



## Town of Seabrook Planning Board Minutes

Tuesday, April 5, 2011

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin; Dennis Sweeney; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent; Sue Foote, Vice Chair; John Kelley; Robert Fowler; Michael Lowry, Alternate; Paul Himmer, Alternate;

Hawkins opened the public meeting at 6:35 PM.

### **ORGANIZATIONAL MEETING**

Hawkins said that because a number of Board members were not in attendance, he preferred to delay the election of officers until the next meeting.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to table the Organizational Meeting until April 19, 2011.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

### **MINUTES OF March 15, 2011**

Hawkins asked if there were changes or corrections; there being none.

<b>MOTION:</b>	<b>Thibodeau</b>	<b>to accept the Minutes of March 15, 2011 as written.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

### **SECURITY REDUCTIONS OR EXTENSIONS**

Hawkins read a **request from Gary Moore to extend the Case #2009-21 conditions of approval to year end due to economic reasons.** He noted that the Board had generally approved such requests particularly when they are caused by the economy, and recommended the request be granted.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to extend the conditions of the Notice of Decision for Case #2009-21 – Gary Moore subdivision, until December 31, 2011.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous Abstained: Moore</b>



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Hawkins noted that **sidewalks for Case #2010-29 had been waived by the Board and the Applicant, Midway Utilities Construction, was requesting a further security reduction of \$500.** Kravitz said that the Board had previously approved returning \$5,000 that had been provided for sidewalk security. However, the correct amount should have been \$5,500 so a further reduction of \$500 was requested by the Applicant.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to refund \$500 of the \$71,125 security posted for Case #2010-29, as sidewalks had been waived for this project and therefore that amount was not needed.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Kravitz noted that Midway had already received the \$5,000 previously refunded.

## **CORRESPONDENCE/ANNOUNCEMENTS**

Hawkins referenced a **letter from NH Department of Transportation Commissioner Campbell responding to the Town’s opposing signing a written agreement that it would take on the responsibility for maintenance of sidewalks on the Route 107 Bridge over I-95 which is to be expanded.** Hawkins said that the State’s position, that the Town accept responsibility or the sidewalks would not be built, had not budged. Hawkins added that the Board had requested a copy of the written policy relating to towns having to accept responsibility for sidewalks. **An email had been received from Steve Ireland of NHDOT indicating that the policy does not exist in writing.** Moore noted that the Route 84 bridge in Hampton Falls over Route I-95 had a four-foot sidewalk, and he did not think that town plowed.

Hawkins referenced the **letter from the Board to the Keri Marshall Law Firm indicating that there was no need for the type of presentation they had requested to discuss the Hampshire Inn’s issues concerning left-turns into Spur Road. The letter explained that the Board had no authority or responsibility for making decisions in re a state road,** and recommended that they contact the New Hampshire Department of Transportation about their concerns.

Hawkins called attention to a **Department of Environmental Services Drinking Water Protection workshop on May 10 at the Grapone Center in Concord.** As attendance is limited, anyone interested should make a reservation soon.

Hawkins called attention to the **Workforce Housing Coalition 10<sup>th</sup> Anniversary with a silent auction on April 7 at the Sheraton Portsmouth.**

## **Informal Conversation with Yankee Fisherman’s COOP**

Bob Campbell, Yankee Fisherman’s Coop, Ken La Valley, UNH fisheries biologist, University of New Hampshire;

Campbell said the Coop had existed since 1990 and is the only remaining infrastructure for commercial fisheries in New Hampshire. He noted that a similar facility in Portsmouth had closer more than two years ago. Campbell said they had made a presentation to the Board of Selectmen and coming to the Planning



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Board was the next step. Since the mid-nineties the fisheries had been under lots of regulations the strictest of which was issued last year cutting amount a fisherman could catch by 40 to 50 percent. There aren't new fisheries they can join except for the COOP. Currently the COOP does wholesale distribution of whole fish to cutting houses in Maine, Massachusetts and Canada. They do not have a facility in New Hampshire that cuts local fish. They believe the only thing they can do to add value to the fishermen and viability to the business is to cut out the middle man on some of their product by filleting their own fish and go direct to local markets, institutions and supermarket chains that want to buy local product. The fishing industry is in very tough shape and needs a boost. The jobs through the COOP include about 60 members plus the plant workers. They hope to add between 6 to 10 jobs with the proposed new process facility.

Hawkins asked for a description of the proposed changes so that the board could discuss what the process needs to be for an application and more formal review. He agreed that something needs to be done to help the fishing fleet to survive. He thought that a 50 percent cut in the catch was a lot, and asked if that was in one year. Campbell confirmed this. Hawkins asked if that was all along the east coast. Campbell said that New Hampshire is the most affected in the northeast. Hawkins asked if it is just the type of fish or the catch locations. Campbell said the way the government defined the "catch shares" is complicated, but the regulation was said to result in a 50 percent reduction in poundage over last year for most boats. Campbell said they have had to diversify as more and more regulations have come down. They have to be able to market any type of fish that the COOP boats can catch including lobsters, scallops, shrimp, tuna fish, whiting etc. The boats have had to diversify in order to remain viable, but there aren't different species to add. They think the only option is to diversify and go direct. During the past three years they have gone to farmers markets to see what kind of local interest there would be. They've had good success in North Hampton and Portsmouth farmers' markets.

Campbell said there is so much interest. It would be good for the fisheries and also for informed consumers and local markets who want to know where product comes from, who don't think "cheap" is always best, and want the freshness. They think they have to cut out the middlemen and put some money back into the boats. He pointed out in the drawings where the new facility would be situated. The proposed building is about the same size as the existing building and would be for dry storage, a small processing area and retail space. Hawkins asked if this would service just the fleet out of Hampton Harbor. Campbell said it would be for any fisherman from New Hampshire and for anyone who wanted to use it. They can have the processing done and take it with them; they can have the COOP do the selling. Hawkins asked where the closest competition would be located ie other fish cutting houses. Campbell said he knows of Eastman's in Seabrook and Seaport fish in Rye are small fish markets, and there is Tri-State in Sommersworth. The COOP expects to have a bigger operation except for Tri-State.

Hawkins asked if the land is owned by the Town, and asked how the building is being paid for. Campbell confirmed the Town's ownership of the land and said that they expect the new facility would cost about \$1,000,000. They are applying for \$750,000 in grant money and expect to raise another \$250,000 in low-interest loans. Hawkins asked how far along they were in this process. Campbell said they are in the starting process. Without the approval of the Town they can't go much further. Morgan asked about state permits. La Valley said they were working with the COOP and sourcing funding from the Regional Economic Development Corporation, a Community Development Finance Authority block grant as well as the low-interest loan. Funding is also being sought from the Rural Economic Development Agency. Seabrook would be submitting and accepting these funding awards, although there is no cost to the Town. As for permitting, an environmental impact assessment would have to be done. For the most part it will be for existing operations. Apparently there is an existing state retail license. They would need to show no outgoing effluent into the ocean. Morgan asked about specific state permits. La Valley said the Department of Environmental Services might require something; the idea is to have a sustainable operation with minimal discharge. They intend to follow an environmental approach and collect excess



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fish parts for compost, so there wouldn't be an additional effluent discharge. They are working with an architect and engineering group.

