



Town of Seabrook Planning Board Minutes

Tuesday, January 4, 2011

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Robert Fowler; Keith Sanborn; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Michael Lowry, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent; John Kelley; Jason Janvrin; Paul Himmer, Alternate;
Hawkins opened the public meeting at 6:35 PM.

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins tabled the Minutes of December 21, 2010 to the next meeting.

Hawkins referenced the topics schedule worked out for the Demoulas application(s) [distributed]. He said this is an aggressive schedule to try out.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:45PM.

Case #2011-01 – Proposal by Kenneth Clark for a 2-lot subdivision at 460 New Zealand Road, Tax Map 1, Lot 12.

Attending: Kenneth Clark

Appearing for the Applicant: Henry Boyd Jr, Millennium engineering;

Boyd said that lot #2 doesn't have sufficient frontage, but is nearly an acre. There is adequate uplands for a duplex, although it will only be one unit. He stated that the checklist items mostly don't apply. They are asking for a waiver on the wetlands survey, and will set the new markers which are notated on the plan. The topography and the house are for illustrative purposes. He thought there is no need for a technical review.

MOTION:	Moore	to accept Case #2011-01 as administratively complete for jurisdiction and deliberation.
SECOND:	Foote	Approved: Unanimous

Hawkins recalled that the board had decided that any plan with water and sewer items would go to the Technical Review Committee. Morgan said there were only one water and one sewer line. Moore said this would be laid out according to the departments' requirements. Garand agreed, and asked for the conditions placed by the Zoning Board of Adjustment to be put on the plan. Boyd said the restrictions were in a note. Morgan thought it would be appropriate for note to cover both lots ie the ZBA restrictions should be notated for both lots. Boyd thought that unnecessary, but agreed to do this. Hawkins asked for comments or questions; there being none.

MOTION:	Foote	to approve Case #2011-01 - Kenneth Clark for a 2-lot subdivision at 460 New Zealand Road, Tax Map 1, Lot 12, conditioned on the Zoning Board of Adjustment restriction that each lot shall have only one dwelling unit appear on the plan applying to both lots.
SECOND:	Moore	Unanimous



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Case #2011-02 – Proposal by DeMoulas Super Markets, Delta & Delta Realty Trust, and RMD, Inc. for a voluntary lot merger at 380-458 Lafayette Road, Tax Map 8, Lot 111; and Map 9, Lots 1 & 2.

Appearing for the Applicant: James Lamp, J&Company; Earle Blatchford, Hayner-Swanson surveyors and civil engineers; Rebecca Brown, TEC traffic consultants;

Blatchford noted that they were appearing on behalf of Delta & Delta Realty Trust which is the real estate holding company for Demoulas Supermarkets.

Blatchford described the existing 16.7 acre site as Zoned 2 commercial and is comprised of three lots identified as map 8 lot 111 (the old donut shop), and map 9 lot 1 (the main lot) and map 9 lot 2 (a small lot in the rear). The proposal is to consolidate those lots. The existing building is 123,000 square feet with a 50,800 square foot Market Basket, a 27,000 square-foot TJ Max, a 13,000 square foot fashion store, and about 30,000 square feet with small stores. The donut shop is about 5000 square feet. [[[Tom – check these figures]]]. The site has approximately 1500 feet of frontage along Lafayette Road and 450 feet of frontage on Boynton Lane. There are four existing curb cuts: 2 at the donut shop and the main signalized driveway, and the right in/out driveway on Lafayette Road, and two curb-cuts on Boynton Lane. [[[Tom – check number of curb cuts]]]. There are 658 parking spaces in the two lots. He pointed out an isolated wetlands with associated woods along the northerly part of the site, and the existing landscaping. There are no drainage structures on the donut shop site; sheet flow is to the back of the property. The existing stormwater system in the front of the plaza is closed system – a series of catch basins and underground pipes, which connect to a single pipe that goes underneath the building and combines with some roof drainage and discharges at the property line and partly to the adjacent landscaped areas. There are some old, abandoned septic systems around the main and donut shop sites. The site is serviced by municipal sewer and water, natural gas, and overhead electric and telephone. In recent years there have been enhancements to the landscaping. Along the rear of the property is residential area.

Hawkins asked Morgan if there were any issues before acceptance. Morgan said there were not.

MOTION:	Foote	to accept Case #2011-02 as administratively complete for jurisdiction and deliberation.
SECOND:	Lowry	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Abstained: Sanborn

Sanborn explained that he abstained because he would be absent on March 1 and March 15 and would not be running for reelection. A new member would have to be brought up to date. Hawkins said that a topic schedule similar to the one for the Demoulas north case would be made for this case. Hawkins asked if there was any reason to approve, or not approve, the lot merger at this meeting. Morgan read the following criteria from the RSA 674: 39A – voluntary lot mergers..

“...except where such merger would create a violation of then current ordinances or regulations all such requests shall be approved...”

Morgan said he could not think of any way that the merger would violate Seabrook zoning or regulations. [the lot merger plan sheet was circulated]. Lamp said they appreciated that the Board might consider voting on the lot merger at this meeting. However, they would not be recording this without the siteplan approval. Morgan asked if the Applicant would have a problem with deferring the decision. Lamp did not.



