



# Town of Seabrook Planning Board Minutes

Tuesday, June 15, 2010

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair;; Jason Janvrin; Robert Fowler; John Kelley; Robert Moore, Ex-Officio; Paul Garand, Code Enforcement Officer, Alternate; Elizabeth Thibodeau, Alternate; Michael Lowry, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Members Absent: Keith Sanborn Paul Himmer, Alternate;

This meeting was held in the Seabrook Library.

Hawkins opened the meeting at 6:40PM

## MINUTES OF MAY 18, 2010

Garand pointed out that he had been absent at the May 18, 2010 meeting. Foote said she had received the minutes at this meeting and would abstain.

<b>MOTION:</b>	<b>Moore</b>	<b>to accept the Minutes of May 18, 2010 listing Paul Garand as absent.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: In favor: Moore, Hawkins, Janvrin, Kelley, Fowler; Thibodeau;</b> <b>Abstained: Foote;</b>

## MINUTES OF JUNE 1, 2010

<b>MOTION:</b>	<b>Moore</b>	<b>to accept the Minutes of June 1, 2010 as written.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: In favor: Moore, Hawkins, Janvrin, Kelley, Fowler; Thibodeau;</b> <b>Abstained: Foote;</b>

## CORRESPONDENCE

Hawkins said it appeared that the seacoast Poker LLC was not interested in proceeding, and asked if there had been an official notice. Kravitz referenced a letter from Attorney Mary Ganz indicating that **Case #2010-13.13E had been withdrawn.**

Hawkins referenced the letter from **Kravitz to the Office of Energy and Planning conveying the final accounting for the Housing and Conservation Planning Program Grant awarded to the Town of Seabrook.** Hawkins noted that the grant was completed, and the Master Plan work was continuing.

Hawkins announced that **the Design Team that attended the Planning Board Listening Session held its work session on the future vision for Route 1 on Monday, June 14 from noon to 8 PM at the Seabrook Library. Hawkins said the results would be presented to the Master Plan Steering Committee probably in July.** There were some interesting ideas for the Town Hall area and how the corridor might be beautified a bit. This work would go a long way into putting teeth into the Transportation Chapter in the Master Plan. The Rockingham Planning Commission has been helping out in this work, and the Design Team volunteered their time and expertise. Hawkins felt there were good ideas presented that the Town had for a long time been looking for, particularly to help out the traffic situation in the Town Hall area.



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Hawkins referenced a **letter from Jones & Beach requesting a continuance for Case #2010-01** and that would be taken care of during the Public Hearing.

### **SECURITY REDUCTIONS**

There being none.

### **INFORMAL CONVERSATION – Nexterra Energy, Nuclear Power Plant Intent to make application for a Firing Station**

Attending: Dick Winn, Director of Communications and Governmental Relations, Mike Hambrook, Security Manager, and Steven Coes, Project Manager; Pat Manthorn, Seabrook Police Chief;

Winn noted their track record for openness and transparency and said they intended to file an application to construct a firing station on the power plant property. They were looking for preliminary feedback from the Planning Board and to understand any issues or concerns prior to filing their formal application. Coes and Hambrook were introduced. Winn said that the Seabrook Station Security officers are required by federal law to be highly trained; the requirements increased a great deal after 9/11. Up to now the security officers have been sent to an offsite location. A better way, and to partner with the Seabrook Police Department, would be to have local training. Rather than continue this piecemeal, offsite location, they want to take a look at building a year-round structure to train their security officers and to partner with law enforcement agencies, particularly the Seabrook Police. The structure would have no firing noise as well as the safety features. He asked Coes to speak about the location, siting, and construction, and Hambrook to speak about the security, and said they were grateful to Manthorn for appearing to assist the Board.

