

**SEABROOK PLANNING BOARD
JUNE 17, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, Vice-Chairman Susan Foote, Paul Garand, Keith Fowler, Alternate William Cox and Selectmen's Rep. Karen Knight. Others Present: Town Planner Thomas Morgan, PB Engineer Michael Fowler, CEO Robert Moore and Secretary Emily Sanborn.

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

- 1) **Minutes** of the May 20, 2003 meeting: P. Evans made a correction of Ledge Road to Stard Road. W. Cox made a correction on Page 2 (Town Regulation). W. Cox made a motion to approve the minutes as corrected. S. Foote 2nd. K. Knight and K. Fowler abstained. Vote: motion carried.

2) Public Hearings:

#2-47 – Proposal by EMC Realty Trust for a condominium conversion at 264 South Main Street, Tax Map 17, Lot 20-3: There was no one present for this case. T. Morgan said that Mr. Chase, the applicant, had signed a 90-day extension on June 30, 2003. Mr. Morgan suggested that this case be moved to the end of tonight's agenda to allow the applicant to appear. The board agreed.

#3-7 – 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 was present for this application. H. Boyd said that he was a little upset with Mr. Langis for not doing what was suggested at the previous meeting. He said that at that meeting it was suggested by the board that he and S. Foote meet on the site to see what had to be done. He said that they had given Mr. Langis a lot of things that had to be done. Boyd purposed that a bond be set. Attorney Mary Ganz was also presented and told the board that Mr. Langis had not been in touch with her.

H. Boyd addressed T. Morgan's comments in his letter of review. Boyd said that he was in complete agreement with comments 4, 5, 7, & 8. He explained why the driveways could not remain on their respective lots so as to minimize the potential for conflicts with neighbors. Boyd said that an outcropping of ledge makes it impossible to do this and stay out of the no cut zone. He explained that this lot could only be access through lot 3. Boyd said a bond would remedy this situation because if it does not get posted, the plan would not be recorded.

Boyd said that a lot of the large trees were cut down before Mr. Langis got there. S. Foote said that he would have to replant if the existing plants were dead. W. Cox said that the board does not have enough information and that we would need the revised plan. He asked what the remedy could be. T. Morgan said that the board could postpone this case to August or September or deny it. H. Boyd stated that if the bond was set high enough and if the plan was revised as suggested by S. Foote then the Chairman could sign the plan. K. Fowler said that if a bond is posted it is for a public right of way, this is a private way, how do we go on private property and fix it. T. Morgan asked if there had been any progress on the ground. H. Boyd said that he hadn't seen any.

S. Foote said that there is not only problems with this lot but that there has been a carelessness in the development of this subdivision that will turn it into the same situation as the property of the Antanivich's and the Fowler's. Foote described the standing pools, the wood chips and pipes in the stream and the sheer slope. She said that either he does the things right or we pull the subdivision plan and if we do not hold his feet to the fire this could go on for five years or more.

Chairman Brown polled the board. W. Cox asked T. Morgan if we could revoke a subdivision. T. Morgan said that they could under statute 676:4A. H. Boyd told the board that Mr. Langis does not own all the lots, there are other owners. He said that the board would be punishing other people by revoking this subdivision. He said that this application was for lot 4 and that a bond would remedy this.

Attorney Peter Saair on behalf of his clients, Terry & Deborah Sliker, told the board that all four applicants are on the deed and that his clients did not want a common driveway. A short-term bond was discussed.

W. Cox made a motion to deny because a remedy for the situation had not been addressed and that the applicants are free to re-apply. P. Garand 2nd. S. Foote said that Langis had to make things right and that these people are stuck between a rock (Elephant Rock) and a hard place (ledge). P. Garand withdrew his 2nd. W. Cox withdrew his motion.

W. Cox made a motion to recommend a bond of \$150,000 to address restoration of no cut buffer, stone boundary markers on corners of Elephant Rock easement, removal of all debris, submittal of revised plan to show proper driveway location, signage to protect easement on Elephant Rock and restoration of stone wall. Bond to be for two years. S. Foote 2nd. Vote: unanimous.

The board told Boyd that he should bring a message to his client that he had 30 days to get this done and have him come to the next meeting.

S. Foote made a motion to waive a limited area of the no cut zone, maintaining a minimum of 18' of no cut in an effort to limit the blasting of ledge. As soon as the pavement around the ledge is reached the no cut will go back to the original 30' no cut zone. Perimeter line of no cut zone to be set at the owner's cost. K. Knight 2nd. Vote: unanimous.

W. Cox made a motion to continue the application to July 15, 2003 at 7:00 P.M. S. Foote 2nd. Vote: unanimous.

R. Brown and S. Foote asked if there was any way that anyone wanted to do a condo could be made to go to the Planning Board before they built their house. T. Morgan said that the state allows condominium conversion the way it is presently being done.