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Hawkins favored dealing with both the merger and the site plan approval votes concurrently. By consensus, the Board agreed.

Case #2011-03 – Proposal by DeMoulas Super Markets, Delta & Delta Realty Trust, and RMD, Inc. to demolish a 4,940 square foot donut shop, and to expand Southgate Plaza to encompass 156,838 square feet of retail space at 380-458 Lafayette Road, Tax Map 8, Lot 111; and Map 9, Lots 1 & 2.

Appearing for the Applicant: James Lamp, J&Company; Earle Blatchford, Hayner-Swanson surveyors and civil engineers; Rebecca Brown, TEC traffic consultants;

Blatchford noted that they were appearing on behalf of Delta & Delta Realty Trust which is the real estate holding company for Demoulas Supermarkets

Blatchford said this proposal is to demolish the 4,940 square-foot donut shop as well as the 50 parking spaces associated with that shop. The main building improvements include a 9,000 square-foot addition at the north end of the Market Basket to bring it up to 67,000 square feet, and adding a 9,600 square-foot retail space at the south end adjacent to the Blockbuster store. A stand-alone 15,000 square-foot retail would be constructed in the approximate location of the existing donut shop site. 124 new parking spaces are also proposed, along with reconfiguring the existing driveway for better access, turning movements and smoother access-egress from the site. A new right in/out curb cut is proposed for the north end of the stand alone building. Modifications for signage, adjusting a larger median island, and reinforcing turning movements are planned for the right in/out. One less curb-cut would result. The service driveway off Boynton Road gets moved about 20 feet east to align it across the back of the building.

Blatchford said some of the stormwater from the new pavement area flows to adjacent areas and some is captured in catch basins and underground pipes. He pointed out where four new stormwater management areas and a small rain-garden would be located, as well as an infiltration trench at the rear, all of which ties into the existing system. Some pavement along the back of the property would be removed to meet the open space requirements and the new Department of Environmental Services Alteration of Terrain regulations. Substantial new landscaping around the new construction is proposed. They have the support of the Conservation Commission, and received a variance from the Zoning board of Adjustment to fill 7,700 square-feet of the onsite wetlands. Permits needed dare the NH DES Dredge and Fill permit, the Alteration of Terrain, and the NHDOT curb-cut. Sanborn was concerned about overflows from low-lying areas next to residences. Blatchford said the overflow structures have been designed for up to a 100-year storm to take water away from that area. Water is being detained and/or infiltrated .

Hawkins asked for Morgan's comments as to application completeness. Morgan said it is nearly complete except for some formatting issues and a few details on lighting and signs. Hawkins asked for his recommendation. Morgan said to send it to the Technical Review Committee after seeking public comment.

Hawkins asked for public comment. Clyde Brown was concerned about fencing if trees are taken down because of shoppers, dog walking etc when women and children are in his yard. He wanted a good fence and said that chain-link was torn down. Hawkins said some new landscaping requirements will be addressed for this project. A schedule would be laid out for this project and made public so people can attend the meetings that interest them. He hoped that Brown would return when that subject is discussed. Attorney Malcolm McNeill of McNeill, Taylor and Gallo, said he represents DDR Seabrook, LLC and



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attended because of interest in what happens along Route 1 in re this project. They intend to be involved in a reasonable and constructive way as this application moves through the process.

MOTION:	Foote	to accept Case #2011-03 as administratively complete for jurisdiction and deliberation.
SECOND:	Lowry	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Abstained: Sanborn

Foote recommended the south plaza be discussed at the TRC on January 24, the same date as the north plaza. Hawkins felt that might overload the department heads. Morgan said he would not be overloaded, but department head schedules could be considered. Hawkins said that date could be targeted and if department heads find that is not workable then Case #2011-03 could be pushed out to the next TRC meeting. Morgan agreed. Kravitz said that wouldn't be known until the TRC meeting. Hawkins said the Demoulas representatives would be at the meeting and would know if there has to be a change in the schedule. Lamp asked what the next TRC meeting would be. Kravitz said February 7. Lamp said the Demoulas representatives would acquiesce to any schedule. Hawkins commented they may have to come back on that date if the TRC has to be continued.

Hawkins said that Case #2011-03 would be discussed at the Technical Review Committee meeting of January 24, 2011 at 10 am in Seabrook Town Hall.

Morgan suggested arriving at the continuance dates. Hawkins said his preference was not to have meetings last to 11PM, and asked if the Applicant would want to have both cases share time at the same Board meeting or would prefer to do one at a time. Lamp presumed that Case #2011-03 would be a bit simpler than Case#2010-35. He hoped for only two meetings for Case #2011-03 and to break up discussion in a schedule similar to what they did for Case #2010-35, but thought it would be hard to do the dates until after the TRC. Hawkins said a date can always be rescheduled. He asked if the board had any problem in doing the two cases at a time – perhaps an hour for each. He asked Morgan to work with Lamp to come up with a schedule. Morgan suggested February 15 and March 15. Foote noted that there may not be a quorum for the first March meeting because it is usually the same day as town elections. Lamp said it would make sense to talk about traffic for both at the same hearing. Hawkins thought that might take more than one meeting. Lamp hoped that most other issues could be dealt with before the traffic meeting.

