

PLANNING BOARD MEMBERS PRESENT: Chairman Susan Foote, Vice Chairman Mark Preston, Peter Evans, Paul Himmer, Barrie Glidden III, Asa Knowles Selectman's Representative. Alternate: Michael Lowry.

Others Present: Paul Garand, CEO, Thomas Morgan Town Planner, Michael Fowler Town Engineer

MEETING OPENED: Chairman Susan Foote opened the meeting at 6:05 p.m.

MINUTES of April 20, 2004

MOTION: *Peter Evans* *To accept the minutes of April 20, 2004*
SECOND: *Mark Preston* *UNANIMOUS*

#4-14 Richard A. Adams Revocable Trust for a 2-lot subdivision off of 243 Lower Collins Street, Tax Map 14, Lot 43.

Richard Adams had inquiries concerning T. Morgan's comments sent to Mr. Adams' engineer. T. Morgan explained that his engineer was in the office earlier in the day and comments were discussed. Wetland markers were needed for area around house lots, not entire area of salt marshes. S. Foote - not necessary to flag the whole parcel, to go 50 feet either side of a property line. R. Adams stated that he can order wetland markers from Carter's Priority Printing.

T. Morgan - The three different zones in floodplains needs to be depicted on plan. Banks asking for this when concerned with financing of dwellings.

PLANNING BOARD BYLAWS/RULES OF PROCEDURE

In keeping with the State RSA's, "By-laws" will be changed to "Rules of Procedure"

SECTION 1 - Authority: Change "by-laws" to "Rules of Procedure".

SECTION 4 - Alternates: Deleted "three" from last line of Section 4, Now reads, "The Planning Board shall appoint alternates for staggered three year terms". The RSA's allows between 5-7 alternates.

SECTION 5 - Meeting Schedule: Deleted "at 7:00 p.m. on the third Tuesday of each month" from first line of Section 5.

SECTION 11 - Public Hearings: Revised first line "In general, public hearings shall not be scheduled to commence later than 9 PM. Procedure at public hearings shall be as follows:"

SECTION 14 - Executive Sessions: Entire Section 14 was deleted.

SECTION 16/now 15 - Amendments: Change "By-laws" to "Rules of Procedure"

T. Morgan states there is time to post Notice of Public Hearing for these revisions for June 1, 2004 Planning Board meeting.

There was discussion concerning summer schedule. S. Foote - would like to have June 1, 2004 meeting. She has gathered information concerning other comparable Planning Board's checklists, Rules of Procedure, Fee Schedules, etc. Has compared revenue in and expenses out of this Planning Board. There is a need to review this Planning Board's Fee Schedule.

P. Garand - inquired about comparing Seabrook to Plaistow and Salem. Cited need to discuss sign ordinances. Also inquired about paperwork given to board from Fred Welch concerning Housing Authority. Cited concerns with some substandard rental properties.

S. Foote - also noted that now that Town has Capital Improvements Plan - should start working on Impact Fees. M. Preston - noted that at today's Selectmen's Work Session, C. Stockbridge asked if Capital Improvement Plan was working and F. Welch said it was not. Cites that in order for the CIP to work, the Selectmen, Planning Board, Budget Committee and Department Heads have to be on the same page. S. Foote - states that there is the possibility that Seabrook would be forced to do what other towns have done and put improvements (ie: DPW vehicles, etc.) in the budget. P. Garand - states that if the CIP is the plan we're going to follow, that maybe the only way to do it.

There was general discussion concerning impact fees - they would have to be formulated by Town Planner and monies distributed to different departments that are impacted (ie: school, roads, police, fire, water/new wells, etc.) Each department would have their own account - that account has 6 years to use the monies or monies are given back to developer, with interest. T. Morgan - it is tricky situation. (ie: if a developer's share is 10% of impact project, other developers and/or town must come up with the other 90% during a 6-year period). Along with collecting money from developers, you are also committing town funds to major projects. This may not be popular situation. The main advantage to the Impact Fee is, it will lessen the burden on the Seabrook taxpayer - shifting the burden to the developer. S. Foote - feels it could slow down rapid growth - it could bring Seabrook more in line with other Seacoast Region Areas. Seabrook is feeling pressure of development because we have easy regulations, quick process, fee schedules are very inexpensive.

M. Preston - questions what it cost Lowe's to come in and file applications etc.

T. Morgan - remarkably low application fee of \$100. There are provisions in the book that the cost of any special investigation studies shall be passed on to the applicant. In Lowe's case, T. Morgan states that he made effort to make sure that Lowes paid more than \$100. S. Foote states she is trying to get the numbers from Finance concerning Lowes. T. Morgan and M. Fowler submitted separate invoices for their hours for Lowes. T. Morgan - states if Lowes has not been billed fully, there is no reason why they can't be billed tomorrow. They haven't got final approval. S. Foote - State Regulations states that we have a right to provide an estimate prior to our review and those funds are put into an escrow account that we hold. T. Morgan - notes that, after two months of persistence, they (Lowes project) provided check for \$1500. S. Foote - according to other Planning Board's procedures, the money is put into an escrow account before the Planning Board even looks at an application. T. Morgan - that is in your regulations. S. Foote - questions if any of the "big projects" put money into escrow.