Morgan asked if the Town gave the go ahead, how long would it take to [complete the process]. La Valley said they hoped to be ready for a quarterly round of funding in June, and understand it would take a couple of months more for processing. They are working on the siteplan and understand that there is a public notice before the Planning Board hearing. He thought that October might be more realistic for applying for federal funds. They would need to know whether the Town supports the proposal to move forward with the REDC funding request. Once grants are in place and awarded it doesn't mean the Town has to accept the grants until the preliminary approvals are in hand. They need to get the siteplan in place and then work out the schedule for getting for submitting the funding applications. It's really a partnership with the Town. Hawkins asked what would be needed from the Planning Board to meet the June deadline ie only a letter of support or the full siteplan approval. La Valley said to meet the June deadline engineered plans would have to be in place and approved.

Hawkins recommended that they meet with the Town Planner to get the details of how the application would be judged and the information requirements so they don't have to do things two or three times. That way it would move much faster. Hawkins noted that the Planning Board could move fairly quickly if the application meets the ordinance requirements. If there are things they cannot do, a waiver can be requested. He thought there would be quite a bit of support from the Town of Seabrook. La Valley wanted to meet with the Town Planner at some point. Hawkins asked for further questions or comments. Thibodeau said the Town had been very supportive of the Fisherman's COOP from the beginning and she did not see any problem. Moore said the board of Selectmen unanimously approved support the project. Hawkins noted that they had talked with Dick McGuire, and suggested that the Beach Civic Association would love to hear about this project. He thought they met the second Tuesday of the month and are always looking for speakers. Kravitz suggested a meeting with the Town Planner be set for April 15 at 11 AM as that is when he would be available. La Valley said they would aim for that time. Hawkins wished the COOP good luck.

Hawkins asked about the process noting that the water plant hearing went quickly. Morgan said if it were a governmental use the Board could decide about the process. Thibodeau said a couple of years ago there was the hope for changes along the east coast, but nothing came of it. She would love for this to succeed. Moore said the New England fleet got hit the worst.

### **PUBLIC HEARINGS**

Hawkins opened the public hearings at 7:05PM.

**Case #2011-07E.2008-03 – Proposal by Francis Chase to revise an approved site plan and to seek a conditional use permit to allow residential use in a commercial building at 12-16 New Zealand Road, Tax Map 7, Lots 71 & 72.**

Attending: Francis Chase

Chase said that he wasn't sure whether to withdraw this proposal and proceed first with the Zoning Board of Adjustment because Garand had advised him that zoning allowed only 2 units, and he had talked about 5 units all along. He asked for guidance from the Board. Garand asked if the case could be continued until after the ZBA meets. Morgan said a continuance would be fine. Hawkins asked about the issue. Morgan said he'd met with Chase but had not referenced the 2 unit limit which Garand had noticed. Hawkins said that the Planning Board could not deal with that. Morgan said they would have to wait for a ZBA ruling. Hawkins did not have a problem with continuing the case.



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<b>MOTION:</b>	<b>Moore</b>	<b>to accept Case #2011-07 as substantially administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

Moore noted that chase could do 2 units. Chase said there are 5 units Garand said the case could be heard at the ZBA in May and suggested it return to the Planning Board at the first meeting in June.

**Hawkins continued Case #2007-11 to June 7, 2011 at 6:30PM in Seabrook Town Hall.**

Chase reference the second drawing submitted, and said that the sidewalk is the second matter to discuss. Morgan said that could be dealt with at this meeting. Chase said that the granite curb and sidewalk was proposed in the original application. He review this with the DPW Manager and said that the drawing makes this safer and more "drainageable" by depicting a bituminous sidewalk and eliminating the curbing which would allow the water running off New Zealand Road to enter a drainage swale. He referenced a memo from Starkey which agrees with this change. Moore noted that Starkey seems to be in support. Chase said it was similar to what he did on Anchor Way. In reality, this is a better design than the curbing for snow, drainage and safety issues. Hawkins asked about other sidewalks. Chase said there are none on that road. He said the Planning Board required the sidewalk so it was in the plan. The parking lot is completely built. If curbing is used, the water would be dumped an area that already has water accumulation and floods into the parking lot and builds up. The change would give some grass to absorb some of the moisture and direct the rest into the drainage swale or the retention pond. Chase said that the DPW had tried to get that unplugged several times during the winter. Janvrin asked if the concrete would be removed. Chase said it would as would the curbing. They want three-feet of grass and then put the sidewalk down. It would make the plowing so much easier. Janvrin said it would be better for pedestrians and biking. Chase again said the CPW Manager agrees with this change.

Hawkins asked for questions or comments. Morgan said he trusts the DPW Manager's judgment. Chase noted there is still security being held.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to approve the use of a bituminous substance for the Case #2011-07 sidewalks.</b>
<b>SECOND:</b>	<b>Thibodeau</b>	<b>Approved: Unanimous</b>

Garand proposed that Case #2011-08 be postponed to later in the meeting as Henry Boyd Jr had not yet arrived. Hawkins agreed.

### **PROPOSED AMENDMENTS TO LAND USE REGULATIONS**

#### **Vision Chapter**

Hawkins said that the Planning Board is working to accept Master Plan Chapters. The discussion of the Vision Chapter was continued to this meeting to give the Board a chance to read the updated copy. Hawkins asked for comments or revisions. He noted that Morgan had recommended that sea level rise be addressed in this chapter, and Hawkins referred to the page three paragraph. Morgan agreed. Hawkins said this chapter had been developed with input from community vision meetings in 2008 and 2009, which yielded a lot of feedback relating to the future of Seabrook. Kravitz suggested that something relating to the concepts for the village work with the Rockingham Planning Commission would provide an update from 2009. Hawkins noted that this is covered in detail in the Transportation Chapter. Thibodeau did not want the notion of moving the church to be added. Moore said this was known up front. Thibodeau did not agree with referencing this. Janvrin thought the church was seeking to be placed on the national



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heritage listing. Hawkins asked if the Board wanted to postpone voting on this chapter to get an addition that relates to the development of the village concept. He noted that what is in the Transportation chapter is only one method for preserving the southern part of Route 1 with a small town feel, so that the huge developments in the north roadway area are not repeated there. Thibodeau thought that the references to the Folly Mill Road area were sufficient. Kravitz suggested including the 2010 design workshop as a resource. Moore thought the summary statements were sufficient. Hawkins said this is a broad statement and a lot of detail was not needed, noting a reference to community mixed-use centers. The references mean that these concepts are being looked at without any commitments at this time. The Town needs a long-range plan and if some items could be accomplished that would be better. It helps to keep an eye on things to look for opportunities to maintain the character of the Town. It might be zoning changes or how siteplans are done. In the past it wasn't possible to steer growth in the direction the Town wants.