Hawkins said Case #2011-03 would be continued to February 15, 2011 and then to March 15 each at 6:30PM in Seabrook Town Hall.

Hawkins said one other item for the Board to address is whether the Demoulas applications would be deemed to be Developments of Regional Impact for the Rockingham Planning Commission. Morgan said precious projects including Kohl's, Lowes and DDR were sent to RPC. Salisbury would be very interested as well as Hampton Falls in terms of traffic. He thought it would be smart for the Board to declare the projects to have regional impact and notify those two communities. Hawkins wanted an open line of communications with those towns on their projects, and recommended a regional impact declaration for both projects.



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Morgan said the procedure is for a motion from the Board.

MOTION:	Moore	to declare Cases # 2010-34, #2010-35, #2011-02, and #2011-03 to be developments with regional impact and provide notice to the Rockingham Planning Commission, the Town of Salisbury, MA, and Hampton Falls, NH.
SECOND:	Foote	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Abstained: Sanborn

Hawkins asked if there were any other items to address at this meeting for Case #2011-03. Lamp said he thought he understood how the new landscape regulations related to the north project, but asked how the to apply landscaping limits to the south plaza. Hawkins said the Board wanted to see a good effort, particularly along the border of the homes and at the back of the property. He thought the board would want to discuss the open pavement areas in the parking lot. There would be some flexibility for existing projects. Lamp said they would like to offer a good effort, but said he had never seen a 20 percent for the parking in an interior development for a commercial project. It is a very, very extensive landscaping and means a landscape aisle for every four spaces. He did not think they could meet that and at some point would request a waiver; they would make their best effort. Hawkins said the Board would like to see the Applicant's ideas and how they would approach it. Lamp said they would come up with a landscaping approach.

AMENDMENTS TO THE SEABROOK ZONING ORDINANCE AND BUILDING CODE:

Hawkins asked Morgan to address each item and his recommendation.

Morgan said he had provided some formatting for suggestions that came primarily from Garand's previously submitted memorandum, indicating that Garand could speak to the rationale. Garand said he had put together a memo for Morgan with some of the issues, questions and concerning zoning. His intent is to adjust the zoning ordinance to reflect those visions. The Board would be discussing Morgan's language. [Garand's memo was in the Board packet.] Morgan said there was a lot of verbiage, but mostly followed the existing language.

1) *Add the following definition to Article II:*

Wholesale – *The selling of goods in large quantities to be retailed by others.*

Morgan said this is to give a definition of wholesale. Garand said this referred to the industrial zone and was a clarification to avoid confusion.

MOTION:	Foote	to approve adding the following definition to Article II of the Zoning Ordinance: <i>Wholesale – The selling of goods in large quantities to be retailed by others.</i>
SECOND:	Moore	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Opposed: Sanborn



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2) Amend the definition of “sign” in Article II as follows:

Sign: Any device, structure, banner, fixture, awning or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishments product, goods, service or activity.

Morgan said this amendment would add “awnings” to the sign definition. Garand said this is needed because people are using awnings as signs with the logos for the buildings etc. Hawkins said good examples of that are at the beach where a restaurant has a very bright gigantic sign that is actually an awning. Garand said awnings should be included inside the sign ordinance definition.

MOTION:	Foote	<p>to amend the definition of “sign” in Article II of the Zoning Ordinance by adding “awning” as follows:</p> <p><i>Sign: Any device, structure, banner, fixture, awning or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishments product, goods, service or activity.</i></p>
SECOND:	Thibodeau	<p>Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler,</p> <p>Opposed: Sanborn</p>

3) Amend Article IV as follows:

ARTICLE IV - Buildings per Lot

Every building hereinafter erected shall be located on a lot, as herein defined, and in no case shall there be more than one building on one lot, except as follows: Commercial buildings development in Zone 2 within 500 feet of Lafayette Road that exceeds a building area greater than 50,000 _____ square feet is are exempt from the one building ~~on one~~ per lot requirement cited above.

Morgan said this clarification was to correct some previous confusion. Garand said this relates to allowing more than one structure in the commercial zone. Foote asked if the “50,000” would remain or change. Kravitz commented that the discussion was at the Master Plan Steering Committee meeting and the question was whether the 50,000 meant the building area or the entire lot; the Committee requested that this be clarified according to the Board’s wish. Garand said it had said “a building area greater than 50,000 square feet. Hawkins said the question was whether that was too big. Kravitz said another question also was how that would relate to two or more buildings. Garand said it also relates to bringing buildings closer to the road and putting the parking in the interior or the rear of a building.

