



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 17, 2015  
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Francis Chase, Michael Lowry, John Kelly, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, engineering peer reviewer, TEC;

Members Absent: Sue Foote, Alternate; Paula Wood, Alternate, Ivan Eaton III, David Baxter; Alternate,

Hawkins opened the meeting at 6:35 PM.

### MINUTES OF MARCH 3, 2015

Hawkins asked for comments on the March 3, 2015 Minutes: there being none.

<b>MOTION:</b>	<b>Chase</b>	<b>to approve the Minutes of March 3, 2015 as written.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Hawkins, Janvrin, Chase, Khan</b> <b>Abstained: Kelly, Lowry</b>

### CORRESPONDENCE/ANNOUNCEMENTS

Hawkins called attention to an email advising that combining site plan and subdivision regulations could be problematic. Hawkins said that wouldn't apply to Seabrook as the Planning Board was moving in another direction.

### Draft Regional Master Plan - Public Hearing Reminder

Hawkins called attention to the Rockingham Planning Commission Executive Summary of the RPC Regional Master Plan now in the comment period. The Public Hearing is scheduled for April 8, 2015 at the North Hampton Town Hall 6:30 PM.

### Newly Elected Members

Hawkins welcomed the return of John Kelly, a previous Board Member, and reelected Member Michael Lowry who Hawkins said had held the most consecutive terms (7).

### PUBLIC HEARINGS

Hawkins opened the Public Hearing at 6:40PM.

### NEW CASE

#### Case 2015-05 Susan & Jimmy Demars, Courtney Queenan. And Donald Welsh for a lot line adjustment at 16 & 16A Collins Street Tax Map 15, Lot 2-1;

Attending: Susan Demars, Courtney Queenan. And Donald Welsh;  
Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd said the parcel previously was one lot with a part extending into Salisbury, Massachusetts. Years ago, before subdivision regulations in Seabrook, land owners could legally convey a piece of their land at their discretion. He used the plansheet to show how he interpreted the lot line for the back lot and the deed created by the original owner. He believed that that owner did not understand the frontage and driveway requirements and this was now a problem. An easement had been created but it was insufficient to allow the driveway. Boyd's solution involved the two



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lots each conveying some land to the other, and creating a conditional easement to accommodate the driveway and utilities for the back lot. Morgan asked if the easement was to allow passage over the front lot. Kelley asked for the location of the easement. Boyd outlined the proposed additional easement area which would be described and provided by the attorney; the old easement would continue. He commented that only the submitted plan would properly show the easement; the old plan did not. .

Morgan said the existing driveway shown on the plan did not seem to go far enough for the back lot. Boyd said the plan was busy and he did not want to make a second sheet, and pointed to the carve out box for the depiction of the driveway. Chase asked if the water service crossed other property. Boyd said that was what the water company information showed; he thought this was correct because there was a lot of ledge. Chase noted there did not seem to be an easement for the water service. Boyd said there may or may not be such an easement; the attorney would describe this. Chase thought that could be on private property, and asked if the service would be in the easement. Boyd said it would. Chase thought it might have to be moved. Boyd said if the bank had a problem; there had to be a reason why the water department wanted the placement. He thought there was a lot of ledge. Boyd said he did not have the authority to change the service depiction; this was beyond the purview of the Planning Board.

Janvrin noted a stone wall to the east and asked if there were many walls. Boyd confirmed there was a wall in re the fire department property that extended in to Salisbury, MA. Janvrin asked about the monumentation. Boyd said the legend noted that the rods would be set. Hawkins asked for further questions; there being none.

<b>MOTION:</b>	<b>Lowry</b>	<b>to accept Case #2015-05 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

Hawkins asked Morgan for conditions. Morgan said that Boyd's explanation was satisfactory. Boyd will add the Case #. Janvrin asked about the lack of contours. Boyd asked if a waiver was needed in re the lack of contours. Boyd thought that would not be necessary for a lot line adjustment. He would request this and submit with the mylar.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to grant a Case 2015-05 waiver request to eliminate contours.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

Hawkins asked if the revised plans could be submitted by March 20. Boyd will do this.



<b>MOTION:</b>	Janvrin	<b>to approve Case 2015-05 Susan &amp; Jimmy Demars, Courtney Queenan. And Donald Welsh for a lot line adjustment at 16 &amp; 16A Collins Street Tax Map 15, Lot 2-1, conditioned on:</b> <b>(i) inserting the Case # on the final plan;</b> <b>(ii) the revised plan to be entirely satisfactory to the Town Planner;</b> <b>(iii) the plan will expire in 180 days if the conditions of approval have not been met (09-17-15), and</b> <b>(iv) open invoices paid prior to the Chair signing the plan.</b>
<b>SECOND:</b>	Lowry	<b>Approved: Unanimous</b>

**ONGOING CASES**

**2015-02- Proposal by Boddy New Hampshire Realty Trust for a 3-lot subdivision at 11 Groveland Street, Tax Map 22, Lot 1-278, continued from February 17, 2015; TRC recommendations;**

