



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007
NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Mike Lowry, Clerk; Robert Moore, Ex-Officio; Paul Garand, Code Enforcement Officer, Alternate; Aboul Khan; Peter Evans, Vice Chair; Paul Himmer; Elizabeth Tibodeau, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;
Members Absent: Mark Preston

Chair Foote called the meeting to order at 6:10PM, and designated Garand as the voting Alternate for quorum purposes.

Minutes of August 7, 2007

Motion:	Lowry	to accept the Minutes of August 7, 2007 as written.
Second:	Moore	Approved: Unanimous - Foote, Moore, Lowry, Garand.

SECURITY REDUCTIONS

Foote referenced the letter from J.D. Hospitality requesting a reduction in security to a maintenance level. Foote said no maintenance security is needed as this is a site plan. Moore asked if the work is done. Garand said it is. Foote referenced the security checklist and the Department of Public Works Manager's note about the detention pond slopes. Foote said the DPW Manager indicated some slopes are not grassed. Garand said this has been stabilized. Kravitz said Garand has signed the checklist and Mr Patel is submitting a letter requesting return of all security and to close the case. The digital is in; additional paper copies have been requested.

Motion:	Garand	To return the security in connection with Case #2006-35 - J. D. Hospitality LLC to amend an approved site plan for a hotel by adding 3 additional guest rooms at 11 Rocks Road, Tax Map 7, Lot 99, and to close the case
Second:	Moore	Approved: Unanimous - Foote, Moore, Lowry, Garand.

Case #2005-30

Foote read a letter from Francis and Ellen Chase requesting the return of security for Case #2005-30 because they are not going to build professional offices on the property at 219 New Zealand Road at this time. The Chases know they must reapply if they decide to build.

Motion:	Foote	To refund all of the monies held as site security in connection with Case #2005-30/EMC Realty Trust/Francis and Ellen Chase for 219 New Zealand Road, Tax Map 5, Lot 6-0, and to close the case.
Second:	Moore	Approved: Unanimous - Foote, Moore, Lowry, Garand.

CORRESPONDENCE/ANNOUNCEMENTS

Case #2007-12 - Proposal by CBAN, LLC to erect a 30,600 square foot industrial building at the corner of London Lane and Ledge Road, Tax Map 5, Lot 8-50, continued from July 17, 2007.



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

Morgan asked who will address the DPW Manager's concern. Boyd said he thought this was addressed today, and noted Mrs Leary said this only happened once and the puddle went away within two hours. Morgan said the Planning Board can't do anything until the DPW Manager provides a new letter. Boyd said the DPW Manager doesn't want to adopt a situation which the Town would then have to fix. The design is not faulty, and Jim Kerrivan of Altus Engineering watched the construction take place. Evans asked if sticker parking is allowed at the end of the hammerhead. Foote said if this becomes a town road there would be some stickers for residents that don't live in that area - no parking on the north side and residential sticker parking on then south side. Evans asked if there would be signs for that parking.

Evans said the retaining wall should be removed at the beginning from the town right-of-way. The Town should not have to expend funds for its removal. Moore asked when the wall was built. Foote said after the road was paved, and noted the disruption to the vegetation on the dunes. Moore asked what the Beach Building Inspector did, and said this should be brought in line with the original plans before street approval. Khan agreed and said the wall should be fixed now. Foote said future problems for the Town should be avoided now. Garand said another concern is about who would have the liability if access was limited in an emergency.

Foote noted David Walker at the Rockingham Planning Commission has been asked for comments on the Kohl's project, Case # 2006-61.

Foote noted **the CIP and the Master Plan have been sent to Bruce Mayberry for a pricing estimate in anticipation of an Impact Fee Methodology Study.** Morgan said this could range from \$5000 to \$50,000. Foote said if it is above \$5000, an RFP would be needed. Additionally she noted that the Town of Berlin has posted well-written RFP language for updating a Master Plan.

Foote referenced the Town Manager's CIP Policy documents and asked if Board Members had had the opportunity to review it. No comments have been submitted.

Motion:	Evans	To ratify the CIP procedure as submitted by the Town Manager.
Second:	Khan	Approved: Unanimous

Foote said a review of the Planning Board Rules of Procedure and other policy documents shows no time specifications for Planning Board Meetings.