Morgan said this meeting was the deadline for discussion in [re the March Town Meeting]. Moore thought the confusion was whether the 50,000 referred to the land surface of the lot or the building area. Morgan said the proposed amendment was an effort to get rid of that confusion. Foote said part of the Steering Committee discussion was that “building area” could be misconstrued as being the whole construction area rather than the physical building structure. For example, it could be open area and “building” a parking lot so somehow it should be defined to be the physical building. Hawkins thought the reference was to commercial buildings in Zone 2. In that case, Morgan said to put 50,000 in the blank space. Foote said the concern wasn’t about the square footage; it was what is the building area. Morgan thought that was taken care of in lines 2 and 3 in the paragraph. Foote wanted to identify that the 50,000 square feet applies toward the building, not the lot. Moore thought that was confusing and the reference should be to



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the lot area ie what can be built on that area. It would be simple and clear if it said that on a lot greater than 50,000 square feet there can be two buildings and thought it best to stick to the lot size of 50,000 square feet or greater. Foote agreed, commenting that the committee pointed out that currently it meant per building which would have meant that CVS or McDonald's couldn't exist. The committee thought the intent was for smaller retail. Garand said the way the zoning is structured now, the buildings are pushed to the back of the lot; the discussion was to reverse that limitation.

Morgan said if the lot concept was desired it could be done by replacing :buildings" with "lots" in line 3

Hawkins asked if 50,000 square feet is still the number. Foote said people would find loopholes no matter how it was worded. Garand agreed with Moore because the intent is to allow some smaller buildings that can be made more pedestrian friendly. Moore thought 60,000 or 70,000 would be better for adequate parking. Hawkins said the intention was for the bigger lots so that there are not gigantic buildings with individual gigantic parking lots; it could be 100,000 square feet for the lot size. He noted this is an option for multiple buildings. Foote noted that smaller lots like the donut shop lot could potentially hold two buildings; she thought that 100,000 would only be supporting the big developer or franchise. Garand said that 60,000 would be a good place to start. If a developer wants something else they can go for a variance or a conditional [[[]]] from the Planning Board. Foote said the language should be "lot area of 60,000 square feet" for more than one building per lot commercial. Hawkins asked for other comments; there being none.

MOTION:	Foote	to amend Article IV of the Zoning Ordinance as follows: <i>ARTICLE IV - Buildings per Lot</i> <i>Every building hereinafter erected shall be located on a lot, as herein defined, and in no case shall there be more than one building on one lot, except as follows:</i> <i>Commercial development in Zone 2 within 500 feet of Lafayette Road that exceeds a lot area greater than 60,000 square feet is exempt from the one building per lot requirement cited above.</i>
SECOND:	Moore	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Opposed: Sanborn

4) Amend Article V as follows:

Zoning District:	1	2	2R	3	4	5
<i>Guest Houses; Structures built prior to March 1974, and in which the owner is the primary occupant:</i> _____	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>Wholesale Businesses incidental to a principal retail business:</i>	<i>N</i>	<i>P</i>	<i>N</i>	<i><u>P</u>N</i>	<i>N</i>	<i>N</i>



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Warehousing and Storage: _____ N _____ N _____ N _____ P _____ N _____ N

Morgan said that Garand pointed out that there were contradicting definitions of “guest houses” . To solve the confusion he removed one definition. Additionally, there had been confusion between wholesale business (now with a new definition), warehousing and storage. The ordinance did not treat them the same in Zones 3 and 2. Under the amendment, they will all be treated the same. Garand said with new technology, assembling and packaging, it is difficult to identify that “wholesaling” is an important part of industrial development. Moore noted that companies may want to sell small lots out of their wholesale which is not in the regulations.

MOTION:	Moore	To approve the following amendment to Article V of the Zoning Ordinance:																					
		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Zoning District:</td> <td style="padding: 5px; text-align: center;">1</td> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px; text-align: center;">2R</td> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px; text-align: center;">5</td> </tr> <tr> <td style="padding: 5px;">Guest Houses;</td> <td style="padding: 5px; text-align: center;"><i>P</i></td> <td style="padding: 5px; text-align: center;"><i>P</i></td> <td style="padding: 5px; text-align: center;"><i>P</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> </tr> <tr> <td style="padding: 5px;">Wholesale</td> <td style="padding: 5px; text-align: center;"><i>N</i></td> <td style="padding: 5px; text-align: center;"><i>P</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> <td style="padding: 5px; text-align: center;"><i>P</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> <td style="padding: 5px; text-align: center;"><i>N</i></td> </tr> </table>	Zoning District:	1	2	2R	3	4	5	Guest Houses;	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>N</i>	Wholesale	<i>N</i>	<i>P</i>	<i>N</i>	<i>P</i>	<i>N</i>	<i>N</i>
Zoning District:	1	2	2R	3	4	5																	
Guest Houses;	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>N</i>																	
Wholesale	<i>N</i>	<i>P</i>	<i>N</i>	<i>P</i>	<i>N</i>	<i>N</i>																	
SECOND:	Lowry	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Opposed: Sanborn																					

5) Add the following Footnote #2 to Article VI:

No building shall be erected, reconstructed or structurally altered to exceed the height herein established for the districts in which such building is located. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the ~~Dimensional Requirements~~ (Table 2) set forth below. No yard or other open space provided around any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building. In order to demonstrate the minimum required lot depth and lot width, lots in Zones 2R & 5 must be able to accommodate a 100' square; lots in Zones 1, 2 & 3 must be able to accommodate a 125' square.

