



Town of Seabrook Planning Board Minutes

Tuesday, January 15, 2013

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Dennis Sweeney; Roger Frazee; Aboul Khan, Ex-Officio; Michael Lowry, Alternate; Francis Chase, Alternate; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Robert Fowler, Sue Foote, Alternate; Paul Himmer, Alternate;

Hawkins opened the meeting at 6:30PM, and designated Chase and Lowry as voting members.

MINUTES OF DECEMBER 4, 2012

Hawkins asked if members had questions or comments; there being no other comments.

MOTION:	Janvrin	to accept the Minutes of December 4, 2012 as written.
SECOND:	Lowry	Approved:

Hawkins asked if members had comments; there being none.

MOTION:	Janvrin	to accept the Minutes of December 18, 2012 as written.
SECOND:	Lowry	Approved:

CORRESPONDENCE

CAPITAL IMPROVEMENT PROGRAM

Hawkins explained that the Planning Board is required to approve the CIP. Some members had received the books at the Budget Committee, and others were given books at this meeting. He was not comfortable asking members for approval before giving them time to review it. Department heads send their requests to the Town Manager and then it comes to the Planning Board for final approval. Typically the Board receives the CIP earlier in the year, but this is a rolling document; the prior year's CIP is still in effect for the town capital expenses. This is an important guidance document for the Master Plan as well as the Selectmen. Hawkins scheduled the CIP vote for the Planning Board February 19, 2013 Agenda at 6:30PM in Seabrook Town Hall.

ZONING BOARD OF ADJUSTMENT - Latium, Tropic Star gas station

Hawkins explained that the ZBA case to be heard on January 23, 2013 is a challenge to a Planning Board decision. At the last meeting he had asked Morgan to prepare a summary of what had transpired during the Planning Board Case #2012-18 proceedings, as well as the Planning Board's zoning interpretation in February 2012, and the history of the Mabardy original administrative appeal of that decision to the ZBA which was subsequently withdrawn, and now had been resubmitted. Morgan had prepared that summary, and was reviewing the Board's responsibility to provide the case record documents to the ZBA. Hawkins wanted to be sure that the Board members were comfortable sending Morgan's memo to the ZBA. Hawkins thought that the ZBA would want the minutes with the discussion of the Planning Board's hearings. He asked Morgan to report on his review of what the Board's responsibility was for providing additional documentation.



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Morgan said that under RSA 676:5 the officer of the Board whose decision was being appealed was responsible to transmit all of the relevant paperwork. This was brought to the Board's attention by one of the attorneys. Garand asked if the ZBA could ask for a joint hearing so that the Planning Board could explain what it did. Morgan said the ZBA could do that, but the Planning Board would have to agree. Morgan thought it more important to confer with the Planning Board legal counsel as to whether it was advisable. Garand said that Attorney Walter Mitchell (the Planning Board's attorney) was handling this case with the ZBA also. That is why he brought it up at this meeting to ask if the Planning Board was willing to look into taking that step.

Hawkins wondered what the benefit would be if the ZBA had the entire record and a summary of the Planning Board's reasoning, and asked why a joint meeting would be needed. Garand believed that the Land Use Regulations permitted that, and he was asking Morgan if that was permissible and advisable. Morgan said it would be permissible, but as to whether it was advisable he would defer to Attorney Mitchell. Kravitz requested a point of information, and asked if Garand was telling the Board that Attorney Walter Mitchell had been engaged by the ZBA. Garand confirmed this. Hawkins said if this was a town issue, he did not see a conflict in both Boards getting advice from Attorney Mitchell, and asked how the members felt about finding out from the Planning Board's counsel if he recommended a joint meeting. He asked if the members feel a joint meeting was needed, or had the basis for the Planning Board's decision been made clear.

Janvrin felt that the ZBA would convene on the appeal, whether or not the Planning Board met with them. If the Planning Board transmitted what it had, if the ZBA wants more they could ask for it; he did not see a problem either way. If the Planning Board transmitted the record of Case #2012-18 as well as its February 2012 decision, the reasoning would be clear and the record would stand on its own, although the vote was not unanimous. Wood asked if the ZBA had asked for a joint meeting, or if it was just something available. Garand said if the ZBA would hear the appeal on January 23; he did not know what they would be looking for. He was just asking the question in case the ZBA asked, so he could say that the two Boards could meet. Wood thought the Planning Board could give the ZBA the minutes; if that was not sufficient she would not have a problem meeting. Garand said the minutes could be transmitted and, if the ZBA asked for a meeting, he wanted to say that the Planning Board would entertain that. Wood asked if the ZBA had asked for the Minutes. Janvrin said it was a requirement of the law.

Kravitz said the ZBA had asked for the November 20, 2012, which was provided. She had asked whether other Minutes or anything else was desired by the ZBA, and had been told that nothing else should be submitted by the Planning Board. Garand said that the ZBA had asked for what they wanted and their packets went out. Wood thought the information had already been transmitted. Hawkins said the record had not yet been sent. Kravitz clarified that she had given one set of Minutes and was told that the ZBA expected nothing else from the Planning Board. The Planning Board now is being told something else. Garand said Walter Mitchell was looking over the records; he would be at the meeting and would have familiarity with the Planning Board's records and also with his own research. Chase asked if there were any date issues. Hawkins said this was a case that the Planning Board was still reviewing and had to put on hold until the ZBA decided what it would do. There were issues for the Planning Board with the case it had open; extensions had been requested and granted because of the ZBA delay. Chase said when the ZBA had its meeting, it could



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request more from the Planning Board. Hawkins thought the Applicant could ask to postpone further if it wanted. Chase thought the Planning Board Minutes were clear about what was discussed. Hawkins said the ZBA would have to decide whether it thought the Planning Board was right or not. [Secretary's note: subsequently, Attorney Mitchell did not represent the ZBA.]

Hawkins asked Morgan to consult with counsel first about whether he recommended sending the summary, or just living with the minutes. Second, whether there were problems or issues with a joint meeting, or with a representative of the Planning Board attending the ZBA meeting. He noted that generally Planning Board members had previously been advised not to participate in ZBA hearings, although this might be a different matter. Kravitz asked Morgan to find out specifically what would have to be provided to the ZBA -whether it was minutes only. Hawkins noted it would be minutes, or the entire record. Morgan will email Walter Mitchell. Hawkins asked if the members were ok with this process.

MOTION:	Janvrin	to authorize the Chair to transmit the Town Planner's Memorandum dated December 23, 2012 to the Zoning Board of Adjustment, if Planning Board counsel advises it to be a good idea.
SECOND:	Khan	Approved:

OPEN PLANNING BOARD SEATS

Hawkins referenced the letter in re the March 2013 Town Meeting. The Janvrin and Fowler member seats would be open for a 3-year term. Additionally, there is an open seat for a 2-year term. The first day to file to run for office would be January 23, 2013; the last day would be February 1, 2013 at 5 PM. Anyone interested in running should contact the Town Clerk.

SECURITY REDUCTIONS AND EXTENSIONS

there being none.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:50PM.

NEW CASES

Case #2012-29E – Proposal by Healing Rain Ministries, Phil Georgetti and Eno Urbani to establish a church at 49 New Zealand Road, Tax Map 7, Lot 78.

Attending: Pastor J D Minerella

Appearing for the Applicant: Mark Woolley, Regional Manager, Hampshire Inn;

Minerella explained that the Healing Rain Ministries had been meeting at the Hampshire Inn for about 6 years, and had outgrown the facilities for their ministry and programs. They have identified an eight-unit building at 49 New Zealand Road, and would take down a couple of walls for the sanctuary, break up some of the rooms for office and classroom space, and install a kitchen. With Garand's encouragement he contacted the Department of Public Works Manager about parking on the street which was ok. Additionally, they have leased the back



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parking area of the Hampshire Inn to assure enough spaces; he preferred not to use the street. He also had a letter from Charles McGlaughlin saying it was ok to park in front of his property, but Minerella did not want his people to park in front of houses that were close to the road. They would have a parking lot attendant to assure that cars were properly parked. Minerella said they had more than 40 spaces which were enough for the 125 people.

