

**SEABROOK PLANNING BOARD
NOVEMBER 18, 2003 – 7:00 P.M.
SELECTMEN'S OFFICE**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, William Knowles, Peter Evans, Mark Preston, Alternate Michael Lowry and Karen Knight, Selectmen's Rep. Others Present: Town Planner Thomas Morgan, Town Engineer Michael Fowler, CEO Paul Garand and former secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:10 P.M. The new secretary was not present, therefore, reluctantly; Emily Sanborn who was present to assist the new secretary took the minutes.

MINUTES: November 4, 2003

Susan Foote made a motion to accept the minutes of November 4, 2003 with the correction of the name of Economic Development Committee member Sophie Dodge. P. Evans 2nd. Vote: unanimous

Driveway Permit: Chairman Brown asked that the board hear Kevin Janvrin in regards to a previously discussed driveway application. Mr. Janvrin presented a revised driveway plan in which he proposed to remove all soil from the encroachment on his neighbors land and put in a retaining wall. P. Garand said that this would not be restored until spring. Abutter Mark Meldrin was present and asked if this encroachment could not have been avoided if Mr. Janvrin had applied for the permit before he did the driveway. Mr. Meldrin said that it had cost him \$1,250 for a survey to determine that the driveway was encroaching on his property. Chairman Brown explained that the driveways are often done before the permit is received and that the town's only concern is that it is not larger than 20' feet wide were it meets the town right-of-way. M. Preston asked how far away from the lot line would the retaining wall be. Janvrin said that he was shooting for a foot. T. Morgan said that if there is no dispute the board could grant the revised driveway permit.

Mark Preston made a motion to grant the driveway permit as revised. W. Knowles 2nd. Vote: unanimous

Public Hearings on applications:

#3-23 – Proposal by Gail & Douglas Hersey for a two-lot subdivision at 38 Rocks Road, Tax Map 7, Lot 116: Applicants Gail & Douglas Hersey were present to go over their plan for a two-lot subdivision at 38 Rocks Road for the board's review and approval. Chairman Brown asked about the utilities from lot to lot and asked if an easement would be required. Ms. Hersey said that she had discussed this with Warner Knowles and it was her understanding that if it they were located in the road it would require an easement to the town. She said that it did not cross the road and that it would be family that owned the two lots. The board reviewed the plan. M. Fowler said that at present the family would have no

problem but if down the road it were to be sold a simple easement now would avoid trouble down the road. S. Foote said there should be a cross easement to the town on lot #2.

T. Morgan said that there was one outstanding issue and that was the bond. M. Fowler said that the bond he recommended would be for \$10,150, which would be for the basic coverage of the road, gravel, etc. S. Foote asked about the wetland delineation. Hersey said that it was done by the NH Soil Consultants, Inc. Preston said that this was covered in note #4 on the plan. T. Morgan informed the board that the box requirement and the sidewalk requirement were waived at the last meeting. Brown said that the granite curbing was not. P. Garand said that it is on the plan. M. Fowler said that the comments by Warner Knowles in his letter of review about the shallow service and the possible need for a pump was more of an advisory comment. P. Evans said that the easements have to be addressed. Chairman Brown asked if there were any abutters present. There were none.

S. Foote made a motion to recommend a bond of \$10,150 as recommended by M. Fowler for 2 years and be a self-calling surety bond. M. Lowry 2nd. Vote: unanimous.

M. Preston made a motion to approve the plan and have it signed when mylar is brought in with the easement on the plan. S. Foote 2nd. Vote: unanimous

Ms. Hersey asked for clarification of the easements needed. S. Foote said that one would be needed to the town where the utilities cross the hammerhead and the other from lot #1 to lot #2.

#3-34 – Proposal by Kevin Karpenko & Robert Carbone for a condominium conversion of industrial property at 93 Ledge Road, Tax Map 5, Lots 8-90 & 8-100: Eric Saair of Jones & Beach Engineering presented the plans for a condominium conversion and amendment at 93 Ledge Road of a previously approved light industrial building for the board's review and approval.

Mr. Saari said that Karpenko & Carbone would like to condo the 8 units and take out 18 to 20 parking spaces, and catch basin and pump station and drainage would remain the same as approved. Saari said that each unit would be deeded 2 parking spaces and that there would be separate shut-offs for each unit. He said there would be eight contractors and that there would not be a lot of water usage and that there would be minimal lighting. P. Evans asked about the snow storage area. Saari said that the snow storage area was in the pond at the end of the lot. He said that they would have three fully screened dumpsters. T. Morgan asked if their attorney had seen the amended plan. Saari said he had.

S. Foote made a motion to reinstate the bond amount for \$25,000 for lot 8-90 and \$50,000 for lot 8-100 to be a self-calling surety bond for 2 years. M. Preston 2nd.
Vote: unanimous

The board members discussed the access around the building, the berm, catch basin, etc. P. Evans said that his concern was insufficient parking and security. Saari said that the owners feel that there is sufficient parking and lighting for this use. T. Morgan said that the board could sign the paper copies and have the Chairman sign the mylar. There were no abutters present.