	1	2	2R	3	4	5
Minimum Lot Area (in thousands of sq ft) ¹						
With Municipal Sewer	20	30	15	30	-	20
No Municipal Sewer	30	30	30	30	-	30
for Two Dwelling Units	30	30	30	-	-	-
Maximum # of Primary Structures ²						
(Residential) Buildings per lot ³	1	1	1	0	0	1
(Residential) Units per lot ³	2	2	2	0	0	1

Minimum Lot Dimensions¹



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Continuous Road Frontage⁷

i.e, uninterrupted frontage	125'	125'	100'	125'	-	100'
Depth & Width	125'	125'	100'	125'	-	100'

Minimum Setbacks⁵

Front	20'	30'	20'	50'	-	30'
Side & Rear	10'	15'	10'	15'	-	15'
Side & Rear for sheds less than 100 sq ft	2'	2'	2'	2'	-	2'
From ponds & streams	50'	50'	50'	50'	-	50'
School Bus Shelters						
setback from roadway pavement	8'	8'	8'	8'	-	8'
setback from roadway intersections	20'	20'	20'	20'	-	20'
Side & rear setbacks for commercial uses						
from land utilized or zoned Residential	30'	30'	30'	30'	-	30'

Minimum Buffers: See Article XIV for buffer & setback requirements for wetlands & surface waters

Maximum Height⁴	35'	35 ³	35'	50'	-	35'
Minimum Width of Greenbelt along Lafayette Rd⁶			20'			
Minimum % of Open Space	25%	25%	25%	25%	100%	25%

Footnotes

- 1 - This requirement shall not apply to lots of record that were recorded at the Registry of Deeds prior to 1974.
On lots of record with less than the required lot area, no more than one dwelling unit is permitted.
- 2 – Note exceptions for large commercial buildings in Zone 2 per Section 4 of this ordinance.
- 3 - A second dwelling building, containing one dwelling unit, may be placed on a lot in Zone 2R, providing that:
 - 1) the lot is 45,000 sq ft or larger;
 - 2) the number of dwelling units on the lot does not exceed two;
- 4 Utility structures such as radio/television towers are exempt from this height limit. For wind systems, see Article XVIII. The maximum height limit for all other structures on properties that abut Lafayette Road in Zone 2 is 50 feet (not 35 feet).
- 5 - On corner lots where the side yard abuts a street, the side yard shall be subject to the minimum setback requirements for front yards.
- 6 - The Lafayette greenbelt shall be measured from the edge of the widest proposed right-of-way currently under consideration by NH DOT.
- 7 - Parcels dedicated for conveyance to the Town of Seabrook for conservation purposes shall be exempt from the roadway frontage requirement.

Morgan called attention to the new note #2 and recommended changing commercial “buildings” to “lots” in accordance with the changes in Article IV above. Thibodeau said in the first paragraph, the reference to the 100-foot box should be to the 100-foot square (and not 10’x10’). Morgan agreed. Hawkins said the language would be 100 x 100 square-foot lots. Morgan said, similarly, the 125’ figure would be 125 x125 square-foot lots. Kravitz asked if “Dimensional Requirements” and “(2)” in line 5 would be omitted. Morgan agreed, indicating these were minor clarifications. Morgan asked if the Note #2 change was clear. Hawkins asked if it would be clear to someone who did not hear the discussion. Thibodeau said it could be explained. Foote suggested removing the word “large” and changing “buildings” to “lots”.



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Kravitz asked for clarification of the language to use for the changes in the first paragraph. Foote asked if such changes could be made if they hadn't been noticed, unless they were declared as a typo or omission. Morgan said the Board could make minor editorial changes, but not ones of substance. Garand said that change was only for a clarification. Foote wanted to vote separately on the removals and additions.

MOTION:	Foote	to amend Article VI paragraph #1 of the Zoning Ordinance by removing "Dimensional Requirements" and "2", and referencing the square footage as "100' x 100'" and "125' x 125' " squares, as follows:
SECOND:	Thibodeau	Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Opposed: Sanborn