Coes described a one-hundred yard enclosed firing range constructed of eight-inch concrete and structured ballistic steel at the ceiling and firing end. He described the location of the structure on site and said it would be within the property boundary at the Rocks Road and Transfer Station. The roadway would be 400 feet long and 300 feet from the closest residence. Using an overhead photograph Coes pointed out the classrooms, support facilities, and extensive HVAC equipment. The actual firing line is to the southeast. The walls are eight-inch concrete. Morgan said that people will see this from their homes and asked how close they are from the residences. Coes said this is more than fifty-feet from the extension of Rocks Road; there would be no travel along Rocks Road. Coes said that Frank Richardson from the NH Department of Environmental Services visited the site and said there is no wetlands impact.

Hambrook said he was the security analyst with the Seabrook Station. The goal is to better accommodate the security officers as well as the local police. He acknowledged that firing ranges have noise problems which would be resolved because this facility would be inside. The building would be 100 yards long and 50 feet wide; a cement wall separates two lanes. To simulate height, there is an elevated fifteen-foot tower inside. Both ranges would use baffling, ballistic steel, and poured concrete construction which would be safe and quiet. In a visit to a similar power station range in Connecticut, Hambrook tested the sound factor by using rifle shooters. From fifty-feet away he could not hear the shooting, although he'd probably hear something if he put his ear up to the building. He commented that the nearest people would be over 300 feet away. Garand asked about the hours of operation and the tower. Hambrook said he could not give too much information about the tower for safety purposes, but the regulators require the officers shoot while in different positions so the training would include elevated positions. The hours of operation were not a set schedule; if needed they would shoot in the evening. The substantial training required for the power plant officers would have first priority, but they would try to be flexible.



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Manthorn said they have been waiting for this for a long time. Now the force has to shoot in all weather. They worry about the noise for residents. They are required to train for dull daylight, low light, and no light; sirens go off etc. If they can simulate the season conditions inside, the outdoor range wouldn't be used as much. Other municipal departments have been using their range which will eventually be shut down. He saw the Seabrook Station facility as a godsend, so they won't be a bother to anyone. He confirmed that at another inside facility the shooting sound can't be heard outside the building. Hawkins asked if there are federal standards for how such buildings should be built. Manthorn said there have to be lead scrubbers; they will be firing reduced lead ammunition so that will save money. Also they will save aggravation for local people

Winn said they would do whatever necessary, and would be willing to talk with abutters about their concerns. Kelley asked if there would be a charge for Seabrook Police. Winn said there would not. Kelley asked if they might have a charge for the public. Winn said that would not happen as no one can transport fire arms onto the site. Also, he thought that after accommodating the station security force and the Seabrook police there would be little time for others. Aboul Khan asked about noise on Rocks Road. Hambrook said noise would not be heard from Rocks Road. Khan said they wouldn't even know the facility was there. Hawkins asked for the North Access Road to be pointed out. Winn said that the Station is talking with the Town about an easement for a roadway near the transfer station, and said the end of Rocks Road is already blocked to the transfer station. Access would be through the existing roadway to the Station as they have to screen anyone that comes on site.

Garand asked if the security provisions could be on the siteplan. Coes said they can satisfy the checklist and will run this by the security people. Garand said that they wouldn't want some things on a siteplan public record. Coes thought they would satisfy the Board's checklist. Foote said the siteplan generally requires the footprint on ground and outside architectural. The inside would come under code enforcement. Garand added it would be the elevations, footprint, and the parking. Kelley suggested a representational look if someone were driving by. Wijnn thanked the board for the opportunity to have the conversation.

### **PUBLIC HEARINGS**

Hawkins opened the Public Hearing at 7:15PM.