S. Foote made a motion to approve the plan with the provision that the chairman signs the mylar when available. M. Preston 2nd. Vote: unanimous
The board signed 4 copies of the plan.

#3-35 – Proposal by Mary Batchelder, LLC for a condominium conversion at 77 & 79 Blacksnake Road, Tax Map 2, Lot 52-3: H. Boyd presented the condominium conversion plans for 77 & 79 Blacksnake Road for the board's review and approval. Attorney Mary Ganz had sent an easement deed to T. Morgan for his review. Morgan said that grantee should be changed to grantor in note #2 of the document and the easement across two lots be added. There were no abutters present.

S. Foote made a motion to approve in so far as it complies with state and town condominium conversion regulations. M. Preston 2nd. Vote: unanimous
Note: easement deed to be recorded.

#3-39 – Proposal by B.J. Alan Company and ARG Real Estate Holdings LLC for a lot line adjustment and the construction of a retail/warehouse structure for the sale and storage of fireworks at the corner of Lafayette Road and Chevy Chase Road; Tax Map 8, Lots 54-3, 54-4 & 90-3: Henry Boyd of Millennium Engineering and Partrick Carlon of B. J. Alan Company presented the plans for a lot line adjustment and a Phantom Fireworks retail/warehouse to replace the existing building for the board's review and approval.

H. Boyd told the board that B. J. Alan Company had received approval for a new building on July 15, 2003. Boyd described the configuration of the Chevy Chase lots and said that Arleigh Greene, whom he said owns about every lot on Chevy Chase Road, got together with B. J. Alan Company and decided to create a rectangular lot for Phantom Fireworks building. Boyd explained that because of the closeness of Bob's Furniture Store to the road that this business has very little exposure. Boyd said that the plan takes parcel B, the old car wash lot, and converts lot A to Mr. Greene. Boyd said that the site plan approved July 15 would be the same and that they would only be turning the building. H. Boyd presented seven copies of the proposed lighting and photometric grid.

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

H. Boyd said that the lighting would be on 16' poles and that this would be the same site plan only the building would be turned 90 degrees. He said that the open space meets the requirements. M. Fowler said that the existing water service could not be sited and that they should make sure where it is located. He said that the parking site was flat. He said that the number of parking spaces would be ok.

Patrick Carlon addressed the time of construction and said that it would be right after the next 4th of July season. He said that he knew that at the previous approval it had been stated that all the storage trailers would be removed from the site never to be returned but this storage would be needed for the next season. M. Preston said that the intent was when the new building was built. The board agreed. W. Knowles asked if the existing water line was adequate and if the drainage had been addressed. H. Boyd said that the water was sufficient and that the state has taken care of the drainage problem that had existed on Chevy Chase Road. P. Evans said that the slope of the parking lot should be taken care of. Preston said that the plan looks good and the lot has been cleaned up.

Abutter Alan King asked if the lighting would be low invasive lights. Mr. King was assured that they would be. T. Morgan said that it would be subject to W. Cox's review.

S. Foote made a motion to approve the site plan. M. Preston 2nd. Vote: unanimous.

#3-40 – Proposal by Ivan Q. Eaton, Jr. for a lot line adjustment at 1 & 6 Eaton Lane, Tax Map 7, Lots 34-4 & 34-5: Henry Boyd of Millennium Engineering present the plans for a lot line adjustment and the relocation of a turn around on Eaton Lane for the board's review and approval. T. Morgan's letter of review stated that if Eaton Lane is a private road, then the proposal is fairly straightforward and it may be readily approved by the Planning Board but if the road is public, then Town Meeting action would likely be necessary. H. Boyd said that he had asked P. Garand to find out if it was private or public and that Garand told him that it was not a town-accepted road. W. Knowles said that the town maintained it. E. Sanborn said that the Board of Selectmen had accepted it as a town road. Sanborn said that she would get a copy of the acceptance for H. Boyd.

S. Foote said that some of the neighbors were concerned about an existing barn being in wetlands and that the wetlands should be stated on the plan. H. Boyd disagreed with Foote and said that this was a simple lot line adjustment, which did not require wetland depiction. Preston asked about the construction of the wall.

H. Boyd said that the plan showed the paper street and the relocation of the turn-around. W. Knowles said that this right turn-around was better for plowing than a left turn-around. Chairman Brown said that the mailboxes should be located at the end of the street as required by post office notice. P. Evans had concerns about the snow removal. The board briefly discussed the snow plowing and the problems that the constructed stonewall would cause.

Gordon Lavasser who resides on Eaton Lane said that the road is paved up into the last lot and his only concern was whether the town owns the road. Chairman Brown said that the Department of Public Works Director should be asked his opinion and we will go along with his opinion on the wall.