<b>MOTION:</b>	<b>Moore</b>	<b>to adopt the Master Plan Vision chapter as presented to the Planning board on April 5, 2011 by the Master Plan Steering Committee.</b>
<b>SECOND:</b>	<b>Thibodeau</b>	<b>Approved: Thibodeau, Moore, Hawkins, Sweeney; Opposed: Janvrin</b>

### **Community Facilities Chapter**

Hawkins said that the Communities Facilities Chapter was an outline of all of the facilities owned by the Town with a little bit of discussion about their history, budgets and condition. As with the other chapters, the action plan at the end of the chapter is the CIP. It helps to keep an eye on these items and to have the Master Plan saying the same thing when applying for grant money. He asked for comments or changes; there being none. Hawkins said the chapters are being finalized during the next few months as the Master Plan work is nearing the end. He commented that the Master Plan Steering Committee had approved about a half dozen chapters.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to adopt the Master Plan Community Facilities Chapter Vision chapter dated _____ as presented to the Planning Board on April 5, 2011 by the Master Plan Steering Committee.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

### **ONGOING CASES**

**Case #2011-03 – Proposal by DeMoulas Super Markets, Delta & Delta Realty Trust, and RMD, Inc. to demolish a 4,940 square foot donut shop, and to expand Southgate Plaza to encompass 156,838 square feet of retail space at 380-458 Lafayette Road, Tax Map 8, Lot 111; and Map 9, Lots 1 & 2, continued from January 4, 2011; March 1; March 15, 2011; topics: existing conditions, proposed site layout, grading, parking, utilities, stormwater drainage;**

Appearing for the Applicant: Jim Lamp J & CO, for RMD; Earle Blatchford, Hayner-Swanson surveyors and civil site engineers; Eric Brown, PCA Architects; Ari Pollack, Gallagher, Callahan & Gartrell;  
Appearing for the DPW Manager: Jim Kerivan, Altus Engineering;



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Blatchford recalled that as Brown had attended the March 15 meeting but was not heard, he had been scheduled to speak first at this meeting. Brown referenced drawings and said that the existing architecture was nice and simple, providing a calm break for drivers down Lafayette Road. They propose that the new building carry out a similar theme of brick fields which are compatible with the materials used in the existing building. Hawkins noted that the front of the north end of the existing building was just a brick façade, and that part of the proposal was not to have plantings in front. Brown said the drawing was not properly coordinated with the landscape plan. Lamp said the discussion was about having ten-feet of landscaping in front of the building which they could not do. Possible they might be able to put some hollies in a planter. Hawkins said that area was a fairly large expanse of brick; the drawing looked nice. Lamp said the proposal is just forty feet. Unfortunately, they cannot open up the buildings with much glass because of the interior design. Brown said given the length of the building with glass and signs, overall there was a rhythm of elements. Hawkins asked if the Board had questions at this point. Thibodeau asked if there would be more than one entrance. Brown said the building entrance would be unchanged, except for the [southern] end which would have its own entrance. Lamp said the architect inadvertently placed greenery in the front.

Brown referenced the "L-shaped" new building would carry out the brick with metal awnings at the entrances. Morgan asked how many tenants were expected. Brown said it is not leased at this point so possibly some of the building would not have doors as depicted. It is designed as a multi-tenant building. Lamp assumed it would be as many as five tenants. Hawkins asked for comments or questions. Brown said it is a 15,000 square-foot building; users would have different square-footage requirements. Moore said it was a pretty standard box.

Lamp acknowledged that they have received an exaction fee calculation for Route 1 from the Town, the drainage memorandum from the Planning Board engineer, and a memo from Altus on drainage. The exaction calculation was being looked at by their traffic engineers. He asked if correspondence had been received from the NH Department of Transportation. Hawkins said it had. Lamp noted NHDOT had calculations for Route 1 and the Route 107 Bridge totaling about \$52,000, and said he was not sure how the town fee relates to that. Hawkins said he was surprised to see the fee in the NHDOT letter and would have the same question. He said that that would be best dealt with in the traffic discussion, noting that the Board did not have the NHDOT background to the figure. Hawkins referenced the stormwater memos and said there seem to be a number of stormwater issues still to be addressed. He did not think that the Planning Board was in a position to say yes or no on those issues without having input from the engineers. He thought that the Applicant's experts should work directly with the town's experts, and proposed that they sit down together and come to some kind of agreement on how to deal with the many issues raised relating to the drainage. It would be a waste of the Board's time to try to deal with this at the hearing. The experts should offer their recommendations for a resolution of the issues after they come to agreement. Blatchford agreed. Hawkins asked if the Board had comments in re the various communications.

Janvrin said that about six weeks ago during the drainage discussion, the Applicant said they were a part of the drainage issue and if the Town wanted to have a hydrological study they might contribute to [the cost]. He thought the Planning Board engineer was saying about the same thing [about a study]. He asked about the willingness to contribute to such a study. Lamp thought it made sense, but noted that the memorandums addressed two different issues. One addresses the design of the drainage system, and the other addressed the flow, volume and runoff rate coming off the system and how it affects abutters. First they need agreement that they have met the town requirements for the closed drainage system, with the caveat that they hash out the Altus issues. Lamp recalled that he had suggested the figure of \$10,000 to start off such a study by the town. He had looked at the tax map and believed it affected about 25 private properties as the drainage area is massive, and it is hard to say where it stops. He will talk with his client about some sort of initial sum to start such a watershed study, but it is also necessary to see where



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all the other costs come out. There would be a point at which for 33,000 square feet the financial cost would not support the project.

Pollack thought it would be helpful for the Applicant to have some direction from the Board on some of the open issues, rather than have just a comment from one member or another. He asked if it is the will of the Board to have the expansion issues related to drainage handled in a meeting with Altus and the Applicant's engineers for the purpose of coming in with some kind of proposal. Additionally, is it the board's intent to have some kind of contribution toward a town-sponsored drainage study on the offsite issue. Hawkins said that the Board's concerns are mostly stated in the Altus letter. It is the amount of water that goes off the site compared to the current runoff, as well as the points that challenge the methodology in the engineering proposal. The Board is not capable of dealing with that, and needs to see a proposal that is agreed to by each of the engineers. Additionally, there is the issue related to one of the detention ponds that is very close to Route 1 and to abutting property. The Board had asked if there were some kind of alternative design to accomplish the same thing. How it will look, and mosquitoes control are other considerations. So far there are no details on how to control this. Hawkins said the Board would like to see a written report showing how those issues would be addressed, so that it can make a determination to the satisfaction of the engineers.

Pollack said the Applicant welcomes that approach. However, in addition to the drainage generated by the expansion, he thought the Board had spoken of the existing conditions drainage which involved more than one site. He wanted to nail that down to get some kind of agreement on how to handle the existing conditions for this Application, otherwise it might not be productive to have the rest of the discussion. Moore agreed that the best way to handle all of this is for the engineers to work their way through it, because in the end they might not have to go any further. The list is pretty extensive. He suggested they get down to working these items out. Lamp asked that if there were an agreement that there is no increase in flow, rate, or volume off the site, if the study off the table and the town is looking for a contribution. Hawkins said that when the study was first brought up the Board was talking about having some drainage out to a Railroad Avenue location, and Lamp was reluctant because the impact wasn't known long-range and they did not want the liability without having a formal study done. The cost had been estimated at up to \$75,000. Hawkins explained that that is when the talk about a study on the drainage began. He did not know whether that would be required to come up with a solution. If that were the only solution and the Applicant were still unwilling to do it, then the question would be whether the town would proceed with such a study. Or is a study needed just dealing with the current discharge off the site. Lamp said if they have to do a whole study they would no longer be willing to be before the Board because they cannot afford it. Hawkins said that is the way he remembered it ie the Applicant was not willing to do the whole thing.