### **ONGOING CASES**

**Case #2010-01 – Proposal by Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64, continued from February 23, 2010;**

Hawkins referenced the Jones & Beach continuance request, and **continued Case #2010-01 to July 20, 2010 at 6:30 PM at the Seabrook Library.**

**Case #2010-13/13E – Proposal by Timothy Johnson and Seacoast Poker LLC to convert Unit #3 at 920 Lafayette Road, Tax Map 7, Lot 91-203, into a function hall; continued from May 4, 2010 and May 18, 2010;**

Hawkins noted that **Case 2010-13.13E had been withdrawn**



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**Paula Wood asked the status of the issues raised in re the Johnson property at the June 1, 2010 Planning Board meeting [Case #2010-16].** Hawkins said that Case reference was #2010-16 where the vote was to complete the requirements as specified in the original siteplan. He did not know if the security had been deposited. Wood was concerned because she had issues with another of Johnson's tenants, that don't seem to be going anywhere. Hawkins said that there was a list of items prepared by Garand that had not been completed. All of those items were gone through at the June 1, 2010 meeting and the Board felt there was no reason to change or eliminate any of them, so Johnson was asked to complete the work. Wood wondered if any of the items had been completed or how the Board would hold him to it. Hawkins said Johnson could walk away but it would come up again [with the next tenant]. Hawkins said that the next time he would be told to provide the security and complete the work as a condition to any new approval.

Garand said the contractor has contacted his office about the sidewalk; he expected to do a site meeting. He will speak with Kravitz so that the security can be posted. He thought they wanted to start within a week. Hawkins said the security would be important.

**Case #2010-14 - Proposal by Christopher D Baker, Smithtown Property Management LLC, and Marjorie Knowles, to expand the Old Time Animal Hospital at 3 Walton Road, Tax Map 10, Lots 25 & 26,** continued from May 4, 1020;

Attending: Dr Christopher Baker;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineering;

Morrill said this application had been accepted and he had received the comments from the water and sewer departments, Garand and Morgan. A note had been added to Sheet C1 to say that after the Planning Board approval of the siteplan, and transfer of the other lot, a Voluntary Lot Merger will be submitted to the Board and the common frontage and tax assessment addressed. The hours of operation are listed as 8 AM to 6 PM; weekends by appointment. Baker has been working with the abutter who wants a four-foot fence and not a six-foot fence because they would rather see what is going on. They are working diligently to get this abutter what they want. Morrill said the legends have been corrected. The Board had granted a waiver for the lighting; the cut-sheet had been submitted. In Note 7C, the water and sewer services are depicted and also how they will be capped. When the mobile is removed, the utilities will be removed by the appropriate town department.

Morrill said there is a waiver for the stormwater maintenance; the flow arrows were added to show the flow direction from the site prior to going down the bank. The Liberty Elm is shown up front with some landscaping; more landscaping would be added but not so as to obstruct. The signature block has been moved to above the title block, and the revision block is to the left. The boundary markers will be placed on site before building. The architectural elevations of the existing building are now shown with the handicap ramp going to the new front door. A waiver request for a 24-foot driveway was submitted; Morrill said the Department of Public Works has ok'd this. The dumpster has been moved and screened for better access. The spotlight on a pole has a timer and would be shut down at non-operational times. The sidewalks have been labeled and paved to the ADA ramp; the handicap spaces are shown. The animal recreation lanes are to be grass, animals will always be attended there, and odors will not affect abutters. As requested by the Assessor, there is a note about the VOL Merger.

Garand questioned whether the lighting would spill over. Morrill said they would make sure that the bulb did not trespass. There is a letter from the Fire Department that the new section would not have to be sprinkled. Morgan asked Morrill to point out the reference that there would be additional plantings along the animal recreation area. Morrill said Baker was working with the abutter and would put in what they



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wanted. Morgan thought the plan was much improved. Morrill said they had to remove one parking space to get more green space; there are now 15 spaces. Hawkins asked if all the waiver requests are in writing. Morrill said two waivers had been granted and a waiver re the driveway width was submitted. Hawkins said there was a letter from the Planning Board engineer that did not get into the packet recommended security. Garand recommended the minimum amount of \$5,000 as sufficient. Foote said the security is for where there is interaction with town surfaces, which she thought was just the new entrance. Garand added the fencing. Hawkins thought \$5,000 was adequate. Hawkins said to do the final waiver first.