Hawkins asked Morgan to review his memorandum items. Morgan called attention to the discrepancies between the siteplan and the proposal. Minerella said the Ministries would occupy about 4,500 of the approximately 5,700 square feet in the building. The Ministries would occupy 5 of the 8 approximately 450 square foot units; 2 other units were rented. He thought the other unit would be used by the owner for storage. Morgan said the ordinance would require 47 parking spaces for public assembly. Procedurally, they would need to submit a waiver for on-street parking because the siteplan only shows 24 spaces. Based on 125 people, 41 spaces would be needed, plus 3 for employees. Hawkins asked about the parking arrangement with the Hampshire Inn. Woolley spoke in support of the proposal, saying that the Inn had more than 80 spaces, and confirmed that it would rent a parking area to the Ministries.

Morgan said the other issues would be signage, lighting, and landscaping. Hawkins added hours of operation. Minerella said that during the week it was mostly his wife and himself, from 10AM to about 4PM. On Tuesday nights they have gatherings from 7 – 11:30PM, but not with a lot of people. Janvrin asked if this would be a parish hall as well as the sanctuary. Minerella said that most churches today would be set up with classrooms and meeting rooms as well as the sanctuary, all in one building. Janvrin asked if there would be meetings sporadically throughout the week Minerella said on Tuesdays and possibly Thursdays, but these would be small groups for bible study etc. The Sunday services are from 10:30AM to usually 12:30PM. They were not planning on doing landscaping; maybe have a sign. Hawkins noted that the siteplan showed a sign, and asked if they would use part of it. Minerella said they would put something there within the zoning restrictions. Hawkins asked Garand about the sign. Garand was not sure of the current size, but said something could go there as well as a wall sign. Hawkins asked if there would be no changes to the outside of the building. Minerella said there would not.

Janvrin asked Garand if each of the 8 units had a separate water shut-off the service. Garand said the building was sprinklered, and there was a common shut-off and that all of the tenants shared facilities. He commented that the area was residential and commercial, and thought the use was suited to the area. Hawkins asked if there was one owner, Garand confirmed this, and said it was not a condominium. Minerella asked if a waiver letter would be needed just in case they grow and need more parking than the Inn could provide. Morgan said that the waiver also should address the need for offsite parking at the Inn and provide the reasons for the waiver request. Janvrin wanted a letter from the Hampshire Inn; Minerella said he had that. Chase asked if a grease trap were required for the kitchen. Garand said that could be taken care of in the permitting process; a grease trap could be installed under the sink. Minerella said they were gathering prices for needed items. Khan said that at the last Board of Selectmen meeting the Police Chief talked about no parking on the street because they were having trouble with the plow blades. Janvrin noted that the regulations require that all four tires must be off the road and not impede the plows.

Woolley said the Hampshire Inn had hosted the Ministries for 6 years and had ample parking for the Ministries people and the hotel guests on Sundays. They have two locations that can



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take care of the spaces the Ministries would need – on the north side of their property facing New Zealand Road, and they had talked about making a gate so they could use spaces on the back half of the Inn property. This would not affect Inn guests. Minerella said they had talked about putting in a gate and a pathway between the properties. Woolley added that the Hampshire Inn was the only resident of Spur Road, but was a good neighbor and supported the town. They had invested more than \$200,000 in the last 3 years to improve their property. He asked that the Planning Board join with them in a letter to the NH Department of Transportation to amend the plans to put a 20-foot island blocking Spur Road. A lot of their guests, as well as people going to the Ministries came from the south. He recalled that at one time the Board said that an island was not truly necessary, but it was voted down with the DDR decision. They had gone through numerous channels and presented to the Board. He said that at one time the Board agreed with them but the NHDOT said they could put an island anywhere they wanted. Hawkins said that the NHDOT was trying to stop a left turn into the driveway.

Janvrin noted that NHDOT said that Seabrook now had to maintain sidewalks. Wooley agreed, and said that that was a concern for the Inn as a Hospitality business, noting that the sidewalk on Route 107 between the Inn and Route 1 was not maintained. If it would help, the Inn was willing to take care of the landscaping for that sidewalk and the existing islands which are full of trash and weeds. The proposed island would be wider than any other island in Seabrook and would be at their entrance. That is rough for a hospitality business welcoming people to the Town. Also, people would have to do a U turn at Route 1, the busiest street in the town. Morgan noted that the Town had no standing in this issue. Woolley agreed, but said that the State and the town had a memorandum of understanding and would respect support from the Planning Board.

Hawkins thought that the Planning Board's view was that [Spur Road] could stay open until such time as it proved to be a bad idea and the Board would want the island put in. The Planning Board finally turned down the DDR application, but it was approved by the [Superior] Court. At the Supreme Court level a deal was made based on DDR's financing in re the Bridge expansion; during the process small details were lost sight of. It may be important to review that situation. If the Board was asked to sign a letter, everyone should know the significance. He noted that several current members had not been a part of the DDR discussions; this was a traffic study issue. He thought the Planning Board had expressed its desire for businesses to have easy access. This is a State road; NHDOT decided it was too dangerous, and would not put a light at that [Spur Road] intersection. Chase recalled discussion about cobblestones. Hawkins said they would not want anyone to drive over a median.

Khan said two years ago this issue had come up many times. He thought that at this point with construction well underway, if the town requested a change it would cause delays, and the town would be asked to pay for it or make a contribution. Hawkins added that scope of work was defined and the contractor was in place. He thought that even if a letter was co-signed, the outcome would be the same. A year ago there was a rush to get a couple of final issues taken care of, and the BOS signed on as to what was agreed to. Hawkins said if a letter were written, the Board could consider its position and possibly speak with the state informally and get an opinion. Woolley appreciated the interest, but had thought that when it went to the State, it had been out of the town's hands. They were just asking for some assistance, and would respect if it could not work. He noted that they were supportive in Seabrook and had neighbors that were interested too.



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MOTION:	Janvrin	to accept Case #2012-29 as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved:

Hawkins asked if the parking arrangement with the Hampshire Inn was comfortable, indicating he did not want that many cars on the street. Minerella said it was. Chase asked if the lease would be perpetual. Wood asked what would happen if the Inn was sold and the new owners did not want the parking lease. Janvrin said the lease could be terminated the next day, and then what would the Board do. Wood indicated that the lease was to be renewed annually with payment by December 31 for the following year. The recordable lease agreement could be terminated by notice 60 days in advance, i.e. by the beginning of November. Hawkins asked for Morgan's view. Patti Visconte of the Maisiello Group said the Healing Rain Ministries was planning on purchasing the building after a 3 year lease. Once purchased, there would be alternative ways to reconfigure the lot for parking. Until then the parking would be adequate and should coincide with that timeframe. Minerella said they had thought about fixing up the parking lot, but put that on hold to see about on-street or parking next door. That would have taken more time, but ultimately it would happen when they take ownership of the site.

Lowry wanted to know the number of parking spaces. Janvrin recalled the discussion when the Ministries tried to locate on Route 286, and asked Morgan if the proposed arrangement would be sufficient. Morgan said with 24 on-site spaces, a waiver would be needed. Hawkins asked if the waiver could be conditioned on the Hampshire Inn providing the 23 additional spaces. Janvrin noted that more spaces would be needed for the other units. Hawkins noted that parking could be shared; it depended on the level of use. During the week it could be small groups, and a large group on Sunday. Minerella said during the week they would use the offices. He asked if the hours and usage should be presented in writing. Janvrin explained that the requirement would be 47 spaces, but parking was needed for the other units as well. Minerella said the owner was using one unit for storage. Janvrin asked if one handicap spot would meet the requirements. Garand said the number would be worked out with the building permit. Chase wanted a 3-year cutoff. Garand said the Ministries had been pushed off the Route 286 site, and now had a good arrangement. Woolley said that the Inn's busiest time was Saturday night and Sunday morning and they had plenty of parking. As long as the Inn was there, it made good business sense to have income from the Ministries parking.