Hawkins said that the Altus Report shows there are issues as to the design of what had been proposed that needed to be addressed. If that can be settled then other discharge issues wouldn't have to be addressed. If that were the result, why would they spend money on a study. The engineers have to tell the Board what they find. Lamp thought that if the Applicant did not do anything, the Town still had a problem. That is why even if Altus agrees they are not increasing flow, volume or runoff, it would be the right thing for the Town to have someone look at this. Thus he wanted to know that if Altus agreed that everything had been mitigated on the site, there would be no requirement for the town to do additional studies because their impact would be 0 from the existing conditions. If Altus agreed with the siteplan, or the Applicant changed its plan so there is sufficient mitigation and no offsite impact, will there be a need to revisit this site or is the town just looking for a contribution for a study on the watershed. Janvrin did not think it should be requirement that there be 0 or less impact. Lamp said if they cannot provide proof they have to go away.



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Pollack said there are a number of issues that drive the economics of the project, of which this is one. If the Board is looking at the expansion and asking if the Applicant is holding the runoff from the expansion area ie meeting the regulations in re the stormwater drainage, then they can have the meetings and work this out. If the Applicant accomplishes this and then the Board says to look at how to fix the preexisting scenario, then the Applicant's position would be that it does not have to fix that because it is existing. There can be a discussion about a contribution to a larger study, but they do not want to be confused about whether the Board will say they have to address the existing problem if they have mitigated the site properly. Hawkins did not have in mind that they would look to study the existing situation. The study came up in re the proposed system and using the Railroad Avenue route to get some of the water off the site. He was not looking to go back in history. Hawkins asked for Morgan's view. Morgan agreed with Moore that they should take the first step and meet with Altus.

Hawkins asked where they are in the permitting process with the NH Department of Environmental Services, and would they ask if the Applicant is mitigating the existing conditions. Lamp thought the NHDES would end their review if they did not have a problem with the numbers and they mitigated their impact. Morgan asked about the timeframe. Lamp thought it would be 60 days. Typically, they discuss things by phone and interacted with them prior to the submission. Morgan said the Planning Board is not accustomed to being out of sync with the NHDES; typically these applications come to the Planning Board at the beginning of the process. That is a good idea so that the Planning Board figures out the stormwater and then finds that NHDES changes it. Lamp said they actually held off submitting to NHDES; they know their requirements. But sometimes it is subjective with a Board that might want something moved. They wanted to see where the Planning Board stood, but several items are still in limbo ie internal open space, grandfathering of the parking field, 15 foot landscape islands. They cannot move forward because if there are changes they would have to return to NHDES. They were hoping to get some of the waivers at this meeting which he did not think affected the Altus discussion. Issues like whether the impervious gets moved around can be worked out. To date they spent \$150,000 on the civil engineering for the site layout, and they do not know where they are. If it is not grandfathered either the project dies or they go back to the ZBA for a variance for parking space size, otherwise they lose too many spaces.

Blatchford asked if the "grandfathering" question had been put to the Planning Board counsel. Hawkins said the response had come in that afternoon. He asked Morgan to describe that position. Morgan said in a nutshell, the existing parking is not grandfathered. Pollack asked if the counsel's response would be shared with the Applicant. Hawkins asked if there were a reason not to. Morgan did not think so but would feel more comfortable getting counsel's ok. Hawkins said they would ask counsel if that would be ok. Pollack said he had spoken with the Planning Board counsel about two weeks before and sent an email asking to be part of the discussion on that issue as it is the driver for the whole project. They did not know where the issue stood, nor did they know counsel's rationale. Hawkins thought they could get a copy to them. Lamp said they had approached the CFO in August of 2010 and asked the question because they were going before the ZBA and wanted to touch on anything that would require a variance. He thought they all concurred that it did not make sense that it wasn't grandfathered and they went forward on that basis. It would be a big step backward to go back to the ZBA before discussing this with the Planning board. Hawkins said at the last meeting he asked if a modification is made to an existing building, how did that grandfather the parking. If there were just a stand-alone new building and there were no changes to the existing building that would be one thing. But if there were an addition to the existing building, why wouldn't the current ordinances apply to that facility. Hawkins said he is not a lawyer but that seemed to him like common sense. He noted that when he added onto his home he had to make modifications to the septic system. That is the only chance the Town has to get upgrades to the property that should be made.

Hawkins said he did not know what the legal position was or should be which is why the attorney was asked for comments. Pollack had no issue with the Town seeking legal advice but just wanted to be part of the discussion. He would be happy to speak with the Planning Board counsel. The Applicant's



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explanation was that the expansion area is what needs to comply with present day code or zoning, similar to a home that is non-conforming in several ways having to comply with new codes for an addition; the entire rest of the house doesn't have to be upgraded. They are adding on both ends of the building and also adding a separate building. He said all of the new areas were in compliance or a waiver requested. They believe all of the old areas should be treated separately. Hawkins appreciated Pollack's argument but said that counsel had an opposite view. He would leave it to the attorney's to come to agreement. Pollack said it would be helpful if the Board would state that he could discuss this with their attorney. By consensus the Board agreed there was not a problem in his talking with their counsel. Unless there is a change of mind, there is concern on the part of a number of Board members as to how much parking was being added to an already sizable parking lot filled at one end and usually empty at the other end almost all the time. Yet more and more black top is added. He noted the suggestion that the area designated for employee parking would be an option for dealing with some of the drainage. He agreed that some of these issues needed to be settled so all of the options related to drainage could be looked at.

Hawkins said he is only one member and wanted to hear from other members about their expectations for parking. The proposal is over ordinance by about 100 spaces. The Applicant says because they are building "new" they can add a number of new spaces to the existing spaces. The Board would say this is one site and the total square-footage should be divided by 250 to come up with the allowed number of spaces. Hawkins felt that there is plenty of parking already, and asked the Board for their view. Moore assumed that most of the additional spaces are for the stand-alone building. Lamp said theoretically they assumed that the parking spaces per square foot could stay where it is. They met the new ordinance and stayed below that threshold of maximum 4 per 1000 parking for the new parking and new square-footage. With the Planning Board counsel's determination it throws that theory out the window for the time being. They made the new parking meet that requirement and stayed under that threshold. They had the same issue when they were before the Board for the northern site. Lamp said that one can't look at retail as a "cookie-cutter" and say that one size fits all ie every retail should not need more than 4 spaces per 1000 feet. Market Baskets do a lot of volume. As the chair said on one side of the site it is hard to find space at times. They have entities that do not meet that same requirement. If there is a different tenant in five years the volume may be needed, so the spaces have to be available. In the market, retail space is 4 -5 per thousand.