Motion:	Foote	to adopt a timeframe policy for Planning Board meetings with (i) a starting time of 6:30PM, (ii) the last time for calling and hearing a new case of 9PM, and (iii) adjournment by 9:30PM.
Second:	Lowry	Approved: Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007
NOT OFFICIAL UNTIL APPROVED

PUBLIC HEARINGS

Foote opened the Public Hearings at 6:47PM.

ONGOING CASES

Case #2006-56 - Proposal by Nextel Communications of the Mid-Atlantic to construct a 100' flagpole for wireless communications at 28 Collins Street, Tax Map 15 Lot 3; continued from July 03, 2007; extended to 08-21-07

Foote said the pre-construction meeting has been held and site security is on the way; no action is necessary.

NEW CASES

At the request of the Beckman Woods Applicant, Foote said the Board would hear Cases #2007-17 and 2007-18 before Case #2007-11.

Case #2007-17 - Proposal by Donald Felch for a condominium conversion at 38 & 40 Farm Lane, Tax Map 13, Lots 14-20 & 14-200;

Attending: Donald Felch

Appearing for the Applicant: Henry Boyd, Millennium Engineering

Boyd referenced the Technical Review Committee recommendations and said the revisions would (i) show raising the gravel cover or using hot-top to four-feet, and (ii) clarifying the water and other utilities lines. Also there are no connections to the proposed dwellings, however, water and sewer are in place and will be added to the plan. The detail shows the revised easement line for the benefit of Lot 1. Morgan said there should be "use" easements in the condominium documents. Boyd said the wetlands signs will be set. Kravitz reported that the Sewer Superintendent said the condominium documents should provide for water and sewer maintenance in the event of another condominium lot. Foote said if this is on private property, it is the owners' problem. Garand noted such an event would require returning to the Planning Board

Motion:	Evans	to accept Case #2007-17 as administratively complete for jurisdiction and deliberation.
Second:	Khan	Approved: Unanimous

Foote asked for comments from abutters; there being none.

Motion:	Moore	to approve Case #2007-17 - Donald Felch for a condominium conversion at 38 & 40 Farm Lane, Tax Map 13, Lots 14-20 & 14-200 conditioned on; (i) raising the cover to four feet, (ii) adding the water lines and clarifying the other utilities, and (iii) setting the permanent wetlands boundary markers.
Second:	Thibodeau	Approved: Unanimous

Foote noted plans would not be recorded until after the thirty-day appeal period.



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

Case #2007-18 - Proposal by Paul Garand for a lot-line adjustment at 63, 65 & 67 Walton Road, Tax Map 10, Lots 37-1 & 38.

Garand recused himself as an alternate; Foote said that Tibodeau is the alternate for Mark Preston.

Attending Paul Garand

Appearing for the Applicant: Henry Boyd, Millennium Engineering

Garand said he owns two lots and wants to reconfigure them so (i) the existing barn is on the front lot, and (ii) the lot line is more regular. He noted a waiver on the topography has been submitted.

Motion:	Thibodeau	to accept Case # 2007-18 as administratively complete for jurisdiction and deliberation.
Second:	Moore	Approved: Unanimous

Foote asked for comments from abutters; there being none.

Motion:	Moore	to accept the request for a topography waiver for Case # 2007-18.
Second:	Lowry	Approved: Unanimous

Boyd noted the revised planset delivered today has the case number in the title block. Kravitz thanked Boyd for regularly marking the case number in the title block.

Motion:	Evans	to approve Case #2007-18 - Paul Garand for a lot line adjustment at 63, 65 & 67 Walton Road, Tax Map 10, Lots 37-1 & 38.
Second:	Lowry	Approved: Unanimous

Garand resumed his seat as an Alternate.

ONGOING CASES - Continued

Case #2007-11 - Proposal by Frank H. Beckman, Jr., Bruce & Cynthia Brown, and Sunk Rock Real Estate, LLC for a 54-lot subdivision between Farm Lane and Causeway Street, Tax Map 13, Lots 50, 51, 52, 53, 54, 67, 90 & 91, continued from June 19, 2007.

