



## Town of Seabrook Planning Board Minutes Draft

June 6, 2006

Members Present: Sue Foote, Chair; Aboul Khan; Peter Evans; Paul Himmer; Keith Sanborn; Paul Garand, CEO; Tom Morgan, Planner; Robert Moore, Ex-Officio; Mike Lowry, alternate; Patricia Welch, Secretary.

The meeting opened at 6:00 PM. The first item was acceptance of the minutes from May 16, 2006

**Motion: Moore To accept the minutes of May 16, 2006**

**Second: Evans Unanimous with Lowry abstaining because he was not present**

Correspondence was reviewed. Members received postcards announcing a RPC "informational" meeting on Monday, June 12th, Newington Town hall, regarding their valuable conservation lands. A notice of a Right to Know forum in Hampton Falls was also reviewed. The public is invited on June 13 at 7 PM at the Hampton Falls Town Hall. A memo about the Budget Hearing Workshop on June 22<sup>nd</sup> was read. Chair Foote asked if anyone else would like to attend with her and Aboul Khan volunteered to go. A copy of a letter from Bernard Christopher, developer of Honey Dew/Two Guys Smoke Shop to the Honey Dew corporate offices regarding the traffic signal at Rocks Road was read.

Next Chair Foote reviewed the packets sent to members reminding them to start reviewing the Capital Improvement and Master Plan material as those issues will be forthcoming quickly. She reiterated her recommendation that the Planning Board form a Capital Improvement Committee and include the Board of Selectmen's budget committee member and a member of the budget committee as well as someone from the School Board. No action was taken on these items.

The packet of checklist samples was reviewed. The checklist to assure a proposal is administratively complete (submitted by Planner Morgan) for reviewing items submitted by applicants is discussed. Chair Foote raises the issue of having two or more checklists that will confuse applicants and engineers. Evans asks what is the purpose of the checklist for the Department Heads when they review plans? Foote explains that the Technical Review Committee uses the checklist as a guide to make sure all items in the ordinances are reviewed and no area is overlooked. Lengthy and heated discussion of checklists and their uses ensues. Morgan states that if you make a checklist too concise it creates issues for applicants who don't meet the items on the checklist. Evans feels the Department Heads should make their own choice of how to review plans and they could use the old checklist as a starter kit if they so choose. Henry Boyd of Millennium Engineering (the only engineer present) states he prefers the old way of reviewing plans, i.e., having the planner write a paragraph on the issues. Foote states that is a question the Planner asked at the last technical review meeting: should he submit his paragraph before or after technical review. Foote says she advised him prior to technical review so that only one checklist goes to applicants and engineers and contains all comments from department heads as well as the planner. Khan suggests a committee be formed to review all the checklist options.

**Motion: Sanborn To use the "checklist for items required for submission of an application to the Seabrook Planning Board" as the Planning Board's checklist for review of applications**

**Second: Evans Unanimous with Foote abstaining as she prefers a more detailed list for technical review**

Next item was the contract for the Town Engineer. This was reviewed by the Board

**Motion: Evans To adopt the contract for the Town Engineer as presented.**

**Second: Lowry Unanimous**

Public Hearings opened at 6:45 PM. First case 2006-24 Proposal by Todd Boyle for a condominium conversion at 124 & 126 Walton Road, Tax Map 10, Lots 95-1 & 95-2. Henry Boyd representing Mr. Boyle. There are two issues on this plan: the numbering of the units per the assessor's current assignment of lot numbers and thus the condominium name, and the request of an abutter to move the building in further from the side setback even though the building is in compliance with the required setback. Foote states that good planning for placement of



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residences on lots should take into consideration the existing homes as well as the new construction. Boyd states he does not disagree and he will ask his client about these issues as soon as the client returns his phone calls. Boyd further states he does not want to upset the old guard in Seabrook by having the new residences too close to the property line of one of them. The Board and abutters are polled for comments, questions, or concerns. Evans asks what the D-33135 on the plan represents. Boyd states the Plan number from the Rockingham County Registry of Deeds. Foote asks about the slope of the driveway and flow of water on the impervious surface

**Motion: Evans To accept case 2006-24 as administratively complete for deliberations.**

**Second: Lowry Unanimous**

Moore states you can't make the move of the property a condition of approval. Evans feels he wants to see the new locus before he approves the plan. Boyd states you cannot deny the plan because it meets the required setback in the ordinance.

