

**SEABROOK PLANNING BOARD
FEBRUARY 18, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Philip Stockbridge, Paul Garand and Selectmen's Rep. Karen Knight. Others present: CEO Robert Moore, Town Planner Thomas Morgan, PB Engineer Michael Fowler and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:02 P.M. with a quorum.

- 1) **Minutes** of the February 4, 2003 meeting: P. Garand made a motion to accept the minutes of the February 4, 2003 meeting as written. P. Stockbridge 2nd.
Vote: K. Knight and S. Foote abstained. Motion carried.

2) **NPDES II** – A brief presentation by DPW Manager John Starkey and Joe Boccadoro of Earth Tech on the status of EPA Phase II Stormwater Rule
Joe Boccadoro of Earth Tech told the board that J. Starkey could not be here this evening and preceded to present a brief background of the status of EPA Phase II Stormwater Rule. He thanked the board for allowing him the opportunity to give an update of where the town stands in compliance with Phase II. He said that EPA's focus is now on smaller communities and that the deadline for the submission of the report is March 10, 2003 and that it is 95% complete at the present time.

Mr. Boccadoro said that as the plan unfolds in the next 5 years the planning board will play an important part in controlling wastewater treatment. He went over a list of the following elements of the program: * Public education/outreach/involvement; location and prevention of illicit connections; pre-and post construction run-off control for 1 acre or more and good housekeeping/maintenance. He said that the planning board's part would be to update existing by-laws and ordinances and get the DPW involved. He said that Seabrook was ahead of most towns with it's master plan in place but is not quite where it should be and the 5-year plan will address this and bring the town up to standard. Chairman Brown, T. Morgan and S. Foote went over what it would take to make changes to the Zoning ordinance and the time frame for doing this and asked that Mr. Boccadoro get in touch with us if we needed to work on an ordinance change. Mr. Boccadoro said there would definitely be some code changes.

3) Public Hearings:

#3-1 – Proposal by Sam's Way Real Estate Development, LLC and Border Winds Development, LLC to construct a 25,200 square foot industrial building off of Ledge Road, Tax Map 5, Lot 8-70;

Wayne Morrill of Jones & Beach Engineering presented the plans for a 25,200 square foot industrial building at 85 Ledge Road for the board's review and approval. W. Morrill said that this lot was next to the CPR lot that had been

previously approved. Morrill said that this will be a 25,200 square foot building with 13 units, 32 parking spaces, will have sloped granite curbing on the west side of the parking lot and a pylon sign. Morrill said that the detention pond runs along the wetlands and that there would be a multi stage discharge to it. Morrill went over the utilities and showed the sewer line to the pump station, the gravity fed portion and the individual pumps. He went over sheet D1 for the lighting fixtures.

Morrill addressed the letter of comments by T. Morgan. #1. Morrill said that they expect the site specific permit from NH DES by the end of March. #2 Photometric grid submitted. #3 Morrill said that he would prefer more impervious surface for more treatment for the wetlands instead of parking spaces. #4 Morrill said that two of the tenants are already decided. One is an electrical contractor and the other is a concrete contractor and the other units would be similar tenants and that each unit would require a business license before they could operate from these units.

S. Foote discussed the construction entrance and the problem of debris from construction along Ledge Road coming into the road. W. Morrill said that the trouble is that we do not get notified when work starts. He said that the instructions on the plan for stabilization construction of entrance should be followed. T. Morgan recommended that the maintenance of the construction entrance should be put in the bond amount. M. Fowler said that the Board of Selectmen could implement a \$100 a day fine if they do not comply with the maintenance of the entrance construction. S. Foote said that J. Starkey should have a signed copy of the final plan so that he can inspect it properly.

Abutter Catherine and Peter Evans asked question about a fire hydrant. W. Morrill said that it was not a fire hydrant that he discussed but a fire suppressant required in the building. Mr. & Mrs. Evans asked why cases were heard without the application being complete as is required in the site review regulations and wouldn't it be better to have the DES permit in hand before wasting the Planning Board's time. Chairman Brown gave his version of why the board goes forward with these applications.