MOTION:	Hawkins	to grant the requested waiver of the parking requirements for Case #2012-29, provided the written request was delivered to the Planning Board within 7 days.
SECOND:	Chase	Approved: Unanimous

Hawkins said the approval would need to be conditioned on the signs, the lighting and no off-street parking. Khan suggested that no street parking might be confined to the winter months to take care of the issues with the town plowing. Hawkins' concern was that on Sundays there could be a lot of cars parking on the street. He did not want to broaden the waiver,



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noting that there was an alternative. Janvrin's opinion was that Police Department enforced ordinances, not the Public Works Department. Without the Police Chief's written concurrence, he wanted no on-street parking. He understood that other churches did use the street for parking. However, Seabrook's ordinance said no off-street parking; it was not up to the DPW Manager to enforce it. Janvrin advocated the arrangement with the Hampshire Inn, and thought a fence with a gate between the properties would be a good idea. Hawkins wanted no on-street parking at this time. If it turned out to be a hardship they could return to the Board. Visconte said this was a mixed-use neighborhood with two large industrial buildings at the end of the road. Hawkins pointed out that the Ministries wanted to get along with residents. Minerella noted that some houses were only a few feet from the street. Hawkins said if Minerella could live with no on-street parking, that would be the Board's preference; they could come back if it turned out to be unworkable. Minerella was fine with that, as long as he could get enough parking at the Hampshire Inn.

MOTION:	Chase	to approve Case #2012-29E – Healing Rain Ministries, Phil Georgetti and Eno Urbani to establish a church at 49 New Zealand Road, Tax Map 7, Lot 78, conditioned on (i) the sign meeting ordinance standards, (ii) the lighting meeting ordinance standards, and (iii) no on-street parking.
SECOND:	Hawkins	Approved: Unanimous

Case #2012-30 – Proposal by N.B. Haily Corp., the Brixmor Property Group, and Centro G.A. Seacoast Shopping Center to establish a paint ball supply store at the Seacoast Shopping Center at 270 Lafayette Road, Tax Map 9, Lot 49.

Hawkins said the Applicant had requested a postponement, and continued Case #2012-30 to February 19, 2013 at 6:30PM in Seabrook Town Hall.

Case #2012-26.11-09 NextEra Lot-Line Matters

At the request of the NextEra representatives, **Hawkins continued the Case #2012-26.11-09 matters to February 19, 2013 at 6:30PM in Seabrook Town Hall.**

Case #2011-31.10-22 – Proposal by NextEra to amend its conditional approval of August 17, 2010 so that the stipulation (iv) reads as follows: Noise shall not be discernable at the Rocks Road residences closest to the firing range. Noise level along the existing transfer station road shall be limited to 15 dBA above the measured background of 44 dBA. The indoor firing range in question is situated off Rocks Road and immediately east of the Town's Transfer Station, continued from November 15, 2011; December 20, 2011; January 17, 2012, February 21, 2012, March 6, 2012; March 20, 2012; April 3, 2012, October 16, 2012;

Hawkins referenced the request of the NextEra representatives, to postpone this hearing. **Hawkins continued Case #2011-31.10-22 to February 19, 2013 at 6:30PM in Seabrook**



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Town Hall. Janvrin asked if the occupancy needed a motion to be extended, because it was linked to the Board's action. Hawkins asked for Garand's view. Garand said a copy of the permit would be provided.

MOTION:	Janvrin	to recommend that the status quo for the occupancy permit for Case #2011-31.10-22 re the NextEra building remain as is until the Planning Board hearing scheduled for February 19, 2013.
SECOND:	Hawkins	Approved: Unanimous

PROPOSED ZONING AMENDMENTS - Citizen Petitioned Warrants

Wood recused herself from both of the Citizen Petition Warrants.

Hawkins said the two Citizens' Petitions could not be changed; the Planning Board could recommend each, or not. He asked Morgan to explain his procedural memorandum. Morgan said it was up to the Board of Selectmen to determine the correct form and number of valid signatures, and then forward them to the Planning Board which is required to hold a public hearing. The Board would listen to public testimony, and then vote to have the ballot state whether the Board did or did not recommend the petition.

Citizen Petition #1. Blade Flags.

Hawkins read the citizen zoning petition below, noting that the language cannot be changed.:

“To see if the Town will vote to allow the display of Blade Flags on private property, throughout the town of Seabrook so long as the business owner displays them only during business hours.”

Janvrin asked if public comment would be allowed. Hawkins said it would, and asked for comments or questions from the Board members. Chase asked if the request relates to business private property. Hawkins thought that was intended, but said that the wording could not be changed. Khan noted that the wording of this proposal was different than was first discussed by the Board; the result was the warrant article. Wood clarified that this was not her proposal that was previously discussed by the Board. Hawkins noted that the two proposed warrant articles differed; this one involved only flags.

Khan said it would have been easier to decide on this warrant article if it had been written to say on private property, twenty feet from the road. It would be a safety problem if [flags] could be placed anywhere on private property. He was not sure if the law allowed the petitioner to change anything. Hawkins said the language submitted would either have the Board's recommendation or not. Khan then expressed his doubts. Janvrin said that with respect to zoning, the three things that could be regulated were time, place and manner; this petition did not address place or manner, nor did it restrict how many flags could be put in place. Hypothetically 3,000 flags could be put on 125 feet of frontage. His inclination was to vote in the negative. Hawkins added that the Planning Board had spent considerable time and effort to get Route 1 to look better. The proposal could result in flags up and down Route 1 including the Smithtown Village With 15 stores in the Walmart Plaza, this proposal seemed



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to be a step backwards. Janvrin said the warrant would be town-wide, and not restricted to Zone 2; a home based business could put up a flag. It would also allow flags in the Smithtown Village, which he did not want. Frazee thought it unlikely there would be lots of signs, and said that a small number of businesses were trying to survive and would not be a blight to the town. Hawkins asked for public comment; there being none.

MOTION:	Janvrin	to not recommend the proposed citizen warrant petition relating to Blade Flags, as written and submitted to the Planning Board on January 15, 2013
SECOND:	Khan	Approved: In favor - Hawkins, Janvrin, Sweeney, Khan, Chase, Lowry; Opposed: Frazee; Recused: Wood

Citizen Petition #2 – Amend Section 13.200 of the Zoning Ordinance to add the following exemption:

Wood and Janvrin recused themselves from this warrant discussion.

Hawkins noted that the first part of this Citizen Petition was the same as currently in place; the only change was the added paragraph as follows:

“Exemptions are as follows: Each Business shall be allowed to have 1 flag (open, feather, etc.) and 1 sandwich board. These will only be used during business hours.”

Hawkins noted that the ordinance listed signs that are prohibited: (i) Animated, moving, flashing, intensely lighted signs, digital displays, non-accessory signs, billboards, painted or attached to a trailer, signs that emit audible sounds, (ii) digital display signs that change more than once per hour, (iii) Non-accessory signs and billboards, (iv) signs that block the view of any traffic, (v) roof signs made of combustible material, and (vi) altering existing non-conforming signs. Hawkins said the petition was similar to that previously discussed, but would allow one flag and one sandwich board for each business. Khan asked if there was a difference between blade flags and open feather signs. Wood said the feather and blade signs were the same; the open signs would be the same size as the American flag, and would show that the store was open. Khan understood that the blade and feather signs were the same.