**Motion: Evans To approve case 2006-24 insofar as it meets the Condominium Conversion Regulations of the Town of Seabrook on the condition that the street address issue is resolved with the assessor and if necessary the name of the condominium and the condominium documents be changed and the locus of the buildings meet the minimum side setback.**

**Second: Lowry Unanimous with Sanborn opposed because he doesn't feel the property owner should be asked to move the residences.**

Next is 2006-25 Proposal by Paul & Mary Durant for a lot line adjustment at 520 & 522 Hooksett Street, Tax Map 21, Lots 6-2 & 6-20. An electronic mail correspondence was received from Attorney Mary Ganz requesting a continuance to July 18, 2006 as the engineer has not had time to complete all the items addressed at the technical review.

2006-26 Proposal by Robert Preston and Zapstix Surf Shop for site plan review for a 480 Square Foot addition at 186 Ocean Boulevard, Tax Map 26, Lot 93. Tenant on the property, Linda Paugh is present. Member Himmer steps down from the Board as he has a conflict of interest on this case. Paugh states she is confused by what is required of her for site plan review. The technical review report from Planner Morgan states "no site plan submitted; only architectural elevations submitted but the numbers do not match." Paugh asks if she could waive the engineering plan requirement and just get a building permit. Foote explains that because she is proposing an expansion of a footprint/change of use in a retail-commercial establishment, the regulations require detailed plans that demonstrate the change or expansion does not infringe on a setback, that it meets drainage and parking requirements and adds further that the Board would be remiss if it did not review this site for compliance with the regulations. Foote notes that in applying the regulations in a consistent matter to all applications for site plan review, the Board avoids a claim of partiality to some and not to others.

Foote notes that Paugh may ask for a waiver in writing from the specific site plan review regulations that do not apply in her case, but that at minimum a plan showing parking, lighting, drainage and the dredge and fill permit (since this property is within the Shoreland Protection area) are necessary.

Evans asks if fire sprinklers exist and will be in the addition. Paugh states none exist and none are planned for the addition. Paugh says the building is going to be the same width as the existing retail store but expanded towards the rear of the building.

Paugh asks if the plans must be drawn by an engineer? Evans, Khan, and Lowry agree that a "well-done hand-drawn plan" would be acceptable to them. The Board notes that the utilities, setbacks, photos of existing and proposed buildings, a scale box, and an existing and proposed plot plan are necessary. Khan asks if it is possible to have the property owner at the next meeting to answer questions about the site. Various suggestions on meeting the Board's requirements are brought forth. Among them is the DES wetland permit application, which requires an engineered plan with a surveyors stamp, a requirement that can be waived by DES. Foote suggests the applicant download an aerial view from Google Earth and draw the lines of the existing buildings and the new



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addition. Evans suggests the applicant obtain a GIS printout from the assessing office and have the Water and Sewer Superintendents review the current utilities. Foote suggests applicant contact the Pease Office of DES and request a pre-application site walk to determine if a permit is required and if not, the letter stating no permit is required is acceptable to the Board. **Case 2006-26 is continued to June 20, 2006 at 6:00 PM** with the applicant bringing the DES permit application and response from DES, an aerial photo with the utility overlay and the extension of the building footprint show on the lot, and having the property owner present if possible to answer questions.

Case **#2006-27** Proposal by Ray R. Grasso, trustee of 120 Ledge Road Realty Trust of 2006, for a condominium conversion at 103 Ledge Road, Tax Map 5, Lot 8-120. is **continued to July 18, 2006, at 6:00 PM** per request of the engineer representing them, Wayne Morrill, Vice President of Jones & Beach Engineers.

**2006-23** Proposal by CHD Inc. & Alfred Janvrin Jr. for a two-lot subdivision at 35 & 44 Parkersville Lane, Tax Map 16, Lot 32 is being **withdrawn without prejudice** and applying the application fee of \$700.00 and the recording fee of \$36.00 to the next submission once the title issues have been resolved per Attorney Mary Ganz.