M. Fowler recommended a bond of \$55,000 for sloped granite curb, lighting compliance and as-built plan. S. Foote recommended that another \$5,000 be added for construction of entrance and maintenance.

S. Foote made a motion to recommend a \$60,000 bond for sloped granite curb, lighting, as-built plan and entrance construction. P. Garand 2nd. Vote: unanimous. P. Garand made a motion to continue to March 4, 2003 at 7:00 P.M. so that the plan can be revised to show the water line reconfiguration and the pump station details. S. Foote 2nd. Vote: unanimous.

W. Morrill asked about the number of parking spaces. R. Moore and P. Garand said that they had enough. The board said that parking was adequate.

#3-2 – Proposal by Azoury Family LLC and the Seabrook Beach Village Precinct for lot line adjustments at 209 & 210 Ocean Boulevard, Tax Map 26, Lots 91 & 97:

Henry Boyd of Millennium Engineering presented plan for parcel conveyances; lot line elimination with proposed easements and a boundary agreement for the board's approval. H. Boyd said that he did not have authorization yet from the State whether they would sell parcels A and B to the town or Mr. Azoury. M. Fowler said that there were no easements for the sewer lines, etc. which run along these parcels. H. Boyd said that conveyance by deed from the State will take about a year. K. Knight said that the town had received a letter from the State in regards to the sale of Parcel A but the letter had gotten buried under a pile of papers by former town manager R. Bailey. She said a letter has been sent by the town to purchase Parcel B. S. Foote said that she hesitates to go forward because future boards may not approve of this plan and so not to muddy the waters in the future this board really needs to know what the State and town want.

H. Boyd said that even if the board signs and Emily records it nothing will happen to parcel C & D. Boyd said that Azoury's deed says that he owns to the high water mark and this would include the town parking lot. He said that Mr. Azoury is agreeable to the boundary line between his property and the town. Boyd also said that this would acquire the easements need for the town utilities. T. Morgan said that if the board proceeds and signs this plan the only one that will be effect is Azoury. He said it will cloud his title. S. Foote asked that if the State conveys Parcels A & B to the town would a new plan be brought to the board to show that these lots are different. H. Boyd said that they would be brought back to the planning board because they cannot be conveyed without a deed.

Resident Ivan Eaton Sr. asked the board how they could as a planning board sit there and approve a plan that does not have a deed. He said there is something not right with this plan and even Henry said that the bounds were not clear. Eaton said that this plan, in his opinion, was illegal. K. Knight said that the Selectmen had sought legal opinion on this matter. P. Garand asked why we are including in this plan what has not been approved by the State. Chairman Brown said that Poland Springs had done a plan without all the lots being deeded to them. R. Moore said that this was a working document and is alright as long as each party agrees.

S. Foote made a motion to approve the plan to establish boundary lines and easements for the town. K. Knight 2nd. Vote: P. Stockbridge opposed. Stockbridge said that he was opposed because we can use the easement anyway and that he did

not like the way Parcel A was handled by the State. P. Garand voted in favor but said that this could be done on a separate plan. Motion Carried.
The members in favor signed the plan.

#3-3 – Proposal by David & Christine Langis and Terry & Deborah Sliker for a condominium conversion at 15 & 17 Elephant Rock Road, Tax Map 16, Lot 11-4:

Henry Boyd of Millennium Engineering and Attorney Mary Ganz were present to go over the plans for a Condo Conversion at 15 and 17 Elephant Rock Road. Boyd went over T. Morgan's letter of comments and addressed the following: 1) Condominium documents sent to Attorney Simmons for review, 2) access & utility easement over lot 30 through lot 4, how will owners of lot 40 gain legal access to their dwelling, 3) Boyd said that there are three water shutoffs with water lines going to each of the units, 4) existing gravel driveway traversing the no cut vegetated buffer and condo regs states that the condominium units must exist as legal units pursuant to the ordinances of the Town of Seabrook. Gravel driveway must pre-date subdivision.