Attending: Mark Green, Sunk Rock Real Estate, LLC; Attorney Steven Ells: Mark West;

Appearing for the Applicant: Henry Boyd of Millennium Engineers;

Boyd said he agrees with the comments and standards submitted by the Water Superintendent, the Town Engineer, and Jim Kerrivan of Altus Engineering, and can do a six-foot cover above the water main. Because of Kerrivan's notation on the frost-line, they are looking at a little more elevation, and six-feet above the mains. The major differences with The Town Engineer and the Altus engineer is the approach to drainage. Boyd said the fifty-year storm requirements would have cause huge destruction of exquisite trees - a major diminishment of the wetland buffer. After



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

discussions with the Department of Environmental Services, Dr Richardson of the Wetlands Bureau and Sue Foote of the Conservation Commission, and the DPW Manager, a more environmentally friendly approach is proposed which Boyd said is much easier for the Town to maintain. This is unique because of the tidal setback and protection of the high quality wetlands and transitional marsh, and doesn't have an explosion of phragmites. This is a healthy situation. The focus is on the quality of the water and the dilution when it gets to the salt marsh. There is not the threat of flooding neighbors downstream, although it doesn't comply with regulations. Storing water onsite is not needed. The water is treated - the pollutants taken out, and it goes back into the freshwater wetlands where it is filtered before being released into the salt marsh. The swales are easier to maintain than a complex closed-drainage system. Boyd introduced and discussed comparative photos, and submitted a drainage waiver.

Morgan asked why the design is for less than a fifty-foot storm. Boyd said the post-construction runoff is higher; the water will flow to the natural estuary and not be stored onsite, which is why there are not detention ponds. West went into greater detail and referenced his communications with Richardson of the DES, and Foote, and also with a plant ecologist from the New England Heritage Foundation about how to mitigate the impact on rare plants and to attract natural wildlife. All the drainage is going to the tidal marsh. Evans asked about the potential for runoffs onto abutter properties. There were additional questions and discussion about flood elevations, road elevations in light of rising sea levels, and house elevations. Boyd referenced the planset and said everything flows away from the abutters and to the marsh. Morgan asked about the house elevations. Boyd said the note would say the front of houses would be pitched to the road, and the back away from the house.

Morgan asked for a note on the plan as to minimum elevations. West said the elevations on the two lowest lots are at 14. Garand asked about lots inside the fold zones. Boyd said the base flood elevation is 9. The lowest part of the road is elevation 16. Foote said FEMA estimates the sea rising at about one foot every 75 years, but caution this rate is accelerating. Boyd said there are to be flood zone certifications for only a few lots. Foote said FEMA is revising the maps and there will be drastic changes. Evans wanted any water running to the north, that could affect other people's dwellings, to be at a fifty-foot storm standard. Boyd said the water runs through the swales but is not detained there; house and garage elevations are above grade. Moore said the Board should walk the land. Boyd said the stakes are in already. Khan noted the swales on Greenleaf Drive designed by Millennium work very well. Evans said in light of the special conditions and assurances that no abutters will be adversely affected by a fifty-year storm:

Motion:	Evans	to approve the requested waiver of drainage regulations for Case #2007-11.
Second:	Moore	Approved: Unanimous

Boyd then discussed his difficulties with getting school impact demographic data. Additionally, he has heard feedback that this is Phase 1 of 3 with the potential for 150 house lots. Foote said in a telephone conversation she told Bruce Casassa the Planning Board is looking at a stand-alone



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

project. But, there is additional area that could be developed and connect to this property. Casassa asked the impact if these were duplexes. Boyd said he looked at neighboring land but Richardson will not allow anything within 100 feet of the salt marsh. He estimated that there could not be much over fifty lots. Boyd said the State figures were between 1.2 and 1.7 students per unit. Morgan said the first step is to figure out the scale and monetary impact on the schools. For example, will they run out of space. Moore said there should be year-to-year figures that would show if the school population is going up or down. The Seabrook census figures for 2000 show 2.4 persons per household. Evans estimated if there are 53 houses, there would be 64.8 students or 10 new children in each grade. Morgan said if the building had plenty of capacity, this wouldn't need discussion. Ells said they could do more focused research on the capacity issue, but asked the objectives for this project, noting there is no school impact fee. Boyd will revisit this. Ells said he understands the high school enrollment has gone down. Morgan said the baby boomer children are just graduating so there is a demographic gap. A copy of a letter from the assistant school superintendent was provided to Boyd.