Hawkins asked for questions or comments from the Board. Morgan asked what “etc” meant. Wood said some people could have a lobster flag with “open” on it, allowing some visibility to show the business was open. Chase was in favor of a change to the sign ordinance, but neither of those proposed by petition defined the size or number allowed. Wood said the hours, and number (one flag, one sandwich board) were stated. She did not know of anything that would state how far it had to be off the street. Chase asked if the language could be amended. Hawkins said the Board could not amend at all. Chase thought it could be resubmitted next year with changes. Wood asked if the only thing that could be amended was “money”, and if any wording could be changed. Morgan said the vote would be yes or no. Hawkins thought that Selectmen Articles could be touched, but not zoning or petitioner



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articles. Wood wondered about other articles. Morgan said this was a zoning article and could not be changed. Khan pointed out that at the last deliberative session the article about fireworks was changed. Hawkins said that was not a zoning article. Wood said the intent of the article was changed.

Hawkins asked if it could be changed if it were not zoning. That was Khan's understanding. Hawkins asked if fireworks would be land use. Hawkins said fireworks would not have been a zoning ordinance. Wood noted it would cover only one blade sign and one sandwich board. Chase would be in favor of dealing with such an ordinance to help the businesses at another time. Khan thought that the Board could formulate its own ordinance for the 2014 Warrant. Morgan said that the Supreme Court, through several decisions, had established that once a sign was in place it would be very difficult to take it away. He recommended not going forward with the petition at this meeting thinking that if it didn't work out it could be changed the next year because whatever would have been erected during the next year would be grandfathered. Khan's problem was that it did not show how many feet inside the property. Hawkins pointed out that the sign ordinance defined sizes and placement, neither of which was defined in the proposal. Hawkins said that the proposal would result in huge unintended consequences which would be a step backwards; any number of signs could be placed with no controls. He thought the Board's function was focused on making recommendations on land use.

Wood brought forth this petition because one had been started by a group of small businesses, and had talked about it with the Planning Board. Her rationale was that the economy was hurting the little businesses. The big businesses have the money to lay people off and hire people, send out flyers etc. The little businesses had to catch a driver's eye. Cars coming off Route I-95 are going to the malls. She did not think that anyone would be looking to put up a ten-foot high sandwich board, or a flag the size of that over the Provident Bank. She said that Hampton had sandwich boards and open signs all over, and thought it did not look terrible, inappropriate, or gaudy like at Revere or Saugus. They want a little attention to be brought to their businesses. The small businesses support this community. Every time personal help is needed, that's where they go – not to the Walmarts or the Kohl's. Chase said those stores would not donate. Wood said that local people can show their ID and get half off. Many small businesses donated to daily calendar prizes for the benefit of a Seabrook person in need, and thought that no big business did that. Wood put in this petition to support the small businesses because they support the town; she asked that the Board do the right thing and support the article.

April Walton of the Phantom Fireworks store on Lafayette Road used four red and white flags for a big, corner store which she thought was appropriate. Bob Holmes, owner of Bob's Tattoo, understood that some people let flags get out of hand. He noted that there were already 21 blade flags around the town; everyone was doing it. He puts one flag out and is challenged; Phantom Fireworks had four flags without incident. They give to the police and fire departments, have been there for 25 or more years, and think the town should be supportive so they can get by. All he wanted was to put out one flag, not a million. Megan Greene of Bob's Tattoo said the reality was that people come to Seabrook for fireworks and tattoos. Holmes said he had customers that drive from Oklahoma and Tennessee, and a couple from Brazil that come up twice a year.

Khan asked if the Planning Board had authority to do anything else. Morgan said for anything to be done, the Town Meeting would have to approve; it would take another year. Khan felt



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that the petition as presented was not clear and would make more problems. Wood explained that all ordinances had been voted by the townspeople; that was why it would take a warrant article. Chase said this would go on the Town Meeting Warrant whether the Board approved or not. Hawkins agreed, adding it would state with or without the Planning Board's approval. Wood asked how much of an easement the town had on property. Chase said up- to the sidewalk; the town did not own anything on people's property. Khan said some property had ten to fifteen feet. Wood said people would not put signs on sidewalks because they want pedestrians to walk by.

Hawkins said that sandwich boards were always on sidewalks and that is a part of the CFO's problem. Garand spent an inordinate amount of time trying to enforce the signage. He thought the proposal made it more difficult because it would allow two signs per business. Wood noted that the current sign ordinance went into effect a year ago, and asked if there was chaos before that; it did not look different to her. She agreed there were about 20 flags out there. Noting the Phantom Fireworks flags, she said this is going on already; she wanted to make it legal. The tire places did not have blade flags, but stacked up tires and put a banner around it. She did not see a difference, adding that the sign ordinance did not prohibit that. Wood thought the proposal might result in fewer signs. Walton said they would not trash their property, noting it went around from Lafayette Road to Chevy Chase. Green said they were trying to get along with the town. How the Board voted would affect the businesses in attendance, and other businesses that could not attend. She said it would be on the Board's consciences as to whether they were helping them or getting in the way and letting them die.

Hawkins asked for other comments; there being none. Khan said that Wood had been the writer of the petition, and had been involved in the town for many years. Wood agreed. Khan commented that there was also an enforcement component, and thought the petition did not cover the overall town enforcement interest. He understood how much owners and renters on Route 1 were suffering; they paid more real estate tax than anywhere else. At the same time they live in the town and abide by all of the regulations. There is a bigger picture. He thought that if the petition were to pass it would loosen up laws that make the town whole. Khan asked if Wood had ideas to fix that problem, because the townspeople all love the town. He would want to support the petition. Wood thought that Khan wanted her to convince him.

Wood acknowledged that the dimensions had not been included, and apologized to businesses for the error. Her intent was to do it correctly, and had spoken to and paid a lawyer because she wanted to make sure it was written correctly. She did not believe that the businesses in the town were going to abuse it. Activity that evaded this regulation was going on now; other such activity re regulations was also going on now. That's just not a fair advantage for those that do not. Khan said that Board members need to see written [restrictions], commenting that he was a small business owner. Wood said she did not look at regulations differently because she is a citizen. Khan could not go along relying on a regulation that was not fully written, and asserted that he was not being combative.

Hawkins said the Board's job was to vote on a recommendation. Wood said that petitions go better with a Board recommendation. Holmes asked if there were any rules at all about where, exactly, he could have a sign for his business. Hawkins said [signage] had to be shown during the site plan review; that would be a permanent placement. Maximum sizes were in the regulations. The Board would not want to see where every sandwich board would be put. He noted that in a case heard earlier in the meeting, details of a sign and kits placement were discussed. Hawkins expressed appreciation for the efforts Wood made, as



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well as how difficult it was for smaller businesses to deal with the Walmarts. He wished the intent had been expressed differently. As written, he thought it opened an opportunity for unintended consequences, noting that the Board had been working very hard on landscape regulations, and the like. He believed this petition was a step backwards. He had no problem having a review of small business signage, whether this Board recommended this petition or not. He thought one factor could be building size, but thought the approach being presented would provide no recourse in terms of what [the roadway] would look like.

MOTION:	Hawkins	to not recommend the proposed citizen warrant relating to an exemption of Section 13.200 of the Zoning Ordinance as submitted to the Planning Board on January 15, 2013
SECOND:	Chase	Approved: Hawkins, Sweeney, Khan, Chase, Lowry; Opposed: Frazee; Recused: Janvrin, Wood

Chase seconded the motion noting that his tenant had pulled her signage to be compliant. Hawkins said this item would be taken up during the next term.

PLANNING BOARD PROPOSED WARRANTS

Wood and Janvrin resumed their seats. Lowry recused himself.