#3-13 – Proposal by Hunter Logan Realty Trust for a condominium conversion at 419 Route 286, Tax Map 17, Lot 47: Henry Boyd of Millennium Engineering and Attorney Peter Saari presented the plans for a condominium conversion of an approved hotel at 419 Route 286 for the board's review and approval. Boyd said that he would address the issues that pertain to the site plan and that Attorney Saari would address the legal issues.

H. Boyd went over T. Morgan's comments and recommendations. In Morgan's letter of review he stated that the 30-unit motel was approved subject to the following stipulations:

- the green space is to be labeled as such;
- submittal of a \$20,000 bond for landscaping and lighting;
- the NH DES permit is received; and
- lighting issues are resolved to the board's satisfaction.

H. Boyd said that the NH Des has been received and that the \$20,000 bond and the labeled green space are still outstanding issues. Boyd said that at the previous meeting Cox said that he would work with the architect on the lighting. Cox said that he had not received an architectural drawing

of the building and the board would have to agree with the lighting recommendations. Cox said that based on our rules the applicant has not addressed these issues and the board cannot act on this tonight.

H. Boyd said that the added structure that T. Morgan asked about was only 1/8 of an inch. Boyd said that the other four sheets of the plan had been submitted. It was noted that these were not submitted in a timely fashion. Boyd said that all utilities are now shown on the plan and are noted in the revision box. Recording fees are still outstanding.

Attorney Saari addressed the legal issues agreeing that the applicants were not yet in compliance as stated in T. Morgan's comments. Saari said that he had also read and was in full agreement with Attorney Mitchell's letter of review. T. Morgan suggested that Attorney Saari call Attorney Simmons in regards to his comments on the condo documents. W. Cox asked if these units would have cooking facilities and stated that we want to be careful that this stays as a hotel. He said that this site does not have enough parking facilities to be a living unit. Cox said that this would cause it to be non-conforming by ownership and that they would be changing the use. He said the proposed use would have multi cars and visitors. R. Moore said that this would be used as a hotel only 6 to 8 months of the year. He asked what would happen in the winter months. Would it become a winter rental unit with children going to our schools. Chairman Brown said he had concerns with the parking. Cox said that the change in ownership would be impacting the use and would be creating a situation. T. Morgan said that the issue of cooking facilities could be put on the plan and in the documents. K. Fowler said that this was a backhanded way of an apartment building and that he was opposed to this. Cox said that rental timesharing has an adverse effect on the land and the parking. Attorney Saari said that anyone has a right to rent and get back the money invested.

Robert Moore went over the down side of ownership and rental of these units. He said that if, for example, there is a leak in one of the units, if there is one owner of the building he would be called. With multi owners it's a nightmare. R. Brown said that this is just another way of circumventing the Zoning and would impact the town too much. Chairman Brown said per our regulations this cannot be voted on tonight.

T. Morgan asked if there was 20' of clear pavement at the rear of the building. H. Boyd said no. Fire Chief Brown wrote in his review that this was needed for a fire lane access and that it had to be maintained as such. Brown also commented that this was pushing the height regulation with three stories.

H. Boyd said that they would submit an architectural plan to W. Cox. T. Morgan said that Boyd should contact the Fire Chief about the public safety issue. Cox said bond is to be posted and cut sheet should be submitted for his review on lighting.

Abutter Richard Perkins asked about the location of this property. He mistakenly thought it was on the same side of the street as his property.

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

#3-14 – Proposal by Richard Turcotte, Jr. and Lester M. Knowles for a condominium conversion at 70 & 72 Farm Lane, Tax Map 13, Lot 59: Attorney Mary Ganz informed the board that Surveyor Ernie Cote has to go back out and survey again. M. Fowler said the sewer is not an issue but because of the elevation a pump may be needed. S. Foote said she had no objection but

that the corner of the lot goes over a brook and this would need a statement in regards to wetlands. Ganz said that she would have Cote get in touch with Foote to view the site. There were no abutters present.

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

#3-18 – Proposal by Samantha Real Estate Development LLC for a lot line adjustment at Nicholas' Way, Belgian Drive, and Becky's Way, Tax Map 9, Lots 36-5 & 36-6:

Henry Boyd of Millennium Engineering presented a lot line adjustment for the board's review and approval. Mr. Boyd explained to the board how the lot had been changed and that it was a better plan. Chairman Brown polled the board members. There were no abutters present. T. Morgan noted in his review letter that this plan should not be recorded prior to the mylars for Belgian Drive, Nicholas' and Becky's Way being recorded.

Keith Fowler made a motion to approve the lot line adjustment for Samantha Real Estate Development LLC. S. Foote 2nd. Vote: unanimous.