**#2004-50** Proposal by Paulo & Lisa Cabral and Cheryl Wills for a 5-lot subdivision at 94 Blacksnake Road, Tax Map 3, Lot 4-1 is **continued to July 18, 2006** at 6:00 PM to allow the 30-day appeal period to pass since the denial of a re-hearing by the Zoning Board of Adjustment of May 24, 2006. A packet of minutes and Department Head and Planner reviews of the case is distributed to Board members.

**#2005-13** Proposal by GRA Real Estate Holdings, LLC, for a site plan review to expand site at 27 & 39 Stard Road, Map 4, Lots 9 & 11. A request from applicant's representative Rusty Lavin was received in the Planning Office today to **continue this case to August 15, 2006** at 6:00 PM as the applicant is waiting for a site specific permit from the State of NH. Evans asks about the site being in active use and the number of trailers located on the site. Boyd says there is no activity on the site. Evans asks about complaints to Code Enforcement. Garand states only one about the gate being opened. Foote and Boyd discussed donation of parcel to Town of Seabrook and conservation easement on this subdivision submitted in 2005 by GRA. Electronic mail from Mary Ganz on these issues is in 2005 file in Planning Board Office.

Next case is **#1999-11 Proposal by Charles Bagley, Jr.** for a sub-division at Austin Way, Tax Map 9, Lot 7. This case was heard in December at the compliancy hearing and an extension to June 13, 2006 was given at the time. Charles Bagley, developer, Linda & Tom Moffett, 9 Austins Way, and Henry Boyd, Millennium Engineering are present. Bagley states he has gone through everything with John Starkey, DPW Manager and everything is taken care of except the detention pond. Foote asks about drainage swales down the sides of the street. Bagley says they are pretty much done except for one or two small areas. They have been re-seeded and Boyd has done as-builts. No problems with culverts or drainage even in last major storm. Garand asks about swales going across driveways. Bagley says that Mr. & Mrs. Moffett will have a comment. Garand states he wants to address that and get it taken care of. Bagley says the swales were done per Millennium Engineering. A few will change because of the slopes. Boyd adds that if some of the driveways are higher than the roadway grade, then the swales as typical need to be modified. Bagley says there are two of them that need to be pulled back. Foote asks if they can culvert under. Boyd says there is not enough cover. Bagley says the culverts were discussed and rejected before. Garand asks about the location of the detention pond on the property, if it is sufficient in size and in the right location. Boyd says it is sufficient in size and in the right location but the spillway as it exits the swale, the main roadway swale is out of position, it needs to be repositioned. Bagley asks if that is the spillway that goes into the detention pond? Boyd says the one that comes off the road and then to the left of the house where it goes down into the pond. Bagley states that per the as-builts it's in the right location. Boyd says it needs to be built within the easement. Bagley and Boyd discuss the swale placement.

Garand asks if the swale behind the Moffett's house has been installed. Foote clarifies that it is the back perimeter where it abuts the neighbor to drain it down to the detention pond. Bagley says the Moffetts want to take care of their own swale behind their house. Tom Moffett, 9 Austin's Way states there are no swales on the backside. Stanley got rid of theirs and the neighbor on the other side got rid of theirs. There is a fence and everything else. There is a playset up against the fence and he has stone and a perimeter band around it. There is not a swale on his property. I told Mr. Bagley I'll put the swale in myself as soon as they do. Garand says that what is happening



