

**SEABROOK PLANNING BOARD
SEPTEMBER 16, 2003 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

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

MEETING OPENED: Chairman Brown opened the meeting at 7:04 P.M. with a quorum present.

MINUTES: of the August 19 & 27 meetings. Peter Evans put into the record that at the August 27, 2003 special meeting for Border Winds, he had not been an acting member at this meeting.

Peter Evans made a motion to approve the minutes of August 19 & August 27, 2003. S. Foote 2nd. Vote: unanimous

PUBLIC HEARINGS ON APPLICATIONS:

#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 were present to go over the condominium conversion plan of a previously approved motel at 419 Route 286 for the board's review and approval.

H. Boyd addressed the remaining comments made by Tom Morgan in his letter of review and recommendations. He said that the lighting sheets could be dated by the person who prepared them. T. Morgan said that he had spoken to Attorney Mitchell in regards to the condominium documents and that Attorney Mitchell was satisfied with the language and that he would fax a letter of verification.

Boyd said that he had been in touch with Fire Chief Jeff Brown and that his major concern was the addition of a third floor. Boyd said that he informed the Chief that the 3rd floor is accessible from the front of the building and that he was satisfied with this. Boyd said that Chief Brown submitted a sketch with two 15 foot spaces on the rear side of the building for the ladder truck to maneuver. Boyd said that he did not know if this could be done because of how the contours drop off at the rear of the lot and that this would be added safety above what is needed with the front accessibility.

Tom Morgan said that he was hoping that Chief Brown would give the board a clear black or white in regards to this issue. Boyd again stated that the third floor has accessibility from the balcony at front of building. Tom Morgan noted that the difference between the plans for a motel and this plan is that this would accommodate 100 more people. P. Garand went over

what size windows were required as means of egress for the 2nd and 3rd floors. H. Boyd said that the designer is going to build fire escapes above and beyond what is required. T. Morgan said that the last paragraph of Chief Brown's letter indicates that a fire lane is still being negotiated. H. Boyd said no according to his discussion with Chief Brown. Boyd asked what the board would need other than the fire escapes. S. Foote said that her concern was the public's safety and that a form of egress was needed. She asked if the town would be held responsible for not requiring the 20' space at the rear of the building. H. Boyd asked why this was not brought up at the site plan stage. T. Morgan said that the Fire Chief did make comments.

Boyd addressed note #6 of Morgan's comments and said that the shut-off valves are not on private property. Chairman Brown again expressed his concern that there were not enough parking spaces for this change of use and went over the differences for motel and a condo unit. H. Boyd said that they had maxed out their ability to provide more parking spaces. Brown said that they were tweaking it at the motel stage and that they would need 15 more spaces with this type of use. He told Boyd that he was falling short of what is needed. S. Foote said that this was an over-build for the capacity of the site. She recommended that they take away some of the end units and they might be able to provide the fire lane. P. Evans referred to Article IX in regards to the parking spaces needed. P. Garand pointed out that residential use requires 2 parking spaces per unit. H. Boyd said that there are no kitchens and that it is not residential it is a motel units that are owned by individuals. P. Garand said that the internal structure is not clear and that everything in the living area should be identified. W. Knowles said that more input from the fire chief was needed and that he should come in to explain what he wants..

H. Boyd said that there were only two issues, the fire lane and parking. P. Evans said that he felt that the fire chief hasn't given his approval and that access was needed for the fire truck to get behind the building and for his peace of mind to be able to ok this plan. He also said the parking spaces were insufficient. S. Foote said that she had already voiced her concerns and that the lot was over-crowded and that they should have come back with a scaled down plan. T. Morgan said that something was needed to not allow parking behind the building. H. Boyd said something could be put on the plan. H. Boyd said that there is nothing in the parking regulations other than a motel. Peter Saari stated that this is a motel. S. Foote said that this is a motel that would be used as a vacation area with two vehicles if the occupants lived near by. M. Preston said that this would only be a ten week parking problem. H. Boyd asked if there would be a number that the board would suggest. Chairman Brown said 1.5 spaces per unit. The board discussed the enforcement issue of parking and T. Morgan said that the Planning Board should solve the problem before it becomes a problem. William Cox told the board to be careful calling this a change of use as it is

a change of ownership and this adversely affects the land use due to limited parking spaces.

T. Morgan told Attorney Saari that a waiver would be needed to continue this case because of the time frame. Attorney Saari said he would sign the waiver. He also submitted a certification of the Condo Documents.

