Second:	Lowry	Approved: Unanimous.

Case #2003-07 15 & 17 Langis-Silker condominium conversion at the Elephant Rock subdivision, continued from 01-17-06. Garand said there are new owners and a \$5000 security for landscape vegetation. Howard Eaton, Jr. said he lives nearby and nothing has been done.

Motion:	Evans	To have the Code enforcement Officer inspect the property and continue Case #2003-07 to October 17, 2006 at 6PM..
Second:	Preston	Approved: Unanimous.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Case #04-50 Paulo and Lisa Cabral and Cheryl Willis, continued from 08-01-06_ Foote noted an extension is in place. Moore said the Planning Board can't do anything until the court case is resolved.

Motion:	Foote	To continue Case #2004-50 to November 7, 2006 at 6 PM
Second:	Preston	Approved: Unanimous.

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, continued to from 08-01-06.

Mary Ganz appearing for the applicant said Boyd has asked for a continuance and that the applicant has decided to change the spelling on the street marker to match the documentation.

Motion:	Foote	To continue Case #2006-28 to October 17, 2006 at 6 PM
Second:	Lowry	Approved: Unanimous.

#2006-36 Proposal by Pierce & Stevens Corporation for a lot line adjustment at 135-137 Folly Mill Road, Tax Map 9, Lots 226 & 226-1;

Ray Bisson of Easterly Surveying appearing for the applicant, said the purchaser needs a lot line adjustment so the parking area can be redesigned. Morgan asked what other changes would be necessary. Bisson said the sewer line would be changed. Foote asked if there were sufficient frontage when the parking is added. Bisson showed how that would be accomplished with the lot-line adjustment.

Motion:	Evans	To accept Case 2006-36 as administrative complete for deliberations.
Second:	Lowry	Approved: Unanimous.

Foote asked about the utilities placement and easements as raised in Technical Review. Morgan said this is addressed in Note #6. Garand asked if there is a septic system or town sewer connection and said to check with Warner Knowles as to whether the connection had been installed. Tony Marks, attorney for Pierce & Stevens, said the easements will travel forward. There being no further questions:



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Motion:	Evans	To approve the Case #2006-36 Proposal by Pierce & Stevens Corporation for a lot line adjustment at 135-137 Folly Mill Road, Tax Map 9, Lots 226 & 226-1.
Second:	Lowry	Approved: Unanimous.

Footo said the Notice of Decision would be held for 30 days in the event of any objections after which it will be mailed to Bisson.

Footo declared a break at 7:30PM and reconvened at 7:45.

Footo requested the Board to approve the purchase of a new desk arrangement for the Planning Board office. Preston said the Chair could authorize the purchase if needed to make things easier. Board members agreed by consensus.

#2006-37 Proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 28 & 30 Carroll Lane, Tax Map 4, Lot 14-121;

Wayne Morrill of Jones and Beach appearing for the applicant said a closing is imminent and asked if the mylar and condo documents could be recorded by currier. Footo said the Registry requires documents to be filed by either the Planning Board Secretary or Chair. Footo emphasized that the condominium documents must reflect the legend on the mylar or they may be turned away at the Registry, or registered in the builder's name as recently experienced by the Secretary. The water shut offs are installed. The Water Superintendent wants the easement to the Town to be referenced on the plans and in the condo documents. Morrill said the builder wants to keep the same common area for all of the condominiums; the floor plans will be recorded at the closing.

Motion:	Evans	To accept the Case #2006-37 proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 28 & 30 Carroll Lane, Tax Map 4, Lot 14-121, as administrative complete for deliberations.
Second:	Lowry	Approved: Unanimous.

Morgan said the owner needs to fix the pump station. Morrill said that station takes care of the other side of the condominium complex. Garand said no occupancy permits for units relating to the above pump station would be issued unless it is fixed.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Motion:	Evans	To approve the Case #2006-37 proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 28 & 30 Carroll Lane, Tax Map 4, Lot 14-121, in so far as it complies with the Condominium rules of the State of New Hampshire and meets Town of Seabrook regulations.
Second:	Moore	Approved: Unanimous.

#2006-38 Proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 14 & 16 Carroll Lane, Tax Map 4, Lot 14-120;

Wayne Morrill of Jones and Beach appearing for the applicant said Tech Review recommended turning the line through the wetlands to make the lots more proportionate to one another, show the utilities on the plan, and then water shut-offs on town land. Foote said the wetlands will be impacted by the owners.

Motion:	Evans	To accept the Case #2006-38 proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 14 & 16 Carroll Lane, Tax Map 4, Lot 14-120, as administrative complete for deliberations.
Second:	Lowry	Approved: Unanimous.

There being no further comments:

Motion:	Evans	To approve the Case #2006-38 proposal by Wildwood Real Estate Holdings LLC for a condominium conversion at 14 & 16 Carroll Lane, Tax Map 4, Lot 14-120, in so far as it complies with the Condominium rules of the State of New Hampshire and meets Town of Seabrook regulations.
Second:	Moore	Approved: Unanimous.