S. Foote states she would like to focus on our guidelines and what other boards are doing and come in by September with greatly revised procedures and fees. This would make us comparable with the rest of

the surrounding areas, thus preventing us from becoming such an easy target to developers. Make the developers pay for the cost of impacting our town.

P. Evans inquires if Planning Board can bill developers for T. Morgan and M. Fowlers time. T. Morgan - yes, that is what we tried to do with Lowes, but apparently it didn't make it through Finance. Cites possible communication problems.

S. Foote expressed need to charge for "Notification Fees". Cited that the majority of towns she referenced charged between \$2 and \$6 for each abutter. Discussion ensued on flat fees vs. charge per abutter. Calculating abutters fee is as easy as using abutters list from assessing and charging applicant accordingly.

T. Morgan - the tricky part of this is, if he or Planning Board Secretary are not in the building when applicant comes in, and applicant wants to know how much he owes Board, there is no one there to tell them. S. Foote - if Planning Board has office and office hours are scheduled, the applicant could come in when the office is open. T. Morgan - that would solve that problem. P. Evans questions cost of reviewing application by Town Planner and charging accordingly. S. Foote - Town Planner doesn't have to be the person to initially review application for completeness, if proper checklist is in place. It is then given to Town Planner for review for deficiencies. T. Morgan - If you have somebody here full time to accept applications, then you can charge them anything you want. If there is only part-time staff, then applicants will have no clue what they owe. S. Foote - upon reviewing other applications for subdivisions, she notes that they are explicit in their directions and in what the fees are. P. Garand - with checklist included, it becomes self-explanatory. M. Lowry inquires if application fee can be percentage of project. T. Morgan - flat fees are simpler and then assess them of monies expended. This is presently in the regulations. P. Evans - then there is problem of chasing down these monies. S. Foote - cited that this has not been done in the past (ie: Poland Springs, Home Depot, Pineo).

SANDPIPER LANE

At 6:45 PM Tom Pike came into meeting asking if Sandpiper Lane was going to be discussed. S. Foote - stated that it was discussed at Selectman's Meeting and Fire Chief said the problem would be resolved. T. Pike - had meeting with H. Boyd, Jr. and minor holder of project; R. Couillard was not in attendance. Nothing was resolved. M. Preston recalls that R. Couillard and SBVD were going to get together and R. Couillard's comment was he had no problem putting the hydrant back in. S. Foote - never got response back from anyone that they wanted certified Public Hearing. T. Pike - just wanted to make sure it wasn't coming before board this evening. S. Foote if you want certified Public Hearing, let board know to get paperwork started. M. Preston stated that it was his belief, along with A. Knowles and S. Foote, that parties involved would get together informally, to have the hydrant reinstalled. T. Pike - let me inquire to what their response is to last meeting - if it resolved or not, and go forward from there. T. Pike - had frank discussion with them about elevations. The Commissioners and Building Inspector are holding very firm to the 7 foot and 8 foot elevations listed on original plans approved by the Planning Board.

S. Foote discussed problem with 2nd sheet of developer's plans having changes not approved by Planning Board. T. Morgan asked if revisions were noted on said plans. P. Garand - yes, but listed as revised after Planning Board approval date.

OTHER

S. Foote - discussed need to purchase stamp/date-stamp to use on each sheet of approved plans. M. Preston inquired that that might be part of board's regular procedures.

S. Foote - asks board if there are any other changes to Rules of Procedure.

MOTION: *Mark Preston* *Summer Schedule to commence during the months of July, August and September. Meetings to be held on the third Tuesday of said months.*

SECOND: *Michael Lowry* *PASSED - UNANIMOUS*

M. Preston - states that last time Tom Morgan got raise was three years ago. For the work he does, for the protection of the Town, would like to offer increase in hourly rate by \$5. A. Knowles - that's not too much.

MOTION: *Mark Preston* *Proposes increase of \$5 to hourly rate for Thomas Morgan, Town Planner*

SECOND: *Michael Lowry* *PASSED - UNANIMOUS*

M. Preston states would not be opposed to raising Michael Fowler's rate by \$5. A. Knowles - sounds good.

MOTION: *Mark Preston* *Proposes increase of \$5 to hourly rate for Michael Fowler, Town Engineer*

SECOND: *Michael Lowry* *PASSED - UNANIMOUS*

OTHER BUSINESS - Application by Grape Hill Associates LLC for a NHDES Site Specific permit to disturb 650,000 square feet.