S. Foote made a motion to continue to December 2, 2003 at 7:00 P.M. P. Evans 2nd. Vote: unanimous.

Public Hearings on proposed land use regulations

A) Commercial Setbacks: Chairman Brown read the public notice in order to consider a proposal to add a minimum setback requirement to Article VI of the Zoning Ordinance as follows:

“Side & Rear setbacks for commercial uses from land utilized or zoned Residential: 30 feet”

Paul Garand went over this proposal and its intended purpose. E. Sanborn voiced her concern with its affect on commercial development. She noted that the planning board was encouraging commercial development. P. Garand said that this would protect the residents along the proposed Lowe’s on Route 1. He also said that if there is a problem, the B.O.A. could grant a variance for setbacks were this would create a hardship on the commercial land.

P. Evans made a motion to send to town warrant with planning board recommendation. M. Lowry 2nd. Vote: Mark Preston opposed, all others in favor. Motion carried.

B) Building Codes: Chairman Brown read the public notice in order to consider a proposal to adopt the following: International Property Maintenance Code 2000, International Building Code 2000, International Mechanical Code 2000, International Plumbing Code 2000, International Residential Code 2000 for One and Two- Family Dwellings, International Energy Conservation Code 2000, International Fuel Gas Code 2000 and International Electrical Code Series, NEC 2002.

Developer Paul Lepere asked about the codes and if building plans had to be certified by an architectural engineer. Charles Bagley asked if electrical, plumbing, etc. required a full set of stamp drawings. Garand said that they would. S. Foote said that she was not in favor of the Property Maintenance Code.

S. Foote made a motion to let the public decide and send it to the town warrant "not recommended by the Planning Board". M. Preston 2nd. Vote: 2 opposed, P. Evans and K. Knight. All others in favor. Motion carried.

Public Hearing on Capital Improvements Program update

Proposed zoning amendments as recommended by the Master Plan

Tom Morgan said that because of the time these two proposals should be continued to December 2, 2003 at 7:00 P.M. Chairman Brown agreed and announced as such.

Driveway Permit applications: None

Other Business:

Tom Morgan said that because of the letter drafted by W. Cox and sent to the NH D.O.T., Route 1 in Seabrook is now in the loop.

T. Morgan made note of packet #2 which contained the analyzes of the proposed subdivision regulations prepared by PB Engineer Michael Fowler. The board will review these and re-visit this packet.

Roadways: The board reviewed the outstanding problems that were submitted to the planning board by the town manager for some of the roads in town. Developer Paul Lepere was present to address these comments. P. Lepere produced deeds for Dandiview Acres, Randall Drive, Butland Avenue and Charles Henry Way and gave a copy to the chairman. Lepere said that the majority of these roads have been done and accepted by the town for five years now. He said that these roads had been gone over from head to toe by the different department heads and that he had requested and received seven draw downs of the bond on Butland Avenue. He said it was not fair for the developer to be held responsible after the road had been through five years of being plowed by the town. S. Foote said that there had been site walks for Butland Avenue and there had been in-the-field changes made and perhaps an as-built had not been done. P. Lepere produced a revised plan of drainage improvement done on Butland Avenue June 2, 1999. P. Garand went over the cost of replacing the sewer pump station at the end of Butland Avenue, which he said was over \$9,000, and asked who would be responsible for the update of the pump station. P. Lepere said that this pump should have lasted. M. Fowler stated that the pump station worked properly in the beginning but when Meredith Drive was done there should have been an upgrading of the pump. Fowler suggested that Mr. Lepere get in touch with David Deschenes, the developer of Meredith Drive, about the upgrading of the system and get back to Warner Knowles. Karen Knight left the meeting at 9:50 P.M.

Home Depot: Tom Morgan was directed to write a letter to home depot about requiring home depot to complete their site plan as approved and for the items in the letter from the town manager to be addressed. The board told Morgan to refer the other items of outstanding bills to be sent to the finance department for collection.

Outstanding Engineering Bills: T. Morgan was directed to notify the finance department to send these bills to small claims court for collection.

S. Foote explained that the NH Soil Consultants in compliance with the dredge & fill permit for Home Depot and Staples do a 2-year update report of Wetland Mitigation Monitoring.

Appliance Warehouse – Main Street: M. Fowler said that P. Garand had asked him to review the site plan for Norman Jutras and make note of the differences. P. Garand said that Mr. Jutras was supposed to be at the last meeting but did not make it. He is scheduled for the December 2, 2003 meeting to go over these changes.

Correspondence: T. Morgan distributed the correspondence to the members.

Austin Way: Developer Charles Bagley Jr. said that the site had been walked two weeks ago and that the remaining items to be addressed are rip-rap, two swales to be cleaned up and need final coat on road. M. Fowler will meet with Charles Bagley Jr. and give his recommendation.

Meeting Adjourned: Chairman Brown adjourned the meeting at 10:07 P.M.

Minutes taken by Emily A. Sanborn, CEO Clerk