<b>Motion:</b>	<b>Janvrin</b>	<b>to grant the waiver request to allow a driveway width of 24 feet rather than the standard 20 feet primarily (i) to accommodate the commercial business and the site plan regulations require a 24-foot travel lane for commercial property which would not be served with a narrower driveway, as well as for (ii) for safety reasons.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved; Unanimous</b>

**Hawkins listed the conditions as security of \$5,000, the voluntary lot merger, and modifying the lighting fixtures, and asked if there are any other conditions; there being none.**

<b>Motion:</b>	<b>Janvrin</b>	<b>to approve Case #2010-14 - Christopher D Baker, Smithtown Property Management LLC, and Marjorie Knowles, to expand the Old Time Animal Hospital at 3 Walton Road, Tax Map 10, Lots 25 &amp; 26, conditioned on (i) providing security in the amount of \$5000, (ii) completing the voluntary lot merger, (iii) modifying the lighting fixtures to meet the town's lighting standards and/or assuring no light trespass.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved; Unanimous</b>

### NEW CASES

**Case #2010-18, a proposal by Raman Patel to establish a 1,713 square foot convenience store at 609 Lafayette Road, Tax Map 8, Lot 3.**

Appearing for the Applicant: Matt Steinel, Millennium Engineering; Bruno Campea, Bayside Engineering;

Steinel said this case is subject to the prior approved ArcSource application [Case #2007-06]. The proposal is to use a vacant retail space as a convenience store with no site changes. There are 51 existing parking spaces on the property which Steinel said met the regulations. Garand asked for the current uses on the site. Steinel said there are units for auto repair, custom paint etc, and auto wholesale, as well as the ArcSource store. Garand asked how many spaces the Richard's auto wholesale store was using and cited the safety issues with the cars parked along the side for which there are no approved spaces. These need to be brought to compliance. Steinel did not know this number. Thibodeau noted that the parking lot is almost always full. Garand said there are safety issues where about nine cars are parked along the side – no parking spaces were allocated for them. This should be brought into compliance. Also the auto repair facility in the back had a lot of unregistered cars. He was concerned that a convenience store would bring additional traffic, especially if cars were parked in the inbound entrance. Garand thought that the applicant should bring the site into compliance before proposing a new activity. Steinel said they would check out the spaces for the stores in the back; the front spaces are for the retail stores which is not long-term parking. Morgan recommended deciding on acceptance before reviewing



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the proposal more extensively. Garand asked Morgan whether a traffic study would be needed. Morgan said he had informed the applicant it would, and there is a traffic study with this application. Acceptance should be determined first. Hawkins said Thibodeau would be voting.

<b>Motion:</b>	<b>Foote</b>	<b>to accept Case # 2010-18 as administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: In favor: Moore, Foote, Hawkins, Thibodeau Opposed: Janvrin, Kelley, Fowler;</b>

Foote asked what else was needed. Morgan said signage, lighting, and landscaping. Janvrin added the driveway entrance width and a breakdown of parking. Hawkins noted that there was extensive discussion at the June 1, 2010 Planning Board meeting about the responsibility for submitting complete applications before the Board accepts them. He noted that in the past there had been exceptions for missing items on the checklist. However, the Board was fairly well committed to say no to applications that were incomplete. Hawkins emphasized that because this was the first time that "incompleteness was a factor since the Board's recent discussion, Case #2010-18 was accepted, but the vote could have been different. Additionally, he called attention to the fee of \$75 for an incomplete application, and said this fee would be charged for this case. Hawkins said the message is to bring in all the work for a complete application so that the administration process is not extended; applicants would be held responsible for either submitting all of the items on the checklist or requesting a waiver for each of them. For checklist items not submitted, there should be a written waiver included with the original application. Steinel asked whether lighting fixtures would need waivers. Hawkins said if the standard is not met or the applicant thinks it should not be, a waiver should be submitted.