Janvrin asked if behooved the Applicant to go to the ZBA rather than belabor the issue with the Planning Board. Lamp said it might be the quickest step. Hawkins said unless the Planning Board is ok with the proposed parking; he was not ok with it. Garand pointed out that the non-conforming parking is a different size that doesn't meet the space size. If they were to bring parking into the correct size, they would have a reduction in spaces. What was grandfathered was the size of the paved area. Janvrin said basically they have 9 x 18 feet, not 10 x 18 feet. Garand said if the sizing was restructured he was not sure how many spaces that would be. Lamp said that would be about 10 percent and if they had to take out one of every five spaces for the open space, they would lose 20 percent. That means approximately losing three out of every ten spaces to conform to the landscaping as well as to the size of spaces. Janvrin said if this went to the ZBA, it would affect the Planning Board jurisdiction. Hawkins said that is always their option. Lamp said they would first want to talk with the Planning Board counsel about the grandfathering issue and understand why he made that decision.

Pollack said the issue is whether the Planning Board wants to control this issue and how much discretion they have about the existing parking. If the Planning Board does not want to [make a finding] the Applicant can either get a variance from the ZBA, or it has to abandon the project. The building with conforming parking would take away too many spaces to the extent that the project would not be pursued. The question is: can the Planning Board control that issue and if so does it want to. The Applicant would be happy to ask the question of the ZBA, but if they do not get a "yes", they might not be back to the Planning Board. Lamp said that Blatchford had pointed out that if they had to meet the landscape



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requirement they would lose all the spaces along Lafayette Road. Hawkins said that the Board acknowledged there is not enough room. Perhaps it is the wrong lot to squeeze in the building expansion. He is a customer and rarely has trouble finding a parking space. It does get busy in front of the Market Basket, but down the other end of the lot there is a lot of space. Thibodeau said it is only right at the store itself that it is really busy. Janvrin thought there were three or four other tenants in the building. Lamp said they were looking to expand on that side also. Pollack said there are 42 spaces proposed to the left of the entry point and 73 spaces around the new proposed structure. Hawkins said even around the proposed new building the 73 spaces is 13 spaces more than town ordinance calls for.

Lamp thought it was understood when they were talking about the northern store that a maximum four spaces per thousand does not necessarily work for every retailer. They have five spaces [per thousand] on the site now and there is a hard time parking on the deepest part of the field; and there are vacancies. It obviously does not work. They got variances for the northern site before the application was withdrawn. They are balancing out where they have too much parking they are adding to the building with no new parking spaces. They are adding parking where it is needed at the Market Basket. He said they are not adding more than four per thousand for the new square footage. Hawkins noted that they said the new parking on the left of the entrance road was for employees. He asked why they would not be asked to park along the Route 1 side of the parking lot. Lamp said if there is an issue they could ask employees to park elsewhere. Hawkins said he would do that with employees before doing it with customers. Lamp said it doesn't change the parking ratio specified in the application. They can agree to say that employee parking is not at that end; it can be done, but it doesn't change the proposal.

Thibodeau said they should conform to the regulations Lamp said then they would be done – below four spaces per thousand kills the deal. Blatchford said the existing ratio in the center was 5.13 spaces per thousand square feet. This is retail building space with a proposed expansion of 30,000 square feet with a ratio for the whole site of 4.65 spaces per thousand feet, so they are bringing the overall parking density down – closer to conforming but still below acceptable retail standards. Janvrin said the attorneys should confer, and if there is no resolution they should go to the ZBA. He did not think the Planning Board would resolve it. Lamp said he would still have concerns going through the ZBA process if they have to come back and still discuss open space and parking ratios because the planner has issues with the amount of parking spaces and open space. If they return from the ZBA and the Planning Board will not give a waiver from the 20 percent interior green space, then they are back to square one. It would be very difficult to move forward. Morgan asked for their specific issue.

Lamp said that Morgan memorandum indicated there was too much pavement on the site; more green space was needed. Morgan asked if they were asking the Board to address the landscaping. Lamp asked for anything that would give them an idea of where the Board would stand on an item so they could move forward with surety knowing that the Board does or does not like something. He thought that so far there had been no commitments. Lamp said they do meet the overall requirements for open space for the zone, even if some think there is too much pavement. Hawkins referenced discussion about whether the board would ask them to break up the large parking lot to meet the 20 percent requirement in the new ordinance. Hawkins said that would be a waste and he would not support making the Applicant do that. On the other hand, he wanted to see the employee parking lot disappear. The landscaping around the new building is not as complete as he would want to see, but once the parking issue is settled then the landscaping should be easy. Hawkins did not see creating islands around the new building, and he would not propose that they go back to the existing parking lot to do such things. He asked the Board to comment on this. Janvrin agreed, and also would not make demands along the Lafayette Road side because the state had encroached on the lot. He did not think this needed further discussion.

Moore asked what waivers they had in mind. Pollack said one item would be permission to match the existing height of the light poles in the parking area. Blatchford asked if the Board wanted to address that



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issue first. Morgan thought it would be productive to address the waivers. The regulations state that his rationale had to be provided in writing. Pollack said the explanation for all of the waivers is the same. They are looking to preserve the existing condition in the areas of the property that are not affected by the proposal. For example, they don't wish to be required to put in the 20 percent interior landscaping in the existing parking area that isn't affected by the expansion. They are looking for a waiver of the landscape islands that are 15 feet wide; they do not have any and don't want them. Pollack said they want to preserve or match the existing areas; he did not think the waiver requests were substantial. If those items were addressed they could go to the ZBA with some confidence that if they got relief they could come back to the Planning Board with a clear picture of where they stand. Moore asked if they got some of the waivers, would that help out the parking situation. Hawkins said it would not. Blatchford said the waivers were only adjustments. Lamp said the ordinance was changed after the application was submitted in December; he thought it was voted on in January. Morgan disagreed and said it was voted in December.

Hawkins said what mattered was whether the Board would waive the 15 foot landscape islands; he would be in favor of that. Also, whether the Board would waive the 20 percent interior landscaping in the parking lot. If the number of parking spaces is a major issue, taking 20 percent away is a no-brainer more spaces away; he would be willing to waive that. He wanted to have a discussion about the planting bed in front of the building on the new end and along the sides – that is just plants. Lamp understood the needs for the existing lot, but said they cannot meet the requirement on the proposed new landscaping. The problem is that they meet the open space requirement, but the interior landscaping pushes everything out to the edge if landscaping is thrown in the middle and they have wetlands at the sides. It would disturb too much wetlands and be too close to the set-backs. Hawkins said at the beginning that the Board wanted a good-faith effort relating to the landscaping. They understood it was a brand new ordinance and involved retrofitting an existing location; they would be open to that discussion. Hawkins said his position on that had not changes, and asked the Board if they agree or disagree. Moore agreed, saying it is a retrofit that is caught in the middle of the new regulations. He thought the waivers would be in order.