Boyd further discussed potential road accesses, separations from the salt marsh, brook culverts, bridges, etc. Ells said drainage easements/protective covenants concerning Franks Pond are to come and will be linked to the plans and deed(s). Ells said often these within the deeds. Evans said protective covenants are only as effective as the homeowners association makes them. The Board asked how covenants, maintenance et al would be monitored or maintained without an association. Ells said these items could be conditions of approval but recognized the issues of enforceability. Foote noted the disclosure responsibility of the real estate agent. Ells said Green & Co is the marketer as well as the developer and listing agent, and would work with the Board. Evans favored deed restrictions. Garand said to reference these items on the plans.

West mentioned putting "no disturb" discs at the back of the lots along the tidal buffer zone. Foote said the Conservation Commission favors discs throughout the entire area because everything will end up in the tidal protection zone. Also, mature trees can improve the property values. Evans commended preserving the natural beauty and function of the land. This should be balanced with park area. Boyd said one discussion is about passive use such as a birder's platform on the high ridge with a natural trail. As for parking, the cul-de-sacs now will be paved. Morgan asked about a simple playground, as subdivision regulations call for recreational areas. Boyd said would be discussed. Angeljean Chiramida, of the Newburyport News, asked about the size of the lots and if there will be duplexes. Foote said the Board has been informed they will be deed restricted as single family homes. Garand asked if in-law apartments are restricted. Moore said this can be allowed by special exception. Ells said they probably wouldn't violate the terms for single family residences; the existence or non-existence of a restrictive covenant may not be taken into consideration by a zoning board when granting a special exception or variance.

Foote raised issues discussed at the Conservation Commission as to whether a certain culvert would be classified as a dam. The State has increased the annual fees to the State and expressed concern



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

about that impact, as well as for maintenance, to the Town if it is the owner. And if privately owned, who will maintain and dredge it. The Conservation Commission doesn't want to take on the liability. A box culvert that would run free was suggested. Boyd will check with the Dam Bureau,

noting the pond is very large and it would be impossible for abutters to get to the other side to maintain it. Morgan said to bring back a plan; Boyd agreed, saying initially Green would have it cleaned up. Moore said to give thought to the long-term maintenance. West said a wetlands permit is no longer needed for man-made pond maintenance and dredging. Foote asked for other questions. Boyd asked why peer review for the traffic study hasn't been done. Foote said that action has to be taken at a board meeting when the applicant is there, and noted the dismay expressed by the Police and Fire Chiefs about the Traffic Study. Moore asked what the issues are. Foote said the one-day traffic count and reference to the North Hampton Route 1 count. Also pedestrian traffic and the need for sidewalks wasn't addressed. Morgan noted the applicant would be funding this review of the study.

Motion:	Evans	to query VHB concerning their interest in, and the cost for, doing a traffic peer review of the Case# 2007-11 Traffic Study.
Second:	Khan	Approved: Unanimous

Motion:	Evans	to determine that Case #2007-11/Beckman Woods does not have regional impact.
Second:	Moore	Approved: Unanimous

Boyd said he would have the revisions next week. Morgan noted this case was accepted for deliberation on June 19, 2007. Evans said to have an RPC review. Khan said he is the Seabrook Representative to the RPC and this would be similar to a regional impact review.

Motion:	Evans	to forward the appropriate Case #2007-11 materials, when revised, to the Rockingham Planning Commission for a large-project impact review.
Second:	Lowry	Failed: Unanimous

The pros and cons of doing an environmental impact study, in light of the work done for the Conservation Commission and the DES, as described by West, was discussed. West felt this would be a duplication of effort, and unlikely to produce new information. Foote noted Seabrook's perspective may probably differ from DES as the Town has limited surface for impermeable building. The Conservation Commission agrees there was a very good assessment of the environmental impact in the Dredge and Fill Application. West said the purpose of such a study would have to be very specific.



Town of Seabrook Planning Board Minutes

Tuesday, August 21, 2007

NOT OFFICIAL UNTIL APPROVED

Motion:	Evans	given the groundwork already done, an environmental impact study/assessment does not need to be commissioned.
Second:	Thibodeau	Approved: Unanimous Abstained: Foote

Foote continued Case #2007-11 to September 4, 2007 at 6:30PM at Seabrook Town Hall. Khan asked that representatives of the School Board be invited to attend.

Evans commented that the sidewalk repairs at Border Winds have been started. Moore said they are smoothing out the sidewalks, crushing and relayering somewhat and there will be a new top-coat.

Foote adjourned the Public Hearing at 9:30PM and the Public Meeting at 9:31PM.

Respectfully submitted,
Barbara Kravitz, Secretary
Seabrook Planning Board