Hawkins asked for Morgan's comments. Morgan called attention to several required site plan details including perimeter drainage, boundary markers, sign details, landscaping, the driveway width, and the signature line. He noted the change in March 2010 to minimum parking spaces, and thought that the engineers were in last year's mindset. For example, he thought minimum parking spaces should be discussed rather than trying to comply with last year's ordinance. There is a discrepancy between the traffic study and the siteplan re the hours of operation. Also this proposal for a convenience store assumes that a lot of customers will be coming up from Massachusetts on Route 95 and turning off onto Route 107 and then south on Route 1 where they would not be able to take a left turn. Foote noted that those left turns happen now. Morgan noted such turns wouldn't be quite legal. Similarly, the traffic study also assumes that they will continue south [onto Route 1 north] when exiting the site. Morgan said although that would be the safe thing to do, he disagreed with this assumption and thought a lot of people will attempt to make a U turn at the first opportunity so they can get back the way they came. This would cause another problem because there would be additional vehicles "dumped" into the Route 107 intersection than the traffic study indicates if people find a way to make such U turns. Accordingly, Morgan thought the traffic study underestimates the impact at the Route 1/107 intersection.

Foote said her personal experience on Route 1 is to be very careful because often cars come shooting out of that and contiguous sites and make a wide U around the concrete barriers to head north. Thibodeau commented that applies to the gas station as well. Morgan also called attention to the extraction formula that applies to measure the traffic impact when more than 50 cars per hour are forecasted. As the Case #2010-18 traffic study projects more than 50 cars per hour, a payment toward improvements for the Bridge or Route 1 would be due. Garand asked whether the applicants for this proposal were related to the applicants for the 134 or 100 Lafayette Road [Route 1] properties. Steinel said he did not know but could follow up. Garand said 134 Lafayette Road was granted approval for a convenience store then came back for installing changed signage. Also a number of trees were cut that



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should not have been. At 100 Lafayette Road the trucks unload from the street. He would be concerned if Case #2010-18, with five additional tenants, involved any of the same persons, Hawkins asked for other comments from the Board; there being none.

Hawkins asked if the applicant wanted to address the "left turn" issue identified re the traffic impact study. Campea said he assumed the traffic from the north would have to turn right as that is the only legal action. He asked how to account for an illegal traffic movement. Morgan said because it is happening now. Campea thought nothing could then be built there. Garand suggested the median could be extended so left turns would be eliminated; the same situation existed at the Market Basket on Lafayette Road where it was resolved with a right-in/out. Campea asked whether such an extension would be for 100 feet or another distance. Foote said currently just a little bit of angle coming out of the site leads people to go straight across, so it wouldn't be that much. Janvrin said people go straight to Chevy Chase Lane. Campea said fixing the problem for this site would make a problem for someone else; if something is illegal it's a matter of enforcement. Kelley said a convenience store would exacerbate the situation.

Foote said at the convenience store near the Town Hall people take their life in their hands when cars shoot out across route 1 to the rotary. Campea said people wouldn't make special trips to the proposed convenience store vis a vis several others along that roadway. Foote said the store near Town Hall is the first when entering Seabrook. Campea said only if they are coming from that direction ie they don't make a specific round-about route to get to that store; there would not be signs for a convenience store on Route 95. Morgan disagreed. Foote said to sit in the Town Hall parking lot on a Saturday and watch where the cars come from to that store and then go back the way they came. Morgan said this makes sense if someone smokes and wants to save a few dollars. Janvrin noted that stores to the north have cigarettes, beer, and other items in a larger retail space. Foote noted there are some medians. Garand wanted Case 2010-18 to be reviewed by the Police and Fire Departments; Technical Review Committee was not needed. He said dumpster hours are needed; there are already dumpsters in the back area and asked where this dumpster would be placed. Steinel said the convenience store would use the same dumpster(s). Garand asked if the other tenants would agree. Hawkins asked if Morgan recommended peer review for the traffic study. Morgan said the volume did not warrant peer review, but the formula for the financial impact of more than 50 cars per hour needed to be applied and suggested that Campea be asked to run those figures. Hawkins asked for other comments re the traffic; there being none.