Hawkins asked if there could be any changes. Morgan said the only action was whether to send a particular zoning proposal to the Town Meeting. Hawkins said that Morgan had tried to capture the discussions during the last Planning Board meeting. He explained that the current ordinance was open to confusion, and the purpose of the revision was to rectify that. Hawkins read the following:

Gasoline Stations

A) Add the following to Section 6 of the Zoning Ordinance:

6.200 Gasoline Stations: In order to prevent an excessive concentration of petroleum products that may pose a threat to Seabrook’s vital groundwater resources, no gasoline station shall be erected or operated within 1,000 feet of another such station, as measured from the closest property lines.

Seabrook’s twelve existing gasoline stations in an operable condition in 2012 are grandfathered, and thus are not required to conform to the 1,000-foot setback, and are situated on the following parcels:

Map	Lot	Name	Address
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5	11	O'Brien	8 Batchelder
7	62	Extra Mart	762 Lafayette
7	87	Getty North	663 Lafayette
7	94-5	Prime Gas	843 Lafayette
7	126	Sunoco	720 Lafayette
8	110	Richdale	472 Lafayette
8	4	Getty South	587 Lafayette
9	62	Irving	361 Lafayette
9	67-0	Seacoast One Stop	265 Lafayette
10	20-1	Gateway	3 Lafayette
17	48-1	O'Keefe	445 Route 286
26	98	Yankee Fishermen	725 Ocean Boulevard

Should a gasoline station cease to operate for one year, and should its NH gasoline station operator's license expire, the facility will no longer be grandfathered from the 1,000 foot setback requirement.

P = Permitted S = Special Exception - only permitted if granted by Board of Adjustment.
N = Not Permitted C = Conditional Use - only permitted if granted by Planning Board

Uses	Zoning Districts							
	1	2	2R	3	4	5	6R	6M
Gasoline Stations: New stations shall be at least 1,000' from existing stations; outdoor storage of more than one inoperative and unregistered auto is prohibited		P	N	N	N	N	N	N
<u>Gasoline stations, subject to the limitations specified in Section 6.200 above.</u>	N	P	N	N	N	N	N	N
<u>Outdoor storage of more than one inoperative and unregistered automobile</u>	N	N	N	N	N	N	N	N

and, add the following definition to Section 2 of the Zoning Ordinance:

Gasoline Station - A retail establishment at which motor vehicles are refueled, serviced, and sometimes repaired. Also called a filling station, a service station, or a retail motor fuel outlet.

Hawkins asked for comments or questions from those in attendance; there being none. The Board's action would be to send this revision to the Town Meeting, or hold it off. Chase thought that the license expiration timeframe was actually 2 years. Hawkins asked Morgan if that was the interpretation. Morgan said the language was as determined after a lot of discussion. Khan asked when the 1 year begins. Janvrin thought that the CFO would determine that date. Hawkins said that generally an applicant would come to the Planning Board and have to show proof of having operated in the last year, and had an operator's



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license from the State. Khan said the Board would have to be satisfied i.e. make a decision as to whether the proof was adequate.

MOTION:	Janvrin	<p>to add the following to Section 6 of the Zoning Ordinance, as written:</p> <p>6.200 Gasoline Stations: In order to prevent an excessive concentration of petroleum products that may pose a threat to Seabrook’s vital groundwater resources, no gasoline station shall be erected or operated within 1,000 feet of another such station, as measured from the closest property lines.</p> <p>Seabrook’s twelve existing gasoline stations in an operable condition in 2012 are grandfathered, and thus are not required to conform to the 1,000-foot setback, and are situated on the following parcels:</p> <table style="margin-left: auto; margin-right: auto; border: none;"> <thead> <tr> <th style="text-align: left;">Map</th> <th style="text-align: left;">Lot</th> <th style="text-align: left;">Name</th> <th style="text-align: left;">Address</th> </tr> </thead> <tbody> <tr><td>5</td><td>11</td><td>O’Brien</td><td>8 Batchelder</td></tr> <tr><td>7</td><td>62</td><td>Extra Mart</td><td>762 Lafayette</td></tr> <tr><td>7</td><td>87</td><td>Getty North</td><td>663 Lafayette</td></tr> <tr><td>7</td><td>94-5</td><td>Prime Gas</td><td>843 Lafayette</td></tr> <tr><td>7</td><td>126</td><td>Sunoco</td><td>720 Lafayette</td></tr> <tr><td>8</td><td>110</td><td>Richdale</td><td>472 Lafayette</td></tr> <tr><td>8</td><td>4</td><td>Getty South</td><td>587 Lafayette</td></tr> <tr><td>9</td><td>62</td><td>Irving</td><td>361 Lafayette</td></tr> <tr><td>9</td><td>67-0</td><td>Seacoast One Stop</td><td>265 Lafayette</td></tr> <tr><td>10</td><td>20-1</td><td>Gateway</td><td>3 Lafayette</td></tr> <tr><td>17</td><td>48-1</td><td>O’Keefe</td><td>445 Route 286</td></tr> <tr><td>26</td><td>98</td><td>Yankee Fishermen</td><td>725 Ocean Boulevard</td></tr> </tbody> </table> <p>Should a gasoline station cease to operate for one year, and should its NH gasoline station operator’s license expire, the facility will no longer be grandfathered from the 1,000 foot setback requirement.</p> <p style="text-align: center;">P = Permitted S = Special Exception - only permitted if granted by Board of Adjustment. N = Not Permitted C = Conditional Use - only permitted if granted by Planning Board</p>	Map	Lot	Name	Address	5	11	O’Brien	8 Batchelder	7	62	Extra Mart	762 Lafayette	7	87	Getty North	663 Lafayette	7	94-5	Prime Gas	843 Lafayette	7	126	Sunoco	720 Lafayette	8	110	Richdale	472 Lafayette	8	4	Getty South	587 Lafayette	9	62	Irving	361 Lafayette	9	67-0	Seacoast One Stop	265 Lafayette	10	20-1	Gateway	3 Lafayette	17	48-1	O’Keefe	445 Route 286	26	98	Yankee Fishermen	725 Ocean Boulevard
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			1	2	2R	3	4	5	6R	6M
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		<u>Outdoor storage of more than one inoperative and unregistered automobile</u>	N	N	N	N	N	N	N	N
		<p><i>and ,</i></p> <p><i>add the following definition to Section 2 of the Zoning Ordinance:</i></p> <p>Gasoline Station - A retail establishment at which motor vehicles are refueled, serviced, and sometimes repaired. Also called a filling station, a service station, or a retail motor fuel outlet.</p> <p><i>and,</i></p> <p>to forward the amendment to Section 6 of the Zoning Ordinance as presented at the Planning Board Meeting of January 15, 2013 to the Town Meeting for inclusion on the 2013 Town Warrant.</p>								
SECOND:	Sweeney	<p>Approved: Hawkins, Janvrin, Sweeney, Frazee, Khan, Chase, Lowry,</p> <p>Recused: Khan</p>								

Khan explained that he recused himself from the vote because he owns a gas station.

Lowry resumed his seat.

String Lighting

Hawkins read the proposal.

Add the following to Section 11 of the Zoning Ordinance:

11.700 String Lighting – In Zone 2, strings of exterior lights shall be displayed for no more than 60 days per year, and by permit only.

Chase asked if there could be two 30 day increments. Janvrin thought that would be determined by the CFO. Khan asked about the 60 day provision. Garand said his office did licensing once a year. If someone did not renew their permit, it would signify that they were no longer in business. He thought it would be one month before and one month after



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Christmas. Khan asked about those who have holidays in other months. Garand said if someone wanted the permit to be for July, they could not get one in December. Wood understood that the revision was proposed because some stores were excessive with Christmas lights. Garand commented that it was the same as with signs. Wood said it was too bad that only a couple of stores caused the problems. She, asked how the proposed ordinance would stop the problem because it did not limit the amount of lights that are on the property. Garand said there could be no flashing lights. Christmas lights were never defined. The proposed ordinance would give him something that could be enforced. Wood asked how it would stop the amount of lights. She agreed on no flashing lights, but pointed out one store that had lights running all around even though not flashing.