Attending: Len and Bernadette Boddy;  
 Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Hawkins asked for the Beach ZBA findings. Boyd will provide this variance for the file. Boyd said they were creating 3 almost identical lots in frontage, width and area. Boyd said would submit the waiver that Friberg wanted for the sidewalk. He noted that sewer matters were not discussed at the TRC; there would be a sewer easement from lot A for the benefit of Lot B. A notation would indicate that stone strips would be put around the houses for the stormwater. The stormwater calculations were added to the plan showing a slight increase. The 20 foot driveway was shown, otherwise this was a simple subdivision and frontage. Hawkins asked about the water service. Boyd said there was a one inch Groveland Street water service line that served 4 houses. Boody had the option of tapping off that line if he could prove this out. After talking with Friberg and the Water Superintendent, they thought that would not be a good idea. This was resolved by tapping the 12 inch line from Ocean Boulevard for lots A and B. There would be no loss of pressure in re the existing houses including Lot C.

Chase thought two new lines would be needed. Boyd said the plan would be corrected to show 2 taps. The current pressure was adequate because this had the highest water pressure in the town. Hawkins thought there would be 2 new taps, plus the existing line; total 3. Boyd said they could even taps for 2 more houses. Chase said the existing line was not big enough for 4 houses. Boyd said there was no net loss of pressure. The existing line would be used for one of the other houses. There would be no need for calculations in re the existing lines. The Hawkins asked for further comments; there being none. TRC said any more service of the one inch line, they would have to either provide the calculations or spend the extra money. He did not see that Boody should have to pay more, when it was the town's problem. What exists was sufficient.



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Morgan asked about the TRC recommendations. Boyd read from those minutes: (i) provide water and sewer permits; Boyd said no NHDES permits were needed, (ii) depict infiltration trenches and hydrant locations, (iii) consultation with the sewer superintendent, (iv) manholes deep enough, (v) driveway and pavement permits, (vi) written ok of the Beach Inspector (ZBA), (vii) show elevations and contours, (viii) notation of the Operations and Maintenance plan, (ix) inspection, (x) no c/o without driveway permits. Boyd will notate the waiver and the hydrant location(s), and commented they would need a driveway permit. Janvrin said they would need 3 permits. . Hawkins commented that because of existing Beach driveways that were wider than the 20 foot regulation, the Beach Building Inspector would not issue a c/o without a driveway permit. Applicants would be responsible for obtaining driveway permits from the town. Boyd thought only the waiver Janvrin asked if the next hydrant was on Merrimack Street; Boyd was not certain of the location; he will notate the location.

Chase asked if the Board could require a separate water service for the new houses, noting that they could never be sprinklered off a one inch line. Hawkins thought the Board could do that, and asked for Friberg's view. Friberg said that would be within the Board's purview. The TRC discussed that the existing house was quite large and would be demolished and replaced by 3 new houses smaller in size, which would produce no volume increase; therefore the 2 new taps would be sufficient. Chase again raised the sprinkler problem. Boyd said the existing house had had water for more than 40 years. Upgrading for sprinklers would require a 4 to 6 inch line at the minimum; it would not be fair to require the Boddy's to do that upgrade when they would not be drawing more from the one inch line. Hawkins asked Friberg for the security. Friberg recommended \$5000; most of the work would be on the Route 1 shoulder, and alongside Groveland Street. Also, the 3/4 inch service should be eliminated from the plan, and the waiver should be added.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to grant a Case 2015-02 waiver request to eliminate sidewalks under Section 6.221.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Unanimous</b>

Hawkins asked for further comments; there being none.

<b>MOTION:</b>	<b>Lowry</b>	<b>to approve Case #2015-02- Proposal by Boddy New Hampshire Realty Trust for a 3-lot subdivision at 11 Groveland Street, Tax Map 22, Lot 1-278, conditioned on:</b> <b>(i) providing security of \$5,000,</b> <b>(ii) removing the 3/4 inch line from the plan,</b> <b>(iii) conditions of approval on the final plan,</b> <b>(iv) the sidewalk waiver notated on the plan,</b> <b>(v) inserting the case number in the plan title block;</b> <b>(vi) notating the ZBA finding;</b> <b>(vii) open invoices paid prior to the Chair signing the plan,</b> <b>(viii) the final plan to be entirely satisfactory to the Town Planner;</b> <b>(ix) the plan will expire in 180 days if the conditions of</b>
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		approval have not been met (09-17-15), and <b>(x) no certificate of occupancy issued without a driveway permit(s).</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: In favor: Hawkins, Khan, Lowry, Kelley,      Janvrin;      Abstained: Chase</b>

**ONGOING CASES - UPDATES**

**Case #2012-18 Latium, Tropic Star gas station**

Hawkins referenced the letter from the Hinkley Allen attorney indicating that the Case #2012-18 status was on hold until the court case was done. He did not understand why the letter was written. Morgan said it was related to their comment that state law applies to this situation.