Thibodeau said they could not use the same dumpsters as the other tenants because those have mechanical and auto type wastes that need specific pick-ups. Foote thought a new dumpster would be needed, as convenience store waste should not be mixed in with metals, paint and auto repair items. She did not think the company that picks up those items would want eg food waste mixed in with items for recycling. The applicant should coordinate with the other tenants and see if there is room for another dumpster. Morgan recalled that when ArcSource originally came before the Board his impression was that all uses on the property would be accessory and low impact. The current proposal has quite a bit of impact in terms of traffic for a small size area. Garand agreed and said there were several businesses and issues in re the original compliance that need to be addressed. Foote thought ArcSource was to occupy the entire front space – not two separate businesses. Morgan had no recollection of speculation in the original plan that there might be a convenience store. Thibodeau Foote's recollection of the original plan was that there were two parts to the ArcSource store, one of which was open to the public for contractors that needed a particular component. She never had the impression that this would be two separate businesses. Morgan agreed and noted now the architectural view was presented; there was comfort in that ArcSource would be low traffic volume.

Hawkins asked if Garand thought a full technical review was needed or only sending to department heads. Garand said there was no water or sewer involved so it was just safety and fire. Janvrin asked if food was to be prepared on the premises ie would there be a need for a grease-trap. Garand said that



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wouldn't be needed, and in any case that would need a building application. Paula Wood cited the horrendous bottleneck starting at Route 107 where Route 1 narrows to one lane; even five more cars would have an impact. Campea said the lane reduction doesn't occur until a few hundred feet [south of the site]. Wood said the narrowing starts right at the traffic light as cars come from Route 95 on to Route 107 which merges onto Route 1 south. Lane crossings are just an accident waiting to happen; it's an odd driveway configuration. She never pictured a convenience store. Foote added that cars shoot out because of the driveway slope. Wood added cars actually have to go past the edge of the driveway to turn into the site. Foote said in winter it can be hard to get up the driveway slope and out of the site.

Aboul Kahn commented that he had been a member of the Planning Board during the original ArcSource presentation, and had asked if there would be a convenience store. The response was "no". The big concern currently is the big trucks that make deliveries to the different businesses in town. At the convenience stores they go in and then there is no way to turn around to get out. Khan said at the 100 Lafayette Road convenience store every week all the delivery trucks stop and load on Route 1. That was not the intention of the Planning Board. He asked that the Board look at how a big truck can get in and out of the site. Foote said that at 100 Lafayette Road it was shown that they could turn in the area. The problem is that the store manager does not inform the delivery people that they cannot park in the roadway to off-load. Garand said that the Planning Board grants an approval and then the applicant returns comes back ten times with different change requests. He thought that when the Board grants an approval, nothing else should come back for a period of time. People are getting the bare minimum approved and then seeking a change(s). They should not be able to do this for a minimum period of time. Hawkins said it is the Board's responsibility to accept applications including for change of use, and it is appropriate for the Board to consider how they were originally presented, what was intended, and if there is an appropriate use for the space. He did not think the Board had the authority to refuse looking at a proposal.

Garand said he raised the concerned about rubbish at the dumpster at 100 Lafayette Road when it was supposed to be taken off-site. There is cardboard and debris there now. People don't take care of the site as they promise. Hawkins said the Case #2010-18 application was incomplete but it would be continued. He cautioned against coming back if it was still incomplete. Hawkins listed the items that needed to be addressed: (i) the traffic and getting in and out of the site, (ii) the dumpster hours and location, (iii) truck delivery logistics, (iv) the exaction formula calculation with more than 50 cars per hour, (v) clarification on the ownership of this property and what other locations they operate. (vi) addressing the concern about left turn out of the site – perhaps with a median, (vii) clarifying the number of parking spots for the proposed convenience store and the allocations among the tenants. Campea asked for clarification re "traffic issues". Hawkins said the Board had discussed concerns about people crossing two lanes of traffic to make an illegal left turn, and wanted proposals about how to deal with this. The Board could say there is too much traffic for the site with this type of application. The Board has the responsibility to deal with this type of safety issue, and was looking for the applicant's recommendation as to how to minimize it. Janvrin asked how they would restrict it to right-turn only. Foote said signage doesn't work. Garand recommended members visit the site to see the configuration of the entire site and how much congestion there was currently. Lowry said to look at the current side of the driveway parking. Moore said to look at the original ArcSource site plan. Hawkins said this is still a change of use proposal.