S. Foote made a motion to continue this case to October 7, 2003 at 7:00 P.M. K. Knight 2nd. Vote: unanimous

#3-19 – Proposal by Azoury Family LLC to construct a restaurant at the site of the former Mac’s Clam Bar off of Ocean Boulevard, Tax Map 26, Lot 91: Henry Boyd of Millennium Engineering and Mr. & Mrs. Azoury were present to go over a site plan for a proposed restaurant on the west side of Ocean Boulevard for the board’s review and approval.

H. Boyd went over the previous comments made by the board and T. Morgan and addressed them as follows: 1) variance to rebuild in footprint was submitted; 2) the lot will remain paved as exist. Boyd said that traffic direction is currently a free-for-all. He said that because of the drainage in that area, curbing has not been asked for and that it would be left as is with a proposal to cut pavement back and put in 2’ of course stone than a 5’ grass strip with a fence; 3) revised hatched area to read “no parking”; 4) adequate parking provided with reserved spaces to be used at the market with enough spaces left for adequate retail parking for market; 5) W. Cox said he went over the lighting plans with Mr. Azoury. He asked Mr. Azoury to change the light on the deck to a low voltage light pointing down, side near market ok, change out back lighting to smaller light and make sure it does not show down on abutters. Cox said that the board might have to waive the photometric grid. H. Boyd said that the signage would be done according to the beach regulations; 6) note #5 states that contours will not change; 7) waiver requested for storm water discharge; 8) stipulation to rescind site plan approval if Parcel B for parking is not acquired from state; 9) easement for cross-parking in the event that either properties are sold, submitted. Board members had no further comments. There were no abutters present.

S. Foote made a motion to waive the Topographic contours, Photometric Grid and Storm water discharge requirement. K. Knight 2nd. Vote: unanimous.

S. Foote made a motion to approve the site plan with the waivers. K. Knight 2nd. Vote: unanimous.

#3-22 – Proposal by Charles Brown for a three-lot subdivision at 432 New Zealand Road, Tax Map 1, Lot 17: Henry Boyd of Millennium Engineering and applicant Charles Brown were present to go over a proposal for a three-

lot subdivision at 432 New Zealand Road for the board's review and approval. Mr. Boyd said that Mr. Brown had come before this board seeking advise and he was told to go to the Board of Adjustment. Boyd told the board that on lot 17-2B the 125'x 125' box falls outside of the lot and that he was asking for a waiver on this. He noted that it was the shared driveway that made it necessary to place the box where it was. Chairman Brown asked if these were going to be single house lots. Charles Brown said that this was stated in the variance. S. Foote asked why he did not get a variance for average lot width when he asked for the other variance. H. Boyd said that these box regulations should be looked at and that at a certain point on this lot they were over the required 125'. William Cox, a member of the BOA, told the board that this was a new ordinance and that Mr. Brown has been bounced back and forth from one board to the other. He said in his opinion that this is a hardship because of the frontage access

S. Foote and H. Boyd discussed the reason for the box requirement. H. Boyd said that it was to do away with weird shaped lots. S. Foote said it was for suitable upland. H. Boyd said that he had done the best he could to fit the box on the lot and that the proposal is legitimate and that there is enough upland for a suitable building area.

Boyd told the board that the wetland delineation had been done and that it would be an expense for Mr. Brown to have Mr. West come back to flag it. Mr. Brown agreed to set cedar post with flags stating "wetlands". Boyd said that this was a driveway for two single-family homes and asked that the topo be waived. M. Fowler asked about the utility connections. Mr. Brown said that there would be individual sewer pipes, water lines and utilities. P. Evans still questioned the depth width of the lot B. H. Boyd addressed the concerns of the NHPS by stating that there would be no building in the easement.

S. Foote made a motion to grant the request for a waiver for the 125'x 125' box requirement, Topographical contours, and off site wetlands depiction M. Preston 2nd. Vote: unanimous

S. Foote made a motion to approve the 3-lot subdivision with the waivers. M. Preston 2nd. Vote: unanimous

#3-23 – Proposal by Gail & Douglas Hersey for a two-lot subdivision at 38 Rocks Road, Tax Map 7, Lot 116: Gail and Douglas Hersey informed the board that their surveyor was on vacation and they would be asking for a continuance for this application. They asked to go over the plan for the board's input.