H. Boyd said that the owner told him that there were little or no trees in the no cut buffer. R. Moore said that there are some trees with red dots on them existing but that he had told the owner about the no cut zone. S. Foote said that the owner had replaced the 30' buffer with a driveway. S. Foote said that the only way she would even consider this plan is for the owner to move the driveway out of the vegetated buffer, replant buffer area. "No Cutting" this means everything, including grass. No lawn only tree vegetation.

P. Stockbridge made a motion not to consider this plan. S. Foote 2nd.
S. Foote withdrew her 2nd and P. Stockbridge withdrew his motion.

P. Stockbridge made a motion to disapprove the plan.
S. Foote 2nd. Vote: unanimous

#3-4 – Proposal by Malcolm Merrill for a lot line adjustment at 15 South Main Street, Tax Map 15, Lots 40 & 40-1.

Henry Boyd of Millennium Engineering presented the plan for a lot line adjustment for Malcolm Merrill at 15 South Main Street for the board's review and approval. Mr. Boyd went over the lot line change and told the board he did not agree with Mr. Merrill and did not know why he was doing this. Boyd said that the lots are in compliance but a waiver was needed for the 100'x 100' box requirement in lot 2.

P. Garand made a motion to waive the 100'x 100' box requirement in lot 2. S. Foote 2nd. Vote: unanimous.

S. Foote made a motion to approve the lot line adjustment. P. Garand 2nd. Vote: unanimous.

#2-37 – Pamela Johnson, David Deschenes and Sandra Beaudoin – 439 New Zealand Road & 10 True Lane, Tax Map 2, Lots 29 & 36 – 11-Lot Subdivision – Formal Continuance.

Henry Boyd of Millennium Engineering, Developer David Deschenes and Sandy Beaudoin were present to go over the revised plan for a 11-lot subdivision for the board's review and approval. Boyd said he had met the task laid out for him to try and get the required width and depth on lot #10 as requested by the board at the last meeting. He explained to the board how he had accomplished this and that he would need a waiver for the box requirement for lots 8 and 11. Boyd said that he hoped that Mr. Deschenes would let him state out the lot lines. Deschenes said that after the road was done the lots would be staked out. He said that Lloyd Perkins would be doing the road.

Chairman Brown requested that a "no clear cut" be put in the deeds for the lots. S. Foote asked if the subdivision would be built with a cul-de-sac with a paper street for now. H. Boyd said it would remain wooded for now. Boyd said that there would be eight granite bounds for the Right of Way to be set. S. Foote said that this plan is 100% better than the first one. S. Beaudoin viewed the plan. Chairman Brown asked about the location of her house. H. Boyd explained the combined area of Beaudoin's lot.

P. Garand made a motion to waive the box requirement for lots 8 and 11. S. Foote 2nd. Vote: unanimous.

P. Garand made a motion to recommend a bond in the amount of \$170,000. S. Foote 2nd. Vote: unanimous.

P. Garand made a motion to approve the revised subdivision plan. S. Foote 2nd. Vote: unanimous.

4) Correspondence: T. Morgan distributed the correspondence and Chairman signed the expenditure sheet and bills.

5) Driveway Permit applications: None

6) Other Business: Draft of amendments to Subdivision regulations;

T. Morgan drafted a public notice for a hearing on Tuesday, April 1, 2003 for the board's review. The amendments to consider was as follows:

Q- Recording Fees shall be paid at the time of application.

R- Grading of lots: Lots shall be graded so that all buildings will have positive drainage away from the structure for a minimum distance of 25 feet. Building site elevations shall be made higher than the public street upon which the lot fronts. Post-construction elevations for driveways and buildings shall be indicated on the subdivision plan.

S- Lot Lines: Proposed lot lines shall intersect the public right of way at a 90 degree angle, and said lot lines shall run in a straight line away from the street for a minimum distance of 75 feet.

The members agreed on "Q and R" but needed more time to consider "S". A work session was scheduled for the March 4, 2003 meeting.

TELEVISED MEETINGS: Karen Knight on behalf of the Board of Selectmen said she was asked to inquire if the Planning Board would like there meetings televised. She said that it could either be live or taped. Chairman Brown said that they would like to have time to consider this.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 9:35 P.M.

Minutes Taken By Secretary Emily Sanborn.