Hawkins asked for other comments; there being none. **Hawkins continued Case #2010-18 to July 6, 2010 at 6:30PM in the Seabrook Library.**



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## **Case #2010-19, a proposal by Elidio Moreira for a condominium conversion at 29 Dow's Lane, Unit B, Tax Map 12, Lot 14-400.**

Attending: Elidio Moreira;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Hawkins asked Morgan about the checklist which had just been completed. Morgan said the only significant thing he found missing was the attorney's certification that the condominium documents. Are consistent with the zoning ordinance and RSA 356 B. Morrill thought Attorney Ganz would provide this. Morgan agreed but could not find the signature. Hawkins asked for the permanent wetlands boundary markers, and the water meter. Morrill said the boundaries had been installed as part of the original subdivision. Morgan said the meters were requested by the water department a couple of years ago. Foote said the water department would want the proper labeling on the street so they could see which shut-off went to which unit. Morgan read from the regulations that the plan include specification for water meters and a note stating they are mandatory and to be installed at the property owner's expense. .

Morrill said this is the last of the condominiums on the Charles Bagley four-lot subdivision. The foundation was installed before recent changes from ten feet to twenty-five feet wetland setbacks requirements. Garand said the installation was poured before the regulation change so it would be hard to change, however Bagley was issued a written notice of violation. Foote asked about the undersized culvert. Morrill asked whether the owner of the property or the original developer should be responsible for changing this. Foote said the town and the Conservation Commission specify box culverts. Morrill was not sure this applied to condominiums. Garand said the culvert is off the lot. He thought the town was holding some money but maybe not enough to install a culvert. Foote said the box culvert is on private property. Morrill said the town can go onto the land with an easement; there are sewer and water lines. Hawkins said the only item from the checklist is the attorney's certification.

Hawkins said the first item would be to decide on acceptance, and told Morrill that the effort to turn in the checklist with the items checked off was appreciated. The items talked about were the certification, the water meter note, and the permanent wetlands markers depicted. Janvrin said none of that needs a waiver. Moore asked what would be done about the culvert. Hawkins said that could be addressed in the deliberations. If there were to be no acceptance the application would be sent back for the three missing items. Morrill said as the reference to the boundary markers were on the original plan and were installed he did not see why this was an issue. He noted that a call had been received for a copy of the application and he wasn't sure that the one signature that was missing could have been originally submitted. Morgan said that in terms of procedure, the Board would need to motion one way or another. Janvrin said he would move to accept but urge the members to vote in the negative. Moore said as the Board had already made an exception, he would second the motion.

<b>Motion:</b>	<b>Janvrin</b>	<b>to accept Case # 2010-19 as administratively complete for jurisdiction and deliberation.</b>
<b>Second:</b>	<b>Moore</b>	<b>Approved: In favor: Moore, Hawkins, Fowler, Foote, Kelley, Thibodeau; Opposed: Janvrin;</b>

Hawkins the message was for there to be nothing missing from application submissions Morrill said he did not have the checklist and thus was unaware. Hawkins asked Morgan to go through his list, noting that the undersized culvert was a key issue. Morgan said he was looking for some evidence that the foundation was poured prior to the zoning change. Garand said the foundation was installed prior to the change in the setback requirements. Hawkins said that was a non-issue and Garand agreed. Hawkins



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asked whether the culvert is or is not part of this condominium property. Garand said it was part of the subdivision. The condominium conversion is basically just a form of ownership. Hawkins said the issue is with the subdivision and any remaining security. Morgan said this is a current issue based on the memo from Garand. Garand said there were several complaints from residents in the subdivision that asked the Planning Board to look into securing the site security. Foote said whatever security is left would be deficient because the difference in the cost of installing a box culvert during construction when water and sewer lines are going in, vs digging up the road and temporarily relocating the utilities which would be far more expensive. Hawkins asked the process for using the security for the culvert. Garand said this would need to go on a public agenda. Hawkins asked Morgan to take care of this so it could be on the next agenda. Janvrin asked if this would be done administratively. Hawkins and Morgan said this would be done in public. Hawkins said Morgan needed to do the procedure.