Blatchford thought the waivers they asked for would be for new areas. Pollack said it would depend on the opinion of whether or not the entire center needs to comply with current zoning. If the opinion is that it does, then the waiver needs to apply to both [existing and new] areas. Blatchford noted the landscaping would be in the Planning Board's area. Pollack wanted it clear that if the Board grants some relief it is for the existing and new areas, saying that he would be surprise if the board specifically asked its counsel about grandfathering vis a vis the Planning Board regulation. Hawkins said that grandfathering the number of parking spaces was addressed, and not relating to landscaping. Hawkins said the Board has concerns that every time the state widens a road the green space disappears. He asked if the green space provided in front of the new building was in the state right-of-way, ie could it disappear. Lamp said that could not be done without taking more of their land because the sidewalk comes right to their property line. In some parts they meet the set-back at 20 feet from the right-of-way. Hawkins asked if the state could be taking that green space. Lamp said they could take it any time as long as they determine the cost. Blatchford said there is no plan, but could not tell about the future. Pollack said that area is designed to comply with the regulation; it would be subject to eminent domain like any other property. They are not aware of any particular plan in to take that area. Blatchford said they were not aware of a current or future plan for that right-of-way.

Hawkins asked if the widening of Route 1 is not designed to come down into that area at all. [[[Morgan read from page 15 that the greenbelt is measured from the widest proposed right-of-way currently under consideration by NHDOT.]]] Janvrin the proposed widening is from the donut shop north. Moore said there would be five lanes all the way from the site to [Route 107]. Lamp said they might be talking about it but there is no plan on file; they had talked with NHDOT about this project the day before. There is no plan that they based that impact fee on other than discussions of what they see as needs. Morgan said



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there were discussions with NHDOT some months ago and they do have a plan for five lanes. Lamp said there is a right-of-way in front of their northern site but they show just a line on paper. Morgan said they may not have shared that plan with everybody but [the town] had seen it. Hawkins asked if that is existing in front of the new store. Lamp said it is at the signal but not at the new store. They have only about five feet, but on the western side of the road there is about twelve feet. Hawkins wanted to know that if they expand Route 1, would they be grabbing any part of that greenspace that is designed into this plan. Lamp said there could be a possibility but they wouldn't know. Hawkins said if that happened it would be as in the main parking area; we thought the west side of the road was the objective.

Lamp said the NHDOT doesn't typically share their thinking until they have it all hammered out. Morgan suggested that they inquire with the NHDOT. Pollack said they understand the ordinance to apply to rights-of-way currently under consideration by NHDOT. Lamp said they will ask the question. Morgan suggested also asking them which side they would be taking land from. Lamp said if they find out that five feet is being taken, they could probably work around it, put that line on the plan and shift the building. They would have to narrow the drive isles behind the building. But they haven't even got to the point of looking at the new building parking and how the 20 percent would be defined. He said that Blatchford had shown what they had in mind. Hawkins said they won't meet the 20 percent for that building. It is the method of calculating that the Board doesn't agree with because they just took the parking spaces and not the parking lot. He acknowledged that there is no way to put the 20 percent inside that parking lot. The intent of the landscape standard is to start to make Route 1 look better. That means having some greenspace along the roadway. That is why he is asking if they can protect that space so that it is either outside of the intended right-of-way or it is inside and subject to be taken.

Hawkins said the Board is trying to create some greenspace along that road and every time it gets widened that all disappears. He did not know if there was the chance to move the building back five feet, but he wanted to know what would happen if the road is widened; would the island disappear. He asked how wide the island is now. Blatchford said it is 20 plus feet. Hawkins said he would hate to see it gone. Lamp said they were not aware of any taking. The NHDOT may say there isn't any. Hawkins understood that, and also that the 20 percent inside of the parking area for the new building is not very practical. The landscape standard isn't applied to parcels of under one acre, albeit combined into the whole site. They'd like to have as much landscaping around that building as possible. Lamp asked if there was a conclusion at the last meeting of what the definition of interior to parking space is. Hawkins said the Board did not agree with the Applicant's definition of just counting the parking spaces themselves. Blatchford had taken out the travel lanes.

Lamp pointed out suggested boundaries and asked if that met the Board's thinking. Hawkins said that within the parking area the question is how to lay out the islands or perimeter around that area to make it 20 percent. The perimeter can be used. Lamp asked if it could be partly another buffer. By way of example, he wanted to show the Board that if the 20 percent cannot be met, they are at least at 15 percent. Blatchford referenced a new drawing and said the isles had been included. The percentages ranged from 8.7 to 4.2 for an average of about 7. Hawkins suggested buffers that could be counted with the intent of getting some kind of greenery all around the parking lots as well as throughout in the big parking areas. Lamp reviewed the vegetation and how it related to the 20 foot set-back. Hawkins said that was the kind of thinking that the Board had in mind, aiming at 20 percent of parking areas for landscaping. Hawkins thought they were undercounting the landscaping and that the average was more than 7 percent. There weren't many options without moving the building. Lamp asked if they were making the good effort that the Board wanted. Hawkins was more satisfied although he might ask for more plantings. Also he would like to see the proposed employee parking become green space. Lamp was concerned about defeating their parking intent.



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Hawkins said the Applicant's attorney should talk with the Planning Board counsel to get the grandfathering issue settled. If there is no grandfathering, a number of Board Members had indicated they would like the Applicant to go back to the ZBA. Even if there is a positive outcome from the ZBA the Board would have to decide its position in re the 20 percent interior parking greenspace. Hawkins view was that what was shown was adequate in terms of space but there ought to be more plantings. He wanted to know how other members agree or disagree to provide some guidance. Janvrin asked if the employee parking lot was for pick-ups and cars, and not heavy trucks. He asked if there had been any thought of using concrete pavers and grass which would solve the green space problem and also address drainage. Lamp said they have a test strip of impervious pavement in one store. They do not favor it because there are a lot of issues for the kind of wear and tear that a retail user has. The NHDES has sample strips at their front door that are falling apart. Tripping hazard is also a problem. The UNH studies are in student parking lots where cars are parked all day. They are still looking at this but are not ready to install. there are liability, maintenance and cost issues as well. The employee parking field adds to the count. Thibodeau was not happy with the store entrance, but agreed they should not have to redo landscape islands.

Hawkins said the 15-foot wide island looks ok. Allowing less than the 20 percent interior parking greenspace would be fine except for more planting and a resolution of the employee parking lot The intent is not to require plantings for the whole length of the building, but they might ask for more plantings along the sides of the building. Blatchford said there is ample area for that. He thought the layout as discussed at this meeting was ok even though it doesn't meet the 20 percent. Lamp did not want to do the 6-inch tree survey after which some trees would have to come down. Hawkins wanted to see as much as they can along the buffer with the neighbors. As many of the larger trees that can be saved would be appreciated by everyone. Blatchford said it is a function of the grading and what is needed for stormwater management Lamp said the plan shows the line that depicts the area to be cleared based on grading, the pond and the need for sizing detention and the like. Hawkins said the Board did not want them to just clear-cut to make construction easier. Whatever can be saved should be saved. Blatchford said the proposed tree-cut line is on the plan and they would be adding construction fencing to protect the trees. Morgan asked about the line north of the building. Lamp said that is all existing woodland; he showed what remains of the wetlands area which cannot be touched. There would be excavation for detention.