Garand said the ordinance would not state the amount of lights; the issue is that they do not take down the lights all year. The stores have been through the siteplan process, but there was no definition for the holiday lights so they just go ahead. Some stores might like to put up lights at a different time of year egg Hallow'een. Janvrin said it could be for July Fourth. Garand said the proposal would make it easier to address. Khan asked if it Zone 2 should be specified – no other zone would be allowed. Garand said it would not apply to residential homes. Janvrin said the stores referenced earlier were in Zone 6.

Edward Hess, Jr asked if someone has a permit for Christmas, why couldn't they apply for another permit for a different time of the year. He thought they should be able to apply for another permit. Garand said if someone had a 30 day permit for Christmas, they could apply for another 30 days. If 60 days were used at Christmas, that would be it for the calendar year .Hess thought that some businesses would want to celebrate for more than one reason. Garand said that the lighting is set up during siteplan review when they are supposed to show a photometric grid and have no spillage onto an abutting lot. Some stores put up very intense lighting. Khan thought if people had to apply, the regulation wasn't needed. Garand asked for a limit on the number of days to be allowed. Hess thought a 15 day period and then a 45 day period would be ok; some people might put up Christmas lights for only 10 days. Garand said some businesses leave those lights up year round. Hess wanted to know that this did not include residences. Garand confirmed this, and said it did not include Zone 6M either. Wood had been concerned about homeowners.

Garand suggested specifying commercial properties. Morgan said the language could not be changed. Hess asked if the language could be changed at the deliberative session, noting that there were some residences in Zone 2. ; Morgan said it could not. Morgan said that only Zone 2 would be affected, but that Hess had made a good point about residents in Zone 2 being limited to 60 days. Wood said the language should have been more specific. Khan thought the Board of Selectmen or Garand could decide the permit fee, but asked if it was a legal problem in that there was no reference to this in the proposed language. Morgan did not think so. Garand said the funds would be established as with the building permits. Janvrin noted that Garand could be overruled by the ZBA. Garand said the building permit fees were established at a BOS meeting. Khan agreed a fee could be changed, but asked about creating a new fee. Wood thought this item should be revisited. Hawkins said the language did not include Zone 6, or say businesses only and not residents, and no mention of the fee issue. He agreed with Janvrin that it would be good to wait on this item.

MOTION:	Janvrin	to not forward the string lighting proposal as
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		presented to the Planning Board on January 15, 2013 to the Town Meeting.
SECOND:	Chase	Approved: Unanimous

Home Occupations

Amend the definition of Home Occupation in Section 2 of the Zoning Ordinance as follows:

Home Occupation is a home-based business that has no noticeable impact on the quality and character of Seabrook's residential districts. In order to qualify as a Home Occupation, the business must meet all of the following standards: 1) no more than two non-resident employees; 2) it is not a nuisance; 3) it is conducted within a pre-existing building; 4) parking is located off the street, and the vehicles are subject to zoning setbacks for structures; 5) no emission of odor, smoke, dust, vibration, or noise that is discernable from the property line; ~~and~~ 6) no on-site storage of hazardous, flammable, or explosive materials other than small quantities of products that are intended for normal household use, and 7) deliveries are permitted only between 7AM and 7PM.

Hawkins said the only addition was #7 re deliveries permitted only between 7AM and 7PM. Garand commented that that was just like any other business. Hawkins asked for comments or questions: there being none.

MOTION:	Janvrin	to amend the definition of Home Occupation as board on January 15, 2013 and forward for inclusion in the 2013 Town Warrant.
SECOND:	Sweeney	Approved: Unanimous

Morgan said this would go to Town Meeting and indicate recommended by the Planning Board.

PROPOSED AMENDMENTS TO PLANNING BOARD FEE SCHEDULE

Donald Hawkins, Planning Board Chair

Morgan noted that this item did not have to go to Town Meeting. Janvrin commented that the Board had previously discussed the proposed fee schedule; this meeting was the public hearing.

A) Revise the Planning Board fee schedule by amending Section 4.200 of the Subdivision Regulations as follows:

Subdivisions up to 5 lots, <u>no road</u>	\$500 + \$100 per lot	<u>\$200 + \$100/lot</u>
Subdivisions up to 5 lots with road		<u>\$500 + \$250/lot</u>
Subdivisions in excess of five lots	\$500 + \$250 per lot	<u>\$1,000 + \$500/lot</u>
Lot Line Adjustment	\$200	<u>\$300</u>



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<p>Perimeter Survey Voluntary Lot Merger Abutter Notices</p>	<p>No charge No charge</p>	<p><u>\$100 + \$50/lot</u> <u>\$100 + \$10.11</u> <u>owner & applicant</u> <u>+ \$7.56/abutter</u> <u>\$150</u></p>
<p>Public Notice Incomplete application Re-submission of an application Re-submittal of plan or mylar for non-construction correction</p>	<p>\$75 \$75 \$50 \$100</p>	<p>\$400</p>
<p>Bill Administration Recording of mylars & documents</p>	<p>\$20 per bill Actual recording cost + \$25</p>	<p><u>Actual recording cost + \$100</u></p>
<p><u>Application Administration Fee</u></p>		<p><u>\$150</u></p>

Hawkins reviewed the proposed fees, and said that the objective was to change what was now inconsistent to a more concise methodology for administration. Janvrin asked how often bills were sent. Hawkins said the goal was once per month, otherwise the applicants were using the town's money, however, that was an administrative matter. The current fees were inadequate to cover the costs of running the Planning Board. Chase questioned the \$20 per bill administration fee, asking if a \$30 bill would then have a \$20 administration fee, which he thought would be a little unfair. Hawkins said it should have stated 20 percent of the bill up to a maximum of \$100. This meant that if an applicant were to be billed for police coverage, 20 percent would be added to cover the town's administrative costs up to \$100. He noted that a \$10,000 invoice bill would not have \$2000 in administration costs. Wood asked if the stated amount could be changed during this public hearing. Morgan said it could, if everyone agreed this was a typographical error.

Hawkins called attention to the page of recommended items which he had proposed for the ordinance change, and needed to be added in, for example, technical review time for department heads and code enforcement, as well as secretary time to produce the minutes. . Janvrin said to make it a rate and publish this, for example, in re the Technical Review Committee. Hawkins said it would be the town's cost, as was done when funds were refunded to Demoulas and the department rates were calculated. Janvrin suggested that an overall rate per hour plus 5 percent be charged for the TRC meetings. Hawkins said it was not just the hourly personnel rate, but the cost of insurance, office operation i.e. overhead costs, which can be significantly higher. Janvrin said if he were to engage an attorney at \$600 per hour, that would be the published hourly rate. Hawkins said that figure would be updated. Janvrin thought this approach might get applicants to exercise more care in the documentation and speed up the clock.

Hawkins said there should be a cost for return visits post approval, and for excessive number of meetings. A siteplan or subdivision with a fee of greater than \$3000 would be for up to 3 meetings. He thought if the fee were less than \$3000 it should be completed in one meeting. If the applicant did an incomplete job or disagreed with the Board, there would be a cost. Khan was concerned that any applicant could just walk in and interrupt the Secretary for 40 minutes or so, i.e. time is money. Hawkins said those were difficult problems that take tact on the part of the Planning Board Secretary to manage the time, and tell someone they would have to come back; also there were numerous phone calls. The Board does provide a



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service, but there were limits as to what is reasonable – that's the hard part. He urges the Secretary to tell people they will pay for the time. Janvrin noted that he had been in the office when Kravitz was researching something for an applicant. That individual was told they would have to pay a fee for her time, and the person wrote the check then and there, paying willingly. Kravitz said that was routine if it took more than just pulling out a plan, or more than 15 minutes. Khan asked if that was the current policy. Kravitz said it was.