The applicants submitted a copy of the deed for this property. Mr. Hersey said that they would be asking for a waiver from Article V Section E of the Subdivision Regulations which requires the roadway plans to be stamped by

a professional engineer and Article VI Section J of the Subdivision Regulations which requires sidewalks, streetlights and street signs. Chairman Brown said he did not see a problem with the waiver for sidewalks but the road should have granite curbing, stop sign and road sign. He said a note about wetlands should be put on the plan. He noted that the 100'x 100' box was missing. M. Fowler said that the location and size of water and sewer lines should be shown on the plan. S. Foote suggested that they go to the B.O.A for frontage on a right-of-way instead of the road.

William Knowles made a motion to continue this application to October 21, 2003 at 7:00 P.M. S. Foote 2nd. Vote: unanimous

#3-25 – Proposal by Kathleen Cross for a two-lot subdivision at 30 Brooks Road Extension, Tax Map 10, Lot 55-9: Henry Boyd of Millennium Engineering presented the plan for a two-lot subdivision at 30 Brooks Road Extension for the board's review and approval.

Mr. Boyd said that this was a straight-forward plan to create two lots with more frontage than required with 125' for lot 9A and 133' for lot 9B. He asked that the planning board waive the box requirement.

S. Foote said that she could attest to the fact that these lots have no wetlands. There were no abutters present for this application.

Mark Preston made a motion to waive the 100'x 100' box requirement, Article V Section F of the Subdivision Regulations. W. Knowles 2nd. Vote: unanimous.

Mark Preston made a motion to approve the subdivision with the waiver. W. Knowles 2nd. Vote: unanimous

#3-32 – Proposal by William McClellen for a condominium conversion at 189 Walton Road, Tax Map 13, Lot 34: Henry Boyd of Millennium Engineering presented the condominium conversion plan at 189 Walton Road for the board's review and approval.

Boyd explained the unnamed street east of the subject property. T. Morgan said that a certification of the condo documents was needed from Attorney Saari. Peter Evans asked about the driveway locations. H. Boyd said that common area and driveways meet requirements.

Abutter Ed Cerasi said that the bushes on this property protrude out into the driveway and block the view of traffic. He asked if something could be done about this and mentioned a fence of some kind. H. Boyd said that McClellen is willing to move the bushes.

M. Preston made a motion to accept the Condominium Conversion upon receipt of the certification for Condominium Conversion Documents requiring that they are consistent with the Seabrook Zoning Ordinance and with the requirements of NH RSA 356-B. K. Knight 2nd. Vote: unanimous.

Public Hearings on proposed amendments to land use regulations:

Chairman Brown read the following amendments for the board's review and approval:

Amendment to Condominium Conversion Regulations:

1) A proposal to amend Article XI of the Site Plan Review Regulations by adding the following to Section A: "The applicant's attorney shall certify that all condominium documents are consistent with the Seabrook Zoning Ordinance and with the requirements of NH RSA 356-B." S. Foote explained that this was proposed so that the Planning Board doesn't incur the cost of having the town's attorney review these documents.

S. Foote made a motion to accept the amendment as read. P. Evans 2nd. Vote: unanimous.

2) A proposal to amend the Seabrook Capital Improvements Program by adding the following project: "Widen Lafayette Road – Although the State of New Hampshire has commenced the widening of some portions of Lafayette Road, those segments that are not widened will become traffic bottlenecks. The Planning Board proposes that the entire length of Lafayette Road, from Salisbury to Hampton Falls, be widened to five lanes, and that the roadway be lined on both sides with appropriate curbing, acceleration and deceleration lanes, street lights, sidewalks, and elm trees. The improvements are estimated to cost \$20 million and will be funded by the NH DOT and developers of commercial property along Route 1." William Knowles voiced his concern that this might scare off potential businesses. W. Cox said that the board has gone record with 4 issues with a recommendation that the traffic situation be correct from Route 107 to the 95 bridge as this is all one problem. T. Morgan said that a month from now we can merge these routes together. H. Boyd said that Millennium had designed the Poland Springs off site improvements and you could not get southbound after the bridge. W. Cox said that he understands how the proposed amendment was posted but that the board's intention was to do all of these routes. T. Morgan informed Cox that this would have to be posted properly for Route 107. H. Boyd said that there would be a couple parcels along Lafayette Road that would be adversely affected by this proposed widening. Robert Lebold and Kevin Hatem, property owners along Route 1, said that this was their concern. Lebold asked if there were any specific plans for this proposal. S. Foote said no.