#2006-39 Proposal by John M. Belko, Sr. and the Joyce M. Belko Revocable Trust for a condominium conversion at 18 & 19 Dracut Street, Tax Map 21, Lot 18-19;

Attendee: John Belko

Derek Crabenham appearing for the applicant said the revisions are in Note #4. Belko said family differences forced him to do a duplex. Crabenham requested a waiver for the removal of excess impervious surface on the existing driveways. Foote said when the sewers were redone the driveway cuts were supposed to be changed to no more than twenty feet wide. Belko said the paving has been there since 1962 when it was "hard top city" and provided several photos of the property at that time and today. Garand said all homes should meet the same standard. Belko said his wife died and her brother is suing him. Crabenham asked if some back pavement could be mitigated in a swap.



Town of Seabrook Planning Board Minutes

September 19, 2006

NOT OFFICIAL UNTIL APPROVED

Footo said the total; driveway maximum width is twenty feet or two ten-foot side drives. . Except for the 20 percent open space requirement, Belko can do what he wants, but the Environmental Protection Agency says town property must have a permeable surface. Several acceptable surface materials were discussed. Belko said he feels persecuted and cited the costs for landscaping and attorneys.

Footo referenced the Planning Board's memo going to the Beach Precinct. Lots of Beach condos are in violation and Footo commended Belko for bringing his problem before the Board. It is up to the Beach Precinct and Code Enforcement Officer to resolve this issue. Belko can pave on private property so long as twenty percent of open space remains. The concern with pavement on town land is when a sewer needs to be dug up. If a fence is on the plan it is ok. Garand remarked that last year the driveway regulations were changed to allow one 20-foot driveway unless the frontage is more than 500 feet. Crabenham will redesign to eliminate hot top except for two 10-foot driveways, provided at least twenty percent of open space remains on the property. A waiver request will be submitted.

Motion:	Evans	To accept the Case #2006-39 proposal by John M. Belko, Sr. and the Joyce M. Belko Revocable Trust for a condominium conversion at 18 & 19 Dracut Street, Tax Map 21, Lot 18-19; as administratively complete for deliberations
Second:	Lowry	Approved: Unanimous.

Motion:	Preston	To approve the Case #2006-39 proposal by John M. Belko, Sr. and the Joyce M. Belko Revocable Trust for a condominium conversion at 18 & 19 Dracut Street, Tax Map 21, Lot 18-19; provided (i) the appropriate written waiver relating to the driveways is received, (ii) at least twenty percent of the property remains open space, and (iii) in so far as it complies with the Condominium rules of the State of New Hampshire and otherwise meets Town of Seabrook regulations. The Chair may then sign the plans].
Second:	Himmer	Approved: Unanimous.

#2006-40 Proposal by Howard & Robin Eaton for a condominium conversion at 213 South Main Street, Tax Map 16, Lot 13;
 Attendee Howard Eaton, Jr]

Footo read a letter from Henry Boyd of Millenium Engineering requesting a waiver of the changes recommended by Tech Review saying he believed removing the proposed new dwelling structure was unnecessary work and cost to his client. Footo explained although the three existing structures were a grandfathered non-conforming use, changing the location of a structure required a Zoning



Town of Seabrook Planning Board Minutes
 September 19, 2006
 NOT OFFICIAL UNTIL APPROVED

Board of Adjustment variance even if one of the other structures was removed. Morgan said the correct sequence would be to remove dwelling unit #2 get the changes approved and then go to the Zoning Board of Approval prior to seeking a building permit

Motion:	Evans	To accept the Case #2006-40 Proposal by Howard & Robin Eaton for a condominium conversion at 213 South Main Street, Tax Map 16, Lot 13; as administratively complete for deliberations
Second:	Moore	Approved: Unanimous.

Eaton said he is divorced and seeking to make a home for his daughter with help from his parents. Morgan said he wants to avoid the Planning Board holding up this proposal. Garand added Boyd is trying to avoid some recording fees. Preston said this is one family trying to improve their situation. Foote said Boyd made the water line changes but did not remove the dwelling as recommended. Morgan said unless the proposed structure were on the same footprint as an existing structure, a Zoning board of Adjustment approval of a non-conforming use is needed. Preston recommended approving the chair signing the condominium conversion plans on condition Unit # 2 is removed and also waiving the floor plan submission.

Motion:	Preston	To approve the Case #2006-40 Proposal by Howard & Robin Eaton for a condominium conversion at 213 South Main Street, Tax Map 16, Lot 13 conditioned on removal of Unit #2 from the plans, after which the Chair may sign the plans.
Second:	Moore	Approved: Unanimous.

Motion:	Preston	To waive the floor plan requirement for the Case #2006-40 Proposal by Howard & Robin Eaton for a condominium conversion at 213 South Main Street, Tax Map 16, Lot 13.
Second:	Moore	Approved: Unanimous.

Foote adjourned the meeting at 9PM.

Minutes Respectfully Submitted by
 Barbara K. Kravitz, Secretary
 Seabrook Planning Board