Paul Garand acquired plans for Grape Hill from NHDES - Dave Price.

P. Garand - states that they are looking to develop Diamondback Avenue. As he sees it the fourth road will have 7 more dwellings on it. Adder Avenue will add on 10 more units and a couple more units on Boa. He questions if this is "grand fathered". He has submitted complete file to Atty. Mitchell in hopes that he would get his opinion before NHDES makes a decision. They have not made a decision on this; it has not been given a number. S. Foote -states she hasn't heard from Atty. Mitchell on this yet. She adds that the State is upset with the way things have been handled - this application for expansion was

submitted as a "virgin" application with no history and yet DES Seacoast enforcement has four different letters of deficiency issued on this for the work they did without permits. Concord was not aware of this history. P. Garand - the original person that started subdivision/trailer park, found out that the Diamondback Ave. was a wet area. They sold off a portion of the frontage, off Black Snake Road,

house Lot 104 and 75 as part of park, this essentially abandoned the project in that area because of the wetlands. Lago has repurchased this lot back (across from Vedrani's house that's West of that and over the banking). A. Knowles - asks what they are going to do with the brook that is there. P. Garand - he wants to take fill and move it into the brook and put a detention pond in. A. Knowles - it will never work...it will flood out the road. A. Knowles states that Martin Millette was original owner of development. That the town fought this he could never get anywhere with it in Concord. He states he doesn't know how this ever got started up the hill. P. Garand - two years ago Lago came before the planning board, and at that time the planning board attorney said that they were substantially invested and that they had the right to continue with this. That's the file that has been given to Atty. Mitchell to look over. He further states he doesn't believe that the fourth road meets that criteria. That basically, when they sold off Lot 104 they showed that they abandoned the project because they knew that they could not go forward with it...so they made money on that one lot. Just because Lago repurchased that house back, doesn't give them the right to continue with Diamondback Ave. There is a tremendous amount of wetlands. Also, at same time, they are taking down the hill completely on Adder Ave. all the way to the back, to the Massachusetts State line. They are also showing that they are taking out some of the hill on Boa Ave. He states that his recollection is that they were told to put detention pond at the top of the hill (notes that hill slumped in last rainstorm). That the last time they came back to this board for substantial action - changing the location of the mobile homes on their existing lots. Then they went up the hill further than what they proposed. Bob Moore and P. Garand went to them with a Cease and Desist. They came back to the board and they were continued. Now they've come back with this other plan. The only reason we knew about this plan is because we received a letter from the State saying that a Site Specific Application had been submitted by the applicant. No copy of the plan was given to us. P. Garand - asks the question, is this something they can legally do? Do we get the attorney on this right away? DES didn't even know about the prior situation that was at hand. T. Morgan suggests that copy of the plan be sent to Atty. Mitchell. Atty. Mitchell will be before the Planning Board in two weeks. S. Foote - suggests that, just because they bought the lot back, it doesn't reactivate the old plan. P. Garand - Millette sold this off, it has been over 4 years, they don't meet the criteria of the town, and the town does not allow trailer parks any longer. S. Foote - if our zoning regulations have not changed, a project can be 100 years old and still be viable - according to State Regulations. A project is exempt from changes in zoning for four years from day of approval. Further states, for example, if it wasn't trailer park but regular subdivision, because its gone four years since it's conception and we now say that this would be major subdivision, the new road would have to be 50 foot, its going to need sidewalks, water and sewer, drainage, wetland flagging/delineation.

DRIVEWAY PERMIT APPLICATIONS

- David & Helen Downs - Linda Lane

Town of Seabrook

PLANNING BOARD

May 4, 2004

MOTION: Mark Preston

To accept above mentioned driveway permit

SECOND: Michael Lowry

PASSED - UNANIMOUS

CORRESPONDENCE

- BOA Cases
- Open Space newsletter
- Millennium Engineering notification of sewer system installation in Salisbury, MA on border of Seabrook, NH - 14 Elizabeth Lane.

MEETING ADJOURNED at 7:30 p.m.

Respectfully submitted,

Melanie J. Locke-Huddell

MYLARS RECORDED ON 4/26/04		
#4-1	John Colliander & Henry Imke move lot line and subdivide two lots to four lots on land situated between Chase Drive and Route 107, Tax Map 5, Lots 2 and 8-40.	Rejected
#4-9	Michael Wilson, Jr. 2-lot subdivision at 20 New Zealand Road, Tax Map 7, Lot 73.	D-31562
#4-12	TDK Realty Trust 2-lot subdivision at 30 Weare Road, Tax Map 4, Lot 2-1.	C-31561