MOTION:	Foote	<p>To amend Article VI of the Zoning Ordinance by adding Footnote #2 in the form below as follows:</p> <p><i>No building shall be erected, reconstructed or structurally altered to exceed the height herein established for the districts in which such building is located. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the Table set forth below. No yard or other open space provided around any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building. In order to demonstrate the minimum required lot depth and lot width, lots in Zones 2R & 5 must be able to accommodate a 100' x 100' square-foot ; lots in Zones 1, 2 & 3 must be able to accommodate a 125' square.</i></p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">1</th> <th style="text-align: center;">2</th> <th style="text-align: center;">2R</th> <th style="text-align: center;">3</th> <th style="text-align: center;">4</th> <th style="text-align: center;">5</th> </tr> </thead> <tbody> <tr> <td>Minimum Lot Area (in thousands of sq ft)¹</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">With Municipal Sewer</td> <td style="text-align: center;">20</td> <td style="text-align: center;">30</td> <td style="text-align: center;">15</td> <td style="text-align: center;">30</td> <td style="text-align: center;">-</td> <td style="text-align: center;">20</td> </tr> <tr> <td style="padding-left: 20px;">No Municipal Sewer</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">-</td> <td style="text-align: center;">30</td> </tr> <tr> <td style="padding-left: 20px;">for Two Dwelling Units</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">30</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td>Maximum # of Primary Structures² (Residential) Buildings per lot³</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="padding-left: 20px;">(Residential) Units per lot³</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Minimum Lot Dimensions¹ Continuous Road Frontage⁷ i,e, uninterrupted frontage</td> <td style="text-align: center;">125'</td> <td style="text-align: center;">125'</td> <td style="text-align: center;">100'</td> <td style="text-align: center;">125'</td> <td style="text-align: center;">-</td> <td style="text-align: center;">100'</td> </tr> </tbody> </table>		1	2	2R	3	4	5	Minimum Lot Area (in thousands of sq ft)¹							With Municipal Sewer	20	30	15	30	-	20	No Municipal Sewer	30	30	30	30	-	30	for Two Dwelling Units	30	30	30	-	-	-	Maximum # of Primary Structures² (Residential) Buildings per lot³	1	1	1	0	0	1	(Residential) Units per lot³	2	2	2	0	0	1	Minimum Lot Dimensions¹ Continuous Road Frontage⁷ i,e, uninterrupted frontage	125'	125'	100'	125'	-	100'
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		Depth & Width	125'	125'	100'	125' -	100'
		Minimum Setbacks⁵					
		Front	20'	30'	20'	50' -	30'
		Side & Rear	10'	15'	10'	15' -	15'
		Side & Rear for sheds less than 100 sq ft	2'	2'	2'	2' -	2'
		From ponds & streams	50'	50'	50'	50' -	50'
		School Bus Shelters setback from roadway pavement	8'	8'	8'	8' -	8'
		setback from roadway intersections	20'	20'	20'	20' -	20'
		Side & rear setbacks for commercial uses from land utilized or zoned Residential	30'	30'	30'	30' -	30'
		Minimum Buffers: See Article XIV for buffer & setback requirements for wetlands & surface waters					
		Maximum Height⁴	35'	35'³	35'	50' -	35'
		Minimum Width of Greenbelt along Lafayette Rd⁶		20'			
		Minimum % of Open Space	25%	25%	25%	25% 100%	25%
		Footnotes					
		1 - This requirement shall not apply to lots of record that were recorded at the Registry of Deeds prior to 1974. On lots of record with less than the required lot area, no more than one dwelling unit is permitted.					
		2 - Note exceptions for commercial lots in Zone 2 per Section 4 of this ordinance.					
		3 - A second dwelling building, containing one dwelling unit, may be placed on a lot in Zone 2R, providing that: 1) the lot is 45,000 sq ft or larger; 2) the number of dwelling units on the lot does not exceed two;					
		4 Utility structures such as radio/television towers are exempt from this height limit. For wind systems, see Article XVIII. The maximum height limit for all other structures on properties that abut Lafayette Road in Zone 2 is 50 feet (not 35 feet).					
		5 - On corner lots where the side yard abuts a street, the side yard shall be subject to the minimum setback requirements for front yards.					



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		<p style="text-align: center;">6 - The Lafayette greenbelt shall be measured from the edge of the widest proposed right-of-way currently under consideration by NH DOT.</p> <p style="text-align: center;">7 - Parcels dedicated for conveyance to the Town of Seabrook for conservation purposes shall be exempt from the roadway frontage requirement.</p>
SECOND:	Thibodeau	<p style="text-align: center;">Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler,</p> <p style="text-align: center;">Opposed: Sanborn</p>

6) Replace Article VIII – Parking with the following:

Section 8 - Lighting

In order to minimize distractions to passing motorists, the display of outdoor holiday lighting shall be limited to the period November 15 thru January 15.

Morgan referenced Garand's memo pointing out that some commercial properties are using Christmas lights to try to attract business in the summer. Garand said they explain that these lights were just turned on for a day. He wanted this addressed in the regs. Sanborn asked how Christmas could be differentiated from Hallowee'n and said not to discriminate. Foote said although this is the Christmas season, there are a lot of other holidays. Garand noted that Christmas is a religious holiday. Foote said that at times fireworks go off on Route 1. Garand said that that would be a police matter. Thibodeau suggested that kind of outside lighting should be limited to 30 days. Garand thought people would put up lighting for the Fourth of July etc. Moore said the issue is the flashing lights. Garand asked if holiday flashing lights should not be allowed. Hawkins thought that Garand's issue was that this lighting is being used all year round, and thought the intent was clear. Thibodeau said it meant that holiday lights could not be used except at Christmas time. Moore thought that would open a can of worms with other holiday observance. Garand said to adjust the lighting so there would be no additional flashing lights or holiday lighting allowed on commercial sites. Sanborn said this would be telling people they cannot do this or that, which he did not think was right and was discrimination. Garand said these lights are a distraction to passing motorists. Sanborn said then all lights along the roadway should be turned off.

Foote thought that such lighting might exceed the light trespass ordinance. Garand said it is the same for fireworks establishments that string up lights to show off their wares, even if they are not flashing. Thibodeau said people expect to see lights and did not like the restriction Sanborn said it would just be going along with other communities. Moore did not think there should be any changes. Foote acknowledged the distraction of the flashing lights. Moore thought that could be handled by the police. Sanborn called attention to the flashing lights on police cars. Hawkins polled the Board. Foote understood the problem but thought regulations already controlled flashing lights and light trespass – such lighting couldn't cross over to the next property; they must be kept into the interior. She thought it a matter of enforcing existing regulations. .