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is that after the Town approved these lots, the developer built to the plan and now the homeowners are re-working the landscaping and the swales were never installed in a timely fashion so as far as going in for completion of the plan, now it's after the fact, the houses are all developed, the land has been changed by landscaping, sprinkler systems or other items and there is a lot of tension on the site. We need to resolve this so the developer can go in and finish the subdivision so the road can be accepted by the Town and services can be provided by the Town. While the developer has been providing services, the Town needs to accept the road. A time frame needs to be set up in writing to complete the project so the developer and the homeowners know what is going to take place and when. Bagley says the homeowners have landscaped and the swales have disappeared. The Board looks at the approved plans for the subdivision--in particular the location and type of swale in the detail. Garand notes it is not a large swale but it should be addressed. Boyd states the reason for the swale is that the abutter to the east wanted it to protect his woodland. It was not an original part of drainage calculations and it was not necessary for the hydrology but he did not want any runoff on his property. Boyd thinks that none of the property owners are in favor of the swale, but the only way to eliminate it is to build it or do away with it. Boyd feels it is important to check with the abutter and see if he has had drainage issues or if he cares about having the swale installed. If the abutter still wants it, then it has to be built. Morgan asks what resolution can be reached. Bagley says that if the abutter still wants the swale, then he will build one. If he does not, then there is no need to put one in. Moffett says he does not want a swale, but he will put one in if everyone else builds one. Garand says the articles in question are the swales at the driveways, two; a swale to the east side abutting the two properties there; and the trench in front of Moffett's property. Moffett asks about the width of the swale on the plan. Boyd says the swale should be curved so the slope is less vertical. Moffett looks at plan. Argument follows between the developer and homeowner. It is determined that the civil matter between the developer and the property owner will not be dealt with here. Foote states that the stormwater drainage swales, by design, are in the Town Right-of-way and the developer/contractor is to build them properly and the Town will maintain them for proper drainage. Moffetts agree that swales need to be installed properly. Foote agrees the Board would like to see the project finished. Evans adds before this summer is up. Mrs. Moffett asks if the Board inspects the property. Foote says she has inspected twice and when the developer is ready for the project to be finally accepted, all the department heads will inspect the project. And that is where there are problems because this project is seven years old and is really in the maintenance phase (by the Town of Seabrook).

Garand says if the swale to the east of the development does not have to be constructed as drastic as shown on the plan, two foot wide at top, one foot wide at bottom and six inches deep, it'd be easier to install, maintain and be more attractive to homeowners. Foote suggests someone contact the abutter (Clay Fowler) and ask his observations of the drainage issue over the past five years and is he still concerned about water runoff and if he has experienced no problems, then the swale is not necessary. Garand asks if the Board is looking for a letter from Mr. Fowler stating yes, I want a swale because there is runoff or no, everything is fine the way it is. Boyd says he will approach Clay Fowler. Evans states he would like to put a time limit on getting the letter from the abutter. After discussion of the shape of the swales, other options that could be looked at, the Board decides they would like a response in writing from the abutter within two weeks, before the next Planning Board meeting and then a time frame for completion of the project can be determined. **Case 1991-11 is continued to June 20, 2006 at 6:00 PM.**

**#2002-12 Proposal by Seabrook Circle Trust & Normand Jutras** for site plan review at Main Street and Smith's Lane, Map 10, Lot 18. Henry Boyd is present for the applicant through authorization of his son, George Jurtras. Boyd says the environmental issues concern him. This case also is continued from the compliancy hearing in December 2005. An extension, contingent on posting a \$5000.00 site security, was granted to June 13, 2006. Garand states the approval and as-builts do not agree. The applicant needs to go through the whole plan one more time. The applicant has never even picked up his security package. The Board requests the secretary to send a registered letter to the property owner stating that he must post the \$5000.00 security before the June 20, 2006 Planning Board meeting and that he will have 60 days from June 20, 2006 to complete this project according to the approved plans.

**Motion: Sanborn** To send a registered letter to the property owner (on case #2002-12) stating that he must post the \$5000.00 security before the June 20, 2006 Planning Board



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meeting and that he will have 60 days from June 20, 2006 to complete this project according to the approved plans.

**Second: Lowry**      **Unanimous with Khan abstaining because he is acquainted with applicant.**

The last case to be heard is **#2000-40 Proposal by Ledge Road Realty Trust** for a sub-division on London Lane, Tax Map 5, Lot 8. A request has been received from Wayne Morrill, Vice President Jones & Beach Engineers, and John Colliander, property owner, to grant an extension on this project to December 31, 2006 to coincide with the expiration of the security. The only issue on this site is completing the paving.

**Motion: Sanborn**      **To grant case #2000-40 an extension to December 31, 2006.**

**Second: Moore**      **Unanimous with Evans abstaining as he is an abutter.**

The final item is a letter of resignation from the Planning Board Secretary effective July 20, 2006.

Meeting adjourned at 8:52 PM.

Respectfully submitted,  
Patricia R. Welch, Secretary  
Seabrook Planning Board

MYLARS RECORDED		
06-21	lot line adjustment at 25 Chevy Chase Road and 22 Dwight Avenue, Tax Map 8, Lots 54-8 & 87-2.	D-33850