**Case #2014-17 Sea City Phase 2**

The required update was provided.

**Case #2013-15 Waterstone**

Hawkins noted that the first store, Hobby Lobby, was open.

**Case #2014-30 Proposal by David Benoit and Raven Realty Trust to construct a 3,557 square foot auction house at 892 Lafayette Road, Tax Map 7, Lot 92-1, continued from December 16, 2014, February 17, 2015;**

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

Hawkins explained that the Applicant disputed the amount of the Security. Friberg was asked to resolve the issue. Friberg proposed that the security amount be reduced to \$40,000 on condition that the water line be installed first and inspected before any other work begins. The other conditions remain in force. By consensus, the Board agreed.

**2015 PROPOSED REVISIONS TO SITEPLAN AND SUBDIVISION REGULATIONS**

**Proposed Subdivision Stormwater Management Standards**

Morgan reviewed the proposed language and changes made at the last Planning Board meeting; item by item, and heard comments from those in attendance. Gordon Leedy, of VHB, referenced his letter provided to the Board in the packet, and suggested that there be one standard for all redevelopment, and one standard for green space; the 40 percent reference should be removed. He thought it was unclear whether this applied to the whole town or just to the aquifer protection area which is west of I-95. Hawkins emphasized the need to get this right in the aquifer protection zone. The standard should be to do the best job practicable. The volume control regulation would apply only in the aquifer protection zone. Kelley emphasized the importance of the footprint. Friberg said the objective was to keep all the runoff on the site. Kelley thought that if a building would change on the same footprint, the Applicant should not be penalized.



**Section 7.100**

Morgan noted that the Planning Board could waive a provision in the regulations. "Building demolition" would be removed. Friberg wanted to encourage all developers to follow the MS-4 for the stormwater requirements. Hawkins said this would be the opportunity for a developer to upgrade to the current standards, otherwise the town would have to pay for stormwater controls inadequacy. Janvrin said the objective would be to leave the site better than before Leedy asked what harm would come if the building were on the same foundation. Khan asked if this would cover the whole town. Janvrin said it would cover commercial and industrial, not residential. Hawkins asked Morgan if a new posting was necessary. Morgan said no new posting was necessary. Hawkins asked for further comments; there being none.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to adopt the revisions to Section 7 of the Subdivision Regulations as agreed at the March 17, 2015 Planning Board meeting.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Unanimous</b>

**Proposed Site Plan – Spill Prevention Revision**

Hawkins asked for comments. Gordon Leedy, of VHB, said he had suggested seeking relief from the ZBA for containers of greater than 5 gallons of regulated substances. For example, he asked if the Yankee Greyhound property needed such a variance, would the Planning Board support this. or could there be a waiver if the SPCP was approved by the Fire Chief. The intent would be to decrease chemicals in the aquifer protection zone. The tenants would be inside the building(s). He noted that membranes could be used for brownwater and surface water monitoring without problems. Janvrin wanted to do this now to communicate the legislative intent. Hawkins commented that the subcommittee discussed the intent which was to protect the aquifer. Leedy commented that after an hour discussion on January 6, 2015 the Board had voted to include this in the zoning. Morgan said this was being discussed at this meeting. Janvrin noted that only 5 gallons could spill at one time; the Board could choose to provide a waiver. For example, for the US Foods project the engineers came up with a solution. The regulation should be in effect for the whole town.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to adopt the Spill Prevention language in the Site Plan regulations as agreed at the March 17, 2015 Planning Board meeting.</b>
<b>SECOND:</b>	<b>Kelley</b>	<b>Approved: Unanimous</b>

Leedy suggested this reference one tank at a time and to tie this to the SPCP. Hawkins said the Board would want to see the specific proposed design in re the process chemicals. and did not want a blanket provision.



## OTHER BUSINESS

### Route 1 Subcommittee

Hawkins wanted to wait for Baxter to be present for the Route 1 discussion.

### Impact Fee Subcommittee

Hawkins said that volunteers would be needed to serve on the subcommittee. Chase, Janvrin, Hawkins volunteered. The Town Manager might want to participate, as well as outside professionals. The Board of Selectmen would be involved for the water and sewer.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to invite Budget Committee members to participate on the Impact Fee Committee.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

### Exactions

Hawkins distributed to the Board the email from the Board's attorney re exaction distributions. Janvrin suggested asking the donor. Hawkins said the Minutes concerning the Kohl's donation should be reviewed for clarification. A phone call with the attorney may be necessary.

### Streamlining the Planning Board Process

Hawkins said although there were some procedural requirements in the ordinance, this should become a part of the Application. He would be meeting on March 24, 2015 at 7:30AM with Morgan, Kravitz, Friberg and Zalewski; others could join in the meeting.

Hawkins adjourned the meeting at 9:05 PM.

Respectfully Submitted  
Barbara Kravitz, Secretary  
Seabrook Planning Board