MOTION:	Foote	to not recommend the proposed changes to Section 8, lighting.
SECOND:	Thibodeau	Unanimous



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7) Amend Article XII as follows:

ARTICLE XII - Signs

No sign shall be erected without a Sign permit issued by the Building Inspector. Said permit will be dated by the Building Inspector. All signs shall adhere to the minimum requirement set forth in Table 3 below:

A - Signs That Require No Permit: Notwithstanding the above, in addition to the signage that is normally permitted herein, ~~in Table 3~~, each lot shall be allowed, without a sign permit:

- **Entrance & exit signs** less than 3 square feet per side and less than 3 feet above grade;
- One temporary **real estate sign**, one temporary **contractor's sign** and one temporary **yard sale sign**. Temporary signs may be posted for not longer than 60 consecutive days and no more than 125 days in any calendar year;
- **Wall signs** up to a maximum of 40% ~~40%~~ % of the wall surface;
- Temporary **political signs** which may be posted for not longer than 90 consecutive days;
- Roadside **produce signs**, not to exceed 30 square feet per lot;
- **One temporary sign per business** that is less than 3 feet in height and 6 square feet in area. Temporary signs are allowed for a maximum of 30 days per calendar year;
- **Municipal signs, traffic control signs**, and other **safety related** signs.

Morgan said that Garand had asked for signs to require a building permit. Accordingly, he proposed removing the word "Sign" from paragraph #1 and removing the "in Table 3" from Section A paragraph #1. Additionally, Garand thought that the current ordinance had a 10 per cent maximum on wall signs was too high, so the Board could choose a different percentage. Garand said people are spreading the wall signage too far. Hawkins said that 10 percent on some buildings was ok. Moore said it would not be a problem if it referred to the size of the building. Garand said the problem is when a building has a continuous facade for a distance. Foote thought it meant the wall surface; the surface from all four walls can't be added up for a sign Hawkins thought the issue was that a forty-foot sign could go on one end of a 400-foot wall; it wouldn't be proportional to the building. Moore said he'd been the one to initiate the 10 percent, but no matter what the number is there will be a way to get around it. He did not want a thick book on this subject. Garand suggested 10 percent or a maximum of X amount of square feet. Hawkins said it would have to be sized for a box store which would be too big for some smaller stores. Garand asked if the Board wanted to stay with 10 percent and look at this later on, or perhaps come up with a maximum. Sanborn said this is just more regulation. Thibodeau did not see anything wrong with the 10 percent.



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<p>MOTION:</p>	<p>Thibodeau</p>	<p>to leave the ten percent figure in Article XII Wall signs as is, and to remove the word “sign” from the first paragraph, and “in Table 3” from paragraph A as follows:</p> <p>ARTICLE XII - Signs No sign shall be erected without a permit issued by the Building Inspector. Said permit will be dated by the Building Inspector. All signs shall adhere to the minimum requirement set forth in Table 3 below:</p> <p>A - Signs That Require No Permit: Notwithstanding the above, in addition to the signage that is normally permitted <u>herein</u>, each lot shall be allowed, without a sign permit:</p> <ul style="list-style-type: none"> - Entrance & exit signs less than 3 square feet per side and less than 3 feet above grade; - One temporary real estate sign, one temporary contractor's sign and one temporary yard sale sign. Temporary signs may be posted for not longer than 60 consecutive days and no more than 125 days in any calendar year; - Wall signs up to a maximum of 10% of the wall surface; - Temporary political signs which may be posted for not longer than 90 consecutive days; - Roadside produce signs, not to exceed 30 square feet per lot; - One temporary sign per business that is less than 3 feet in height and 6 square feet in area. Temporary signs are allowed for a maximum of 30 days per calendar year; - Municipal signs, traffic control signs, and other safety related signs.
<p>SECOND:</p>	<p>Fowler</p>	<p>Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler, Opposed: Sanborn</p>



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Additionally, Morgan said that in response to Garand's concerns about allowing digital signs, he would add a paragraph under Prohibited Signs concerning digital signs. Foote asked about the signs that the police use for announcements etc. Garand said those would come under municipal signs. He noted that the ZBA had granted one digital sign on condition it could not be changed more than once in a 24 hour period. Another digital sign was for gas pumps. The rationale was that with today's low-impact technology it is easier to install digital signs that can be changed from the inside of a building. Also gas stations change signs daily. He thought that the technology should be recognized as long as a digital sign was not intensely lit or flashing as a hazard to vehicles. Foote noted they are much more energy efficient. It's not that everyone has to have them, but they can be used as long as they don't flash. Foote said as long as they don't change more than once per hour. Morgan said that would be his recommendation. Foote noted that time and temperature would be exempt. Garand thought it should even be within 24 hours. Thibodeau noted that people don't take down political signs when they are supposed to. Hawkins thought 24 hours would be ok. Morgan said he increased the frequency because the gas business can be cutthroat, changing prices at any time.