#2-47 – Proposal by EMC Realty Trust for a condominium conversion at 264 South Main Street, Tax Map 17, Lot 20-3: The applicant for this case had not appeared. W. Cox made a motion to continue this case to August 19, 2003 at 7:00 P.M. P. Evans 2nd. Vote unanimous.

Abutter Ronald Larrivee said that the sewer lines will be moved by Mr. Chase if on his property.

3) Informal Presentations:

#3-17 – Proposal by Scott Mitchell for commercial development of the Tiki Trust property off of Lafayette Road: Commercial Realtor Scott Mitchell presented an informal presentation of a site plan for a proposed retail outlet at the Tiki Trust property off of Lafayette Road for the board's input and review. Mitchell introduced the members of the development team: Wayne Morrill of Jones & Beach, Robert Jess, site developer for Lowe's, NH Soil Consultant Adele Fiorillo, the attorney and the engineer. Mitchell threw out the numbers of the lots included in this site as MacDonald's, Prompto Oil, Tiki Trust and Grasso's. Mitchell said that there were some title problems with one of the Tiki Trust lots so the lot consolidation includes just one of the lots. Mitchell gave the square footage of the proposed home improvement building and the two pad sites located at the front of the lot. He said that Prompto Oil would retain a 30,000 square foot lot for their business. Morrill said that the site plan called for 656 parking spaces and they were showing 519. T. Morgan asked if they eliminated the two pads would they have enough. Morrill estimated that the pads would only generate 70 spaces. Morrill said that there would be a cart corral located in every other row.

Cox asked about the drainage on the two pad sites. Mitchell let Wayne Morrill take over these questions. W. Morrill went over the drainage of the site. Morrill said that the detention pond would be at the rear of the property and there would be lower peak of runoff and there would be an increase into Mary's Pond. W. Cox went over his concerns about the increase and the under designed culvert at Lakeshore Drive. T. Morgan asked if they cut up Prompto's lot wouldn't the lot lose its commercial use on this piece. R. Moore said that it is a substandard lot due to the frontage and said he would look into it. Later in the meeting Moore said that this was not an issue because of a zoning regulation that was passed 3/12/91 making this lot totally commercial.

Scott Mitchell said that he had talked to Demolas about the access and he had met with Steve Pernaw, their traffic engineer, and he met with the State about permits that would be needed for this project. W. Cox said that with a signal light, Demolas does not need a second entrance. He asked if the set of lights would cause a bottle neck and that the road needs to be looked at for public safety. The board discussed the traffic issue, the landscaping, sidewalks, and the lighting.

Adele Fiorillo a certified wetland scientist from NH Soil Consultants, Inc. went over the wetlands that are on the site. She said that she ha met with the DES and that they were favorable to the project. S. Foote said that the Conservation Committee was impressed with the project and said that we would benefit from the restoring of the watershed and the wild life area. Cox reiterated that he did not want the water level to increase on Mary's Pond. T. Morgan asked about the closeness of the loading and delivery dock to the residential area at the rear of the property. W. Morrill pointed out the delivery areas.

Robert Jess, site developer for Lowe's, went over access points of the main entrance, the garden center, customer pick-up and the back door unloading for the flat beds. He said there would be three loading docks at the back of the garden center. Cox informed him that the hours of delivery would be set by this board. Jess said that he would be looking for flexibility and that there would be sound barrier walls erected for noise control. T. Morgan asked about the fire lane. Jess said that they would meet with the Fire Department. Cox said that the traffic problem would be the main issue. Cox and Mitchell discussed the parking and Cox said that he would rather see more islands and less parking spaces. Scott Mitchell asked if the consensus of the board was that they go for a variance for the parking spaces. The consensus of the board was that it was ok.

W. Cox said that the traffic study should show a larger site impact and that the study should look further north and south. He said that the town was not getting enough help from the State with the traffic problem. The applicants will come back next month for another informal presentation.

PUBLIC NOTICE DRAFT: Tom Morgan drafted a public notice for the board's review which would propose to add a traffic mitigation section to the Zoning Ordinance that will enable the Planning Board to assess fees to the developers of buildings in excess of 50,000 square feet in order to mitigate traffic impact. Cox suggested that it be done according to the number of trips. R. Moore said that the one-lane roads will stack up and make us a parking lot if something isn't done.

4) Correspondence: Town Planner Thomas Morgan distributed the correspondence and Chairman Brown signed the expenditures.

5) Driveway Permit applications: None

Robert S. Moore told the board that this would be his last meeting as he is retiring in July. Moore said that he had attended 432 planning board meeting and 216 BOA meetings. The board thanked him and invited him to the annual banquet.

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

Minutes taken by Emily Sanborn, Secretary.