Hawkins wanted a 20 percent administrative fee on all services including, but not limited to, the town planner, traffic inspection, legal, and the like to cover the costs of accounts payable and record keeping up to a maximum of \$100. The CFO should be authorized, at his discretion, to hire outside inspection services. This means that for more than his daily one or two building inspections, the applicant would be told they would have to pay for additional inspections. A lot of inspections would be needed for a 400,000 square-foot mall. Janvrin asked if the administration fee would be passed on to the applicant. Hawkins believed it should be a 20 percent administrative fee on anything that is billed. [up to \$100].

Hawkins proposed that building footprint should be included in the calculation of the fee for remodeling projects. The total site and impacted area square footage calculations on the siteplan – building, parking, landscaping, woodlands, wetlands – should be shown on the siteplan. He thought that now many of the calculations were just a guess, but an engineering company could calculate that with instantly their software. Janvrin recalled he had mentioned to the Demoulas people that those calculations would have to be changed for the north plaza. Hawkins commented that the above items were not on the current fee schedule, and he thought they should be with a change to the billing practice. Morgan suggested that the fees advertised for this meeting agenda should be acted upon, and he would include the other page of recommendations as a public hearing on the next agenda. Chase asked if the typo would be changed now, and duplication eliminated. Morgan said it could.

Hawkins asked for any comments from the public on the changing of fee schedules; there being none.



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MOTION:	Janvrin	<p>to <i>revise the Planning Board fee schedule as presented at the meeting of January 15, 2013, by amending Section 4.200 of the Subdivision Regulations, with the typographical error changed, and the bill administration fee be 20 percent of the total bill with up to a maximum of \$100, as follows:</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Subdivisions up to 5 lots, <u>no road</u></td> <td style="text-align: right;"><u>\$200 + \$100 per lot</u></td> </tr> <tr> <td>Subdivisions up to 5 lots with road</td> <td style="text-align: right;"><u>\$500 + \$250/lot</u></td> </tr> <tr> <td>Subdivisions in excess of five lots</td> <td style="text-align: right;"><u>\$1,000 + \$500 per lot</u></td> </tr> <tr> <td>Lot Line Adjustment</td> <td style="text-align: right;"><u>\$300</u></td> </tr> <tr> <td>Perimeter Survey</td> <td style="text-align: right;">No charge</td> </tr> <tr> <td>Voluntary Lot Merger</td> <td style="text-align: right;"><u>\$100 + \$50/lot</u></td> </tr> <tr> <td>Abutter Notices</td> <td style="text-align: right;"><u>\$100 + 9.45/owner</u></td> </tr> <tr> <td></td> <td style="text-align: right;"><u>& applicant;</u></td> </tr> <tr> <td></td> <td style="text-align: right;"><u>\$7.24/abutter</u></td> </tr> <tr> <td>Public Notice</td> <td style="text-align: right;"><u>\$150</u></td> </tr> <tr> <td>Incomplete application</td> <td style="text-align: right;">\$75</td> </tr> <tr> <td>Re-submission of an application</td> <td style="text-align: right;">\$50</td> </tr> <tr> <td>Re-submittal of plan or mylar for non-construction correction</td> <td style="text-align: right;"><u>\$\$400</u></td> </tr> <tr> <td>Bill Administration</td> <td style="text-align: right;">20 percent per bill up to a maximum of \$100</td> </tr> <tr> <td>Recording of mylars & documents</td> <td style="text-align: right;"><u>Actual recording cost + \$100</u></td> </tr> <tr> <td><u>Application Administration Fee</u></td> <td style="text-align: right;"><u>\$150</u></td> </tr> </table>	Subdivisions up to 5 lots, <u>no road</u>	<u>\$200 + \$100 per lot</u>	Subdivisions up to 5 lots with road	<u>\$500 + \$250/lot</u>	Subdivisions in excess of five lots	<u>\$1,000 + \$500 per lot</u>	Lot Line Adjustment	<u>\$300</u>	Perimeter Survey	No charge	Voluntary Lot Merger	<u>\$100 + \$50/lot</u>	Abutter Notices	<u>\$100 + 9.45/owner</u>		<u>& applicant;</u>		<u>\$7.24/abutter</u>	Public Notice	<u>\$150</u>	Incomplete application	\$75	Re-submission of an application	\$50	Re-submittal of plan or mylar for non-construction correction	<u>\$\$400</u>	Bill Administration	20 percent per bill up to a maximum of \$100	Recording of mylars & documents	<u>Actual recording cost + \$100</u>	<u>Application Administration Fee</u>	<u>\$150</u>
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SECOND:	Sweeney	Approved: Unanimous																																

B) Revise the Planning Board fee schedule by amending Section 3 of the Site Plan Review Regulations as follows:

The application fee for site plan review is ~~\$200~~ \$300 + ~~\$50~~ \$100 per every 1,000 square feet (~~over 5,000 square feet~~) of impacted area, said application fee not to exceed \$50,000. Additional fees may be required for administrative expenses, special investigative studies, review of documents, and legal and other professional services which may be required by a particular application (See Section 3 of the Subdivision Regulations). The application fee for condominium conversion is ~~\$200~~ \$300 plus ~~\$75~~ \$100 per condominium unit. The fee for document recording is the Registry's fee + \$125.

Janvrin asked if this affected changing the calculation of impacted area. Hawkins wanted to change the definition at the next meeting.



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MOTION:	Janvrin	<p><i>to revise the Planning Board fee schedule presented at the meeting of January 15, 2013 by amending Section 3 of the Site Plan Review Regulations as follows:</i></p> <p>The application fee for site plan review is <u>\$300 + \$100</u> per every 1,000 square feet of impacted area, said application fee not to exceed \$50,000. Additional fees may be required for administrative expenses, special investigative studies, review of documents, and legal and other professional services which may be required by a particular application (See Section 3 of the Subdivision Regulations). The application fee for condominium conversion is <u>\$300 plus \$100</u> per condominium unit. <u>The fee for document recording is the Registry's fee + \$125.</u></p>
SECOND:	Sweeney	Approved: Unanimous

RECORDING SITE-PLANS

Tom Morgan, Town Planner

B) Add the following to Section 5:

5.200 The site plan shall meet the recording requirements of the Rockingham County Registry of Deeds.

Hawkins commented that the Registry will send home a rejected mylar.. Kravitz noted that this proposal did not address whether or not the Board wanted to adopt a policy to routinely record, siteplan page(s), which the Board had previously discussed. Janvrin said the proposed language spoke only to the RCRD requirements. Kravitz said it would make a difference, and be variable. The engineers know that the Registry had requirements as to how the plan can, and cannot, be drawn. The proposed language means that if the plan is rejected by the Registry, it would also violate the Planning Board requirements. Janvrin thought Kravitz had said that there had been times when engineers or applicants had already gone to the Registry prior to coming to the Planning Board. Kravitz said that the Registry will review a mylar or siteplan page; that way, an inadequacy could be picked up before the Planning Board was asked for signatures. Then, when she does take the mylar to the Registry, the clerk will look up the prior page review to see if the inadequacy had been fixed. This saves time and money; sometimes the applicant or engineer will take that advance step.

MOTION:	Janvrin	<p><i>to) Add the following to Section 5: of the Site Plan Regulations as presented on January 15, 2013:</i> <u>5.200 The site plan shall meet the recording requirements of the Rockingham County Registry of Deeds, and send this proposed ordinance change to the next Planning Board public hearing.</u></p>
SECOND:	Hawkins	Approved: Unanimous



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NHHFA CHALLENGE GRANT PROGRESS

Hawkins asked Kravitz for an update on the challenge grants.