MOTION:	Moore	<p>to amend the Article XII prohibited signs section by adding a paragraph on digital displays as follows:</p> <p>B - Prohibited signs: The following signs are prohibited in the Town of Seabrook:</p> <ul style="list-style-type: none"> - Animated, moving, flashing, intensely lighted signs and signs that emit audible sounds, noises or visible matter; - Digital Display signs that change their message more frequently than once per hour. The display of time and temperature is exempt from this prohibition.
SECOND:	Lowry	<p>Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler; Opposed: , Sanborn</p>

8) Amend the Seabrook Building Code as follows:

B - Building permit required: No person or entity shall undertake any construction, development or alteration of any building, structure or use of land without a written building permit issued by the Building Inspector, unless such undertaking is for normal maintenance, or emergency repairs, or construction costs of less than \$500 and does not increase the building floor area.

C – The New Hampshire Building Code (see NH RSA Chapter 155-A) is hereby adopted as it now exists and as it may be amended from time to time by state law. ~~Said New Hampshire Building Code currently includes by reference the following codes:~~

International Building Code 2006;



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International Mechanical Code 2006;

International Plumbing Code 2006;

International Residential Code 2006 (for One and Two-Family Dwellings);
International Energy Conservation Code 2006;

National Electrical Code 2008.

Additional codes adopted by reference herein, pursuant to NH RSA 674:51 and NH RSA 674:51-a, include:

International Property Maintenance Code 2006;

International Fuel Gas Code 2006, published by the International Code Council;

NFPA 101 Life Safety Code 2009, published by the National Fire Protection Association;
and,

New Hampshire State Fire Code NFPA 1 Uniform Fire Code 2009, published by the National Fire Protection Association.

~~**H – Expiration of permits:** A building permit, whether for a building, structure, material alteration or proposed land use or otherwise, under the authority of which no work has been commenced within one year, or sooner as stated in any applicable code, ordinance or regulation, after issuance shall expire and become void upon such anniversary.~~

~~**K – Demolition of Structures:** Before a structure is demolished or removed, the owner or agent shall, if deemed necessary by the Seabrook Building Inspector, notify all utilities having service connections within the structure. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections have been removed in a safe manner. Demolition shall not commence until after a demolition permit has been issued by the Seabrook Building Inspector. During and after demolition, the premises shall be maintained free from all hazardous conditions, fences shall be erected, and the grade shall be restored.~~

~~**P – Certificate of Occupancy Required:** No building or structure shall be occupied or used until a *Certificate of Occupancy* has been issued by the Building Inspector and posted on the premises stating the purpose for which the building may be used in its several parts and all special stipulations of the permit, if any. As per NH RSA 674:51, IV, a *Certificate of Occupancy* shall be required to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the date of passage of this requirement.~~

Morgan said the changes to the Building Code as drafted by Garand. Garand said the building permit requirements are outlined in the codes including what has to be permitted and what does not. Morgan asked if Garand ok'd the proposed language. Garand did not have any issue. Moore said the codes used to run for a year; he thought they were for 6 months now. Garand said it is 6 months with a 6 month extension for just cause. People ask for extensions all the time.



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MOTION:	Moore	<p>to amend the Seabrook Building Code, and to remove sections H, K, and P as follows:</p> <p>B - Building permit required: No person or entity shall undertake any construction, development or alteration of any building, structure or use of land without a written building permit issued by the Building Inspector, unless such undertaking is for normal maintenance, or emergency repairs.</p> <p>C – The New Hampshire Building Code (see NH RSA Chapter 155-A) is hereby adopted as it now exists and as it may be amended from time to time by state law.</p> <p style="padding-left: 40px;">International Building Code;</p> <p style="padding-left: 40px;">International Mechanical Code;</p> <p style="padding-left: 40px;">International Plumbing Code;</p> <p style="padding-left: 40px;">International Residential Code (for One and Two-Family Dwellings);</p> <p style="padding-left: 40px;">International Energy Conservation Code;</p> <p style="padding-left: 40px;">National Electrical Code;</p> <p>Additional codes adopted by reference herein, pursuant to NH RSA 674:51 and NH RSA 674:51-a, include:</p> <p style="padding-left: 40px;">International Property Maintenance Code;</p> <p style="padding-left: 40px;">International Fuel Gas Code, published by the International Code Council;</p> <p style="padding-left: 40px;">NFPA 101 Life Safety Code , published by the National Fire Protection Association; and,</p> <p style="padding-left: 40px;">New Hampshire State Fire Code NFPA 1 Uniform Fire Code, published by the National Fire Protection Association.</p>
SECOND:	Lowry	<p>Approved: In favor: Hawkins, Moore, Lowry, Foote, Thibodeau, Fowler;</p> <p>Opposed: , Sanborn</p>



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Hawkins adjourned the Public Hearing at 8PM.

OTHER BUSINESS

Hawkins asked whether Board Members wanted to receive the usual complementary dinner or to donate the funds to the Community Table as they did last year. Thibodeau said the money would help purchase staples such as paper goods, coffee etc.

MOTION:	Moore	to donate the year end Member appreciation money to the Community Table.
SECOND:	Thibodeau	Unanimous

Hawkins adjourned the meeting at 8:10PM.

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board