S. Foote made a motion to add this proposed amendment to the Capital Improvements Program. P. Evans 2nd. Vote: unanimous

3) Proposal to adopt the International Property Maintenance Code
Tom Morgan had put in the agenda packet a memo from Town Manager Frederick Welch addressing the issue of the adoption of the I. P. M. C. at the 1998 and 2000 Annual Town Meeting and in accordance with the law provides for the acceptance of a building code in the same manner as the acceptance or amendment of a zoning ordinance. He stated in his memo that the board is required to hold a public hearing, following the required advertisement, to adopt the proposal and to place an article in the warrant together with the Planning Board's recommendation to adopt or not adopt.

M. Preston made a motion to accept the 2000 International Property Maintenance Code with a recommendation to adopt. P. Evans 2nd. Vote: unanimous

Amendment to Subdivision Regulations specifying acceptable bond formats

4) Add the following to Article IV of the Subdivision Regulations (after the second sentence): "The bond shall be cash or an irrevocable letter of credit issued by a New Hampshire bank." T. Morgan said that this was a proposal by Attorney Mitchell to get rid of insurance bonds.

S. Foote made a motion to approve the amendment as read. M. Preston 2nd. Vote: unanimous

Public Hearing on CIP amendment re: Lafayette Road improvements

T. Morgan informed the board about the discussion that he had with Attorney Mitchell about Traffic Mitigation Zoning Amendment. Mitchell's view of the proposed amendment was that unless there was an impact fee ordinance the planning board's authority to require a developer to pay for offsite improvements would not be appropriate. T. Morgan discussed impact fees on Route 1 and said that the developer should pull their weight and that the town did not want to use their tax dollars improving Route 1 which is a state road. He said that Attorney Mitchell had misunderstood the intent of this ordinance and that Mitchell will revise the amendment by saving the beginning and the end but sections 5 & 6 will take a hit. Morgan said that Mitchell will have this done by Friday in time for reposting for the October 7, 2003 public hearing. Morgan said that the board could take a look at impact fees down the road but it would not help on Route 1. Chairman Brown said that they may help with development of Ledge Road and the industrial area. M. Fowler explained the complexity of implementing an impact fee.

T. Morgan told the board that P. Evans had submitted a list of proposals and said that he would keep open the November 4, 2003 meeting for a work session.

BOND EXPIRATION DATE: T. Morgan informed the board that according to the town manager and Attorney Mitchell, a deadline for completion of the improvements on a project, etc. must be set for the bond to be secured. Morgan said that the bond needs an expiration date. S. Foote asked about the Planning Boards involvement in the bond release process.

Driveway Permit applications: None

Correspondence: T Morgan passed out the correspondence to the members. Morgan told the board that a standard boundary survey and boundary line agreement was sent to the planning board by Ambit Engineering for information only.

Other Business:

Sullivan Subdivision: T. Morgan informed the board that a pre-construction meeting with the Sullivan's about the road construction had been held. H. Boyd said that he was at the meeting and the results were good.

Poland Springs: Bond Release

Town Manager Welch sent a memo to the Board with a request for the release of the site completion bond for the off site improvements at the Poland Springs Warehouse Project.

S. Foote made a motion to take no action until the grant issues are settled. M. Preston 2nd. Vote: unanimous

Langis Elephant Rock Condominium Bond: 15 & 17 Elephant Rock Road

T. Morgan said that he had received a request from Attorney Mary Ganz to reduce the bond amount because the bond amount included items other than the vegetation which items have now been completed and the vegetation has now also been completed. However S. Foote indicates that a vegetation bond must be in place for two years.

S. Foote said that she did not want any raspberry bushes planted at this site. She said that the stonewall had been done.

S. Foote made a motion to reduce the bond amount to \$5,000 for vegetation to be in place for two years from the date of the posting of the bond. M. Preston 2nd. Vote: unanimous

Bond Release Request: Wojcicki Subdivision

P. Evans made a motion to keep bonds "as is", per Town Manager's recommendation. M. Preston 2nd. Vote: unanimous

Reviewing on site Engineer: Mike Fowler indicated that he would be willing to do this work and that he could spend an hour a day to view the onsite progress. The board was favorable to this proposal by Mike.

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

Minutes taken by Emily A. Sanborn, Secretary.

Secretary's Notations: Mylars were recorded 9/17/03 for the following:
McClellan – D-30971, Docs 2:07 P.M. 114400, Cross, Brooks Road Ext. – C-30969, Charles Brown, New Zealand Road – D-30970, Azoury Easement – C-30972.