Round 1 Progress

Hawkins asked Kravitz to summarize the status of the NHHFA Challenge Grant subcommittee. Kravitz said that Paula Wood and David Baxter had joined the subcommittee. In the meetings with Julie LaBranche of the Rockingham Planning Commission the Seabrook North Village subcommittee had focused on identifying the several different neighborhoods and developing a map for the potential use of cross-connects to reduce traffic on Route 1. The first neighborhood meeting would be with the Rocks Road owners, and the Assessor had agreed to provide the list and labels. The Committee would discuss what that invitation should say. Both Chase and Janvrin have indicated they would be willing to hand deliver the letters. We also discussed how to do a similar outreach with businesses, the Mobile Park area, with businesses, and the residents along the west side of Route 1. As the subcommittee progresses, the pathway seems to surface.

Challenge Grant – Round 2

Kravitz announced that NHHFA was now inviting applications for Round 2 grants. As she and Hawkins had worked on a project description for the Route 107 area, and submitted it to the Rockingham Economic Development Corporation requesting designation as a CEDS priority project. The Seabrook Route 107 submission was accepted as the only new regional priority project in 2012. LaBranche was preparing a rough draft of the Round 2 application for a similar treatment of the Route 107 area from Route 1 to the Kensington rural area. After conversations with NHHFA, Kravitz understood that the focus for the grant had to be on potential zoning needs, just as had been looked at for the Smithtown Village, and the ongoing North Village area. If the application was filed by February 12, a response could be expected early in March. Hawkins said that the town had the match money, but the grants are very specific. The objective for Round 2 is looking at what could happen if gambling becomes a reality. Even if the #1 choice is in Salem, someone could propose something for the Route 107 area. The objective is to be ready with a recommendation for the voters for how to have development in the watershed area, which if destroyed, would be the most expensive thing to happen. The Town needed to be proactive about what should happen in that area, but it doesn't have the expertise to tackle this issue. The hope would be that the challenge grant would push forward the right direction in time to give the town the chance to vote on it.

Janvrin said that the corridor has a small piece of Zone 2 and a lot of Zone 3. He thought that some of the area should become Zone 4. Kravitz added that an overview would show the beginning of the very highly congested retail traffic on Route 1, up to the rural Kensington boundary and to Route 150. People will find that route. She commented that the Kensington Planning Board had called asking what Seabrook was doing and if it was tapping into the wells. Kravitz thought there was no idea of what would happen when the shopping center is open. Hawkins said the Routes 1 and 107 traffic intersection is a D, according to the developer. Round 2 of the Challenge Grant would deal with Route 107 west. Kravitz said that is a 2 mile area. The need was to define what should, and should not, happen out there.

Kravitz suggested that the roadway itself would become an issue – the transportation aspect



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and the infrastructure. It may be possible to obtain a small grant for technical expertise as a follow on.

Janvrin said it may also allow the expansion of the Memorandum of Understanding with the NHDOT. Hawkins said the potential problem would be in running two grants at the same time. Janvrin asked if the same people would be involved. Hawkins wanted to attract more help. Janvrin offered to approach the business owners and the residents. Hawkins said it would be important to make a recommendation about gambling and to have businesses and residents involved in that discussion; possibly someone from the Greyhound Track. Hawkins noted the owners would be opening first in Salem. Kravitz said if it did not become a gaming destination, it would still be an 80 acre parcel; something would happen. Hawkins commented it could come much faster than anticipated. Janvrin asked if that property was Zone 3; Morgan said it was. Hawkins said part of the exercise could be to add a chapter to the Master Plan as to what the town votes on what should be there. Janvrin said if the decision was to promote gambling in the zone, it would give the BOS something to lobby for or against. Kravitz commented that was one of the "to dos" in the Master Plan was to study that roadway.

Khan asked if a gas station could be allowed in that zone. His concern was the water table and wanted to see if anyone could open a gas station there. Hawkins said the Planning Board had been involved in re chemicals in that area. This needs to be addressed much more formally. Khan agreed. Hawkins said the no. 1 issue was how to protect the water supply for the town. Janvrin recalled that one company in that area could have chemicals there, but not do the chemical process. The wellhead protection area is west of I-95, and would have separate zones. Hawkins said help is needed to determine the impact of huge parking areas and development in terms of the runoff etc.,. Janvrin commented that there was a lot of wetland east of the track parking lot. Hawkins said that some believe that area would be easy to drain if there were a pact with the state. Sweeny said there were three culverts that kids used to go through. Kravitz understood that two of the well areas were currently being upgraded. There was no guarantee that Seabrook would be awarded this grant, but there was a lot of work to be done.

Hawkins said the scope of work was turned over to LaBranche to be written up into the required format. If this grant is not given, the town would have to figure out where funds would come from for this work. Kravitz thought there might be a placeholder for transportation related funds re traffic and surface transportation. Janvrin asked if the Board had to do anything. Hawkins asked for more help in getting the ideas together; 2 grants would be a lot of work. Janvrin said it would be a lot for Kravitz to keep up with. Kravitz asked for consensus to pursue the opportunity with the Round 2 grant application; agreed by consensus. Wood said this is the job of the Planning Board. .

Janvrin said that if the Master Plan is updated during this process, it would save money in the future. Khan said that control of chemicals would be very important, citing that during the last few years, one company had discharged a lot of chemicals into the sewer system and received a big fine. The Sewer Department caught this big violation very well. The water system had to be kept in mind. Kravitz commented that through Garand's efforts the town had recently established Economic Revitalization Zones, all four of which have been accepted by the State. At least one of the ERZs is in the Route 107 area. There is a light industrial area with a few new companies like SustainX. These would have an impact on any recommendations. Wood agreed.



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Next meeting

Hawkins reminded the Board that the next meeting would be on February 19; there would be no meeting on February 5 because of the Deliberative Session.

ZBA Administrative Appeal

Janvrin said he would not attend the ZBA hearing, and asked if the Board should step away from this. Hawkins said that Morgan would send his memo to legal counsel for comments on whether to forward it to the ZBA, and does the Board attend the ZBA hearing, or a group meeting. Although this was the first challenge case in his memory, Hawkins said that historically the advice had been to send the record. Janvrin said it would be easier if the opinion could be transmitted to members via email. Morgan will contact counsel and copy the planning board office. Hawkins said one person could not testify or speak for the Board which is why the advice had been not to attend.

Broadband

Chase referenced an RPC meeting reporting that Broadband would be available through the state within 18 months. The surrounding states would be interconnected for emergency systems which would be a boon in an emergency. Frazee said there would be new things coming and there would be competition.

Safe Routes For School

Chase said that SRFS funding from NHDOT would probably change over to another source within the Department. Hawkins asked if that meant that the work so far would go down the drain. Chase said it would not, but the approach might have to be addressed differently. This was part of the new evaluation process for transportation related projects. Requests and requirements should be looked at now. Janvrin said it was similar for the Rail Trail, in that the transportation enhancement funds were gone and redone under a different program, although the funds were the same.

Public Comment

Glenn Allen Chase, a Rocks Road resident said there were serious problems in town he wanted to address, noting that his Mother's knick knacks were rattling on the shelf. Wood asked if the issue were related to construction. Glenn Chase wanted to have anything that broke replaced; he was a lifelong resident. Hawkins said to record it and send a letter to code enforcement. Chase asked if this was in relation to the DDR project. Glenn Chase said it was. The town had grown; he wanted to know if there was enough water for all the new buildings. People want to make millions in Seabrook. Hawkins said that water and sewer were addressed in siteplan review. Glenn Chase said his grandfather had been a Selectman; he should have the opportunity to address the problems in town with Selectmen and Planning Board. He wanted to know about open meetings, and thought there was overspending in certain budget areas. He wanted to bring out the issues when the whole town could hear them. Hawkins suggested making a list. Khan said that the Town Report this year would



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have a photo of the rail trail. The Planning Board did not take care of spending; it would be the BOS or the Deliberative Session on February 5 at 7Pm in the Community Center. Glenn Chase said he would attend and address every issue.

Hawkins adjourned the meeting at 9:45PM.

Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board