Morgan asked why there would be a problem flagging six inch trees. Blatchford said it would not change the proposal. Morgan said in the past there had been poor communication with loggers. Hawkins said there had been too much clear-cutting because there had not been a commitment about what trees would stay. Hawkins said that a plan is approved and the Board thinks it knows what trees will be left. Then all of a sudden it is clear-cut and there is a big parking spot when construction takes place. Lamp said there is a line shown on the plan and they will put a note that says save trees. If the contractor takes them down they will go after him. It doesn't matter how many trees are behind the line; they will be saved. Moore said loggers don't like to look at plans or blueprints; they take trees down. Hawkins said the tree survey is so that if trees are taken down they are replaced. It is cheaper to leave them where they are than to buy new ones. The tree survey is to give the Board an idea of what is out there. Lamp said the six inch tree is a small tree; what can't be saved leans over. He thought it a waste of money. Blatchford said that is a requirement that would have come into play with the original survey; they are way down the road now. Hawkins pointed out that nothing had been cut yet, and asked how the Applicant could guarantee they will not clear-cut. Lamp said the contractor is supposed to mark the limits of the clearing; if the wring trees come down they get the money from the contractor and replace all those trees. Hawkins said that driving up and down Route 1 shows that has not been successful. He wanted a commitment that what is supposed to be out there stays there. Hawkins asked if anyone was unhappy with marking the line on the plan and anything that is taken down [improperly] has to be replaced. He did not want to spend money marking trees, but he did not want them taken down either. Lamp said they can stipulate on the plans that a representative from the Conservation Commission can walk the line and the silt fence before trees



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come down. Morgan asked if the orange construction fence would be in place before the trees come down, and said it wasn't clear on the siteplan. Blatchford said it would be made clear on the plan.

Hawkins said the waivers would be addressed one at a time.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to waive the 6-inch tree survey requirement for Case #2011-03 with the stipulations that (i) it will be marked on the plan along the tree line currently on the plan dated that the trees outside of the construction zone will not be removed, and (ii) if under any circumstances they are removed then the contractor would be required to replace them in accordance with the Town of Seabrook codes.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Hawkins</b>	<b>to allow the Case #2011-03 landscape island to be less than 15 feet wide in the existing parking lot and in the new parking area, provided that the landscaping islands remain the size they have been depicted on the revised siteplan dated [March 30]]</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Moore</b>	<b>to allow less than the 20 percent interior parking lot landscaping for Case #2011-03 provided the percentage not be less than depicted on the revised site plan dated</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

Lamp said there had been questions about access and sidewalks, so an additional sidewalk was depicted by pivoting the parking field around the wetlands and making the landscape area bigger. Janvrin asked if this met the ADA requirement. Blatchford said it did, and said the siteplan in the Alteration of Terrain submission would show the changes. Hawkins said the intent is that it not be reduced.

Hawkins said the architectural drawing showed plantings along the building, and asked if there is room to do this. Lamp said there is about five feet in front of the building face, so there is not room for plantings. Hawkins noted there are no plantings along the whole length of those buildings. Janvrin asked if they intended to put plantings along the extensions of the buildings to shield the neighbors. Lamp said not on the front face. Hawkins said the drawing shows a big block of bricks so there should be plantings along the ends of the buildings so that neighbors don't have to look at a big wall of bricks. What's there now was probably inadequate and could be discussed.

<b>MOTION:</b>	<b>Thibodeau</b>	<b>to waive the requirement for a 10-foot wide planting bed along the proposed building face for Case #2011-03.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>



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Lamp referenced Morgan’s comments on the lighting which at first was going to match the existing lighting poles of about 26 ½ feet. They are now asking for a waiver only for two poles on the interior of the parking lot. All of the rest of the lighting poles would be at 20 feet – for the new store where that continuity was not so important. Moore asked about lights at the back of the building. Lamp said they are wall mounts. They believe they are in compliance with the requirement of .1 per candle within 10 feet. Blatchford said one pole would be moved but would stay the same height. Janvrin asked about the privacy fencing – sound wall.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to allow two new light poles at the entrance and one relocated light pole that match the current height of those in the existing parking area for Case #2011-03.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

At this point Hawkins wanted to move on in the Agenda unless there was something that could be done very quickly. Pollack wanted to make clear that they would continue with the traffic discussion at the April 19 Planning Board meeting. Hawkins confirmed this. Pollack said in the interim they may file for a variance with the ZBA. It would be their intention to be at both Boards simultaneously. Hawkins asked them to think about Thibodeau’s concern re having to go along the front of the building to get to the northern exit. There will be a lot of pedestrians. He asked if they were comfortable with the safety aspect of people crossing that drive when cars drive fast to leave the plaza. He thought this was a problem because they were pushing the exit traffic up against the building where there are many more pedestrians. He agreed with Thibodeau, and asked the Applicant to think this through; there would be speedsters along the building. Lamp said that could be part of the traffic discussion. They have many stores with that kind of a situation. Morgan appreciated the Alteration of Terrain submission, but asked for two additional copies for the engineers. Pollack asked about receiving the Planning Board counsel’s letter and permission to speak with him. Hawkins said that would be taken care of and it could be forwarded to them.

**Hawkins continued Case #2011-03 to April 19, 2011 at 6:30PM in Seabrook Town Hall.**

**Case #2011-08 – Proposal by Harold & Beverly Perkins, Ken Wilson, Valerie Brown, and the Town of Seabrook for lot line adjustments at 79 Centennial Street, and a proposal by Harold & Beverly Perkins and Valerie Brown for a 3-lot subdivision at Anchor Way and 79 Centennial Street, Tax Map 9, Lots 29, 33, and 34-3.**

Attending: Valerie Brown, Harold and Beverly Perkins;  
Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd referenced Morgan’s memo and said that it appeared he did not see Sheet #3 with the typography, graphs, and new buildings and the grading shown away from the structure. Morgan confirmed that he did not have Sheet #3, but note #4 on sheet #2 makes reference to sheet #3 being on file in Town Hall. Boyd said he wanted to bring to attention that there are three sheets for this plan. Boyd said there are actually two lots, one of which runs the whole length on the north side of Anchor Way and is owned by Brown, Harold Perkins and Valerie’s mother. The other lot is owned by Route 107 LLC. Boyd said that today he believes one lot is unbuildable. The building envelope would be a tiny spot that would be difficult to get to. Also, for a building permit, access would have to cross an extreme amount of wetlands to get there.