Morgan asked Morrill about the access to the culvert. Morrill said the easement and the pump station were shown in the right-of-way. Foote said it was an easement to the condominiums and not to the town. The water department has asked for the shut-offs to be designated. Garand said it would be a civil issue. Morgan asked if there was an easement to work on the culverts. Morrill said there was an easement granted to get to the pump station. Morgan said the theory assumes that the town would have the right to fix something if the owner didn't. Hawkins said this needs research. Morgan said the Board needs to know if the town has the right to do the work. Morrill said he would have Attorney Ganz pull up the original easement. A temporary round culvert was installed and was supposed to be replaced with the box culvert. Garand said then it would have been paved over.

Foote asked how the Planning board could resolve issues like this that negatively affect the town but also negatively affect an unsuspecting subsequent buyer. What can the Board do to ensure that [this doesn't happen]. I.e a basement was installed without a building permit, culverts were installed improperly. The property had changed hands two or three times. How can the Planning board ensure that something like this doesn't go to the point where it has been transferred multiple times. People are occupying the home. Doesn't the realtor have to verify that a property was built to the plans before the land is transferred. Garand said this also probably involved NH Department of Environmental Services permits that have already expired. Hawkins said there is probably some moral authority but there is an ownership change. Garand said the current owner made the complaint because his property has been inundated with water. Hawkins said to punish the current owner would not be fair. Garand said it should be resolved – perhaps pumping the water to the other side of the driveway. Hawkins said there isn't really leverage with the current owner. Foote said to avoid unnecessarily punishing the current owner for the contractor's indiscretions. Garand said he had asked the Planning Board not grant these waivers that take away the power. Garand said to look closer at the property. Foote said maybe all infrastructure must be inspected and approved before a building permit is issued. Morgan noted this was done without a building permit.

Morgan thought the missing signature was the only issue. Garand thought Attorney Ganz could supply this. Hawkins asked for other comments; there being none. He asked for a recommendation.

<b>Motion:</b>		<b>to approve Case #2010-19 - proposal by Elidio Moreira for a condominium conversion at 29 Dow's Lane, Unit B, Tax Map 12, Lot 14-400 in so far as it complies with the regulations of the Town of Seabrook and the Statutes of the State of New Hampshire, and allow the chairman to sign the plans after receiving the Attorney's certification for the condominium documents.</b>
<b>Second:</b>		<b>Approved: Unanimous</b>



## Town of Seabrook Planning Board Minutes

Tuesday, June 15, 2010

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### **OTHER BUSINESS**

Morrill referenced his Jones & Beach letter requesting permission **to remove a 255 foot guardrail on an industrial Case #2009-10 RKW at 8 London Lane**. He said this was on a no-travel road and asked that the removal be considered a minor change. Garand said he would review the site and respond for the next Planning Board meeting. Hawkins said as Garand wanted to make a site visit, this request would be placed on the Agenda for July 6, 2010 at 6:30PM at the Seabrook Library.

Morrill asked that Morgan review the Seabrook Truck mylars for Cases 2009-07-and 2010-09.

Hawkins said a vote on the recommended changes re the expedited application procedures discussed on June 1, 2010 would occur at the next meeting, and that Morgan had prepared the public notice. He asked for any other business; there being none. Foote requested that items created in digital be attached in an email to her as sometimes she doesn't manage to pick it up personally. Hawkins asked if anyone else wanted digital documents. Janvrin asked for this too.

Hawkins adjourned the meeting at 8:50 PM

Respectfully submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board