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Boyd said the purpose would be to convey a small piece to the Town. He said that several months ago the DPW Manager called him because Brown had told him a gas line had been put on her property. Morgan's point #7 references a gas line easement to benefit the Town of Seabrook, stating that an explanation would be helpful. Boyd pointed out the gas line, stating that he has proposed a gas line easement which would be granted as part of this project. He said there had been some discussion about the Town paying some damages. Boyd said that Brown was never interested in damages. He also pointed out a piece of property that Brown doesn't need and wants to add to the Town's Library piece, which Boyd thought would be helpful to the town. Boyd showed how Parcel B would come from the Perkins and Brown's piece and added to the end lot on Anchor Way to give the needed buildable area. There is also a "spite strip" that Boyd did not think should be allowed; most towns don't have them. It effectively eliminates the ability for someone to develop their property. Brown's ability to develop her property was undermined some time ago when the Fire Station took a portion of land from her. Her land was diminished severely by that. The strip would be converted to part of the town right-of-way.

Boyd said that when Anchor Way was built more pavement than needed was built. The edge of the pavement instead of having a typical area beyond the edge of the pavement it is almost paved to the end. Additionally, Parcel C would provide for a better turn-around. He talked with the DPW Manager about whether there would be a benefit to having Anchor Way have a double hammerhead now that it is a town road. Boyd said the DEW manager thought that would help. In effect the right-of-way would be wider, the road is of sufficient width. Boyd knew this would go to tech review

Boyd said that at some point the board of Selectmen should sign the plan and the application. He thought they were waiting to hear what Brown was going to do about the gas line. Boyd wanted to put this before the Planning Board and then tech review and be told how to approach the Board of Selectmen. Boyd said the town of Seabrook cannot, even by authority of the Selectmen, sell a piece of land but they can accept a piece of land. They are asking that the lot-line adjustment would encompass a land gift to the Town for Parcel A; plus the easement grant. Boyd said he was looking for some direction from the board.

In re the adjustments on Anchor Way, Boyd said he did not know who the owner is, and asked if it is a town road. He stated that only the two lot owners listed on the plan – the Perkins, and Brown, and Route 107 LLC were involved in this proposal. Boyd said Morgan noted there is no wetlands scientist stamp; he will insert it. Boyd said he would put a Planning Board signature block on sheet #2 that also has to be recorded. As for Morgan's point #6 about sheet #3 being on file, Boyd said that language had been on his plans whenever there had been a subdivision. In this case two mylars would be recorded. Morgan said it would be helpful to reference the case number or recording number. Boyd said that could only be done until 30 days after approval. He would put the case # on the plan.

Boyd said the proposal would really double Mr Wilson's lot the new lot after the lot-line adjustments and the division of Brown's land. Boyd address some of Morgan's concerns. The new lot area 34-3 is uplands isolated by extensive wetlands. Unfortunately, the applicant's placement would block a potential access way to Wilson's uplands that would have the least impact on wetlands. The Board should ask the applicant to map out the prospective driveway to the Wilson uplands. Boyd said this is on sheet #3. Brown would grant a driveway easement and that lot would share the driveway for lot #3 for the lease amount of wetlands impact. Boyd commented that the NHDES would require the shortest crossing route. There would also be an easement across that lot for that purpose, not only for the driveway but for the utilities. Morgan asked for information on storm drainage. Boyd did not do that because he wasn't sure that it was necessary. The only thing to be done to the town road is to add 583 square feet of pavement. The rest is residential driveways. There is not a whole lot of drainage infrastructure needed. One house already exists, so there would only be one additional dwelling unit possibility. Technically there is a duplex unit up front so there is a pre-existing non conforming parcel.



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Boyd said some things that were cited as not submitted actually were submitted. The Selectmen's signature should be added. He did not know what the fee issue was. Morgan said he'd talked with Kravitz who said there were fees for the [[subdivision]] but not for the lot-line. Boyd asked if they had to pay \$200 for the lot-line adjustment if they were doing a sub-division. Morgan said the subdivision couldn't be done without the lot-line adjustment. That is a question for the Board. Boyd asked if the additional \$200 had to be paid. Janvrin said the fee could be waived. Boyd said the town is getting an easement. Moore said the lot-line adjustment is prior to the subdivision. Boyd said he really wanted to go to tech review before giving cost estimates for the site work. He would add the wetlands scientist stamp. He said the driveway details had not been submitted but the driveway is shown but there were Contours were submitted. He would add the title block on sheet #2. The intended locations for dwellings and structures are on sheet #3.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to waive the fee for the lot-line adjustment for Case #2011-08.</b>
<b>SECOND:</b>	<b>Thibodeau</b>	<b>Approved: Unanimous</b>

At this time there isn't any wetlands showing for the subdivision but when they go for a building permit the owner will need a dredge and fill application that NHDES would have to approve first. That would be the proper time to go before the Conservation Commission. The wetlands survey would go well into the Town land. A small wetlands area that was not depicted by the wetlands scientist is so far away that he hoped it would not be necessary. The draft deed citing the easements and the wetlands is needed, but no deeds would be done before knowing that there are approvals from the Board. It could be a condition of approval. Hawkins asked for questions and comments. Thibodeau noted there are two Anchor Ways. Boyd said that was a detail for Parcel B showing the road. Moore said Boyd said the "spite strip" no longer fits into current regulations. Moore said it was for minor subdivisions of three lots; the spite strip was put in to avoid overloading the roads. Often there wasn't enough land for the 50 feet.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to accept Case #2011-08 as sufficiently complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

Hawkins said the TRC meeting would be for utility issues and the like.

<b>MOTION:</b>	<b>Thibodeau</b>	<b>to schedule Case #2011-08 for the Technical Review Committee on April 25, 2011 at 10 AM at Seabrook Town Hall.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

Hawkins continued Case #2011-08 to May 3, 2011 at 6:30PM at Seabrook Town Hall.

Hawkins scheduled Case #2011-08 for the Technical Review Committee at 10M on Monday, April 25, 2011 in Seabrook Town Hall.



# Town of Seabrook Planning Board Minutes

Tuesday, April 5, 2011

NOT OFFICIAL UNTIL APPROVED

## MASTER PLAN CHAPTERS - For Approval

Adopt two chapters for the updated Master Plan: Vision, continued from March 15, 2011 and Community Facilities.

<b>MOTION:</b>		to amend the Master Plan Transportation Chapter presented by the Master Plan Steering Committee, as amended to fix a typo in section T.1.16 and remove the reference to “gambling in Section T. 19 substituting “mitigate the impact of development along Route 107.
<b>SECOND:</b>		Approved: Unanimous

<b>MOTION:</b>		to adopt the Master Plan Transportation and Circulation Chapter dated February 21, 2011 presented by the Master Plan Steering Committee as amended by the Planning Board on March 15, 2011.
<b>SECOND:</b>		Approved: Unanimous

## OTHER BUSINESS

**Stormwater Operations & Maintenance Methodology**, continued from March 1, 2011, and March 15, 2011.

Kravitz said that the DPW Manager had provided reviewed Henry Boyd’s draft plan sheet for Case #2010-29 which places the Stormwater Operations and Maintenance Manual instructions and drawings on a plan sheet that would be part of the application submission and could be recorded on a mylar. Recommended language changes had been discussed with Boyd who will make those changes and submit the mylar for recording at the Registry. Hawkins gave the revised material to Morgan who will compare it with the mylar when it is submitted.

Hawkins asked for other business; there being none.  
Hawkins adjourned the meeting at 9:40 PM.

Respectfully submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board