



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

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

Members Absent; Paul Himmer, Alternate; Paula Wood, Alternate

Hawkins opened the meeting at 6:35 PM.

MINUTES OF APRIL 3, 2012

Hawkins asked for questions or comments; there being none.

MOTION:	Khan	to accept the Minutes of April 3, 2012 as written.
SECOND:	Abramson	Approved: Unanimous

MINUTES OF APRIL 17, 2012

Hawkins asked for questions or comments; there being none.

MOTION:	Janvrin	to accept the Minutes of April 17, 2012 as written.
SECOND:	Hawkins	Approved: Unanimous

SECURITY AND EXTENSIONS

Hawkins noted that no requests re security or extensions had been received.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:40PM.

NEW CASES

Case #2012-09 – Proposal by John Dussi and Harborside Restaurant Group, LLC to expand the upper deck at the Harborside Restaurant at 209 Ocean Boulevard, Tax Map 26, Lot 91.

Attending: John Dussi, Ted Mountzuris, owners, and the general manager, Harborside Restaurant Group;

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

Hawkins asked for the proposal presentation. Boyd said that currently there is open decking like a house porch. This would be sealed with a rubber roof that would be pitched to the center and through a downspout to the existing stone bed already in place underneath. He explained that in when the restaurant was built in 2002, that area was a parking lot. Mr Azzuri, the previous property owner agreed to ripping all of it out to create a lot of pervious area for stormwater mitigation. Boyd said that although not required, a 50-inch crushed stone bed now exists under the entire area for the downspout runoff, so it would not go toward the river. The deck would be accessed from the existing upper deck. Boyd said that the reason for this request is that everyone likes to sit outside on the deck, but when the storms come, it starts raining and there is



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

a rush into the restaurant. The proposal would at least give covering to the bar and a portion of the outside deck dining area. Boyd said they are within 100 feet of the tidal zone, and that Frank Richardson of the Department of environmental Services had visited the site and had no problems. If permitted, they would be allowed to build in place for the existing footprint (61 feet) without solid walls; new calculations have been made.

Dussi explained that they bought the property. Since then, they beautified the property, kept it clean and well-maintained, and put some evergreens at the roadway to enhance the aesthetic appeal. He stated that the patronage had grown 15 to 20 percent annually, which he felt said a lot about how their business ability. One goal was to bring a positive vibe to the Seacoast area and also offer good food and value for their patrons, many of whom regularly dine at the restaurant, and live across the street within walking distance. Dussi said the restaurant is seasonal – they open in April and close in mid-October, although last year neighbors requested they stay open until the end of December. That did not work out as not many people came, so they will return to the seasonal business. Dussi said they work closely with the Fire and Police Departments and reported that there have been no violations in re parking, or police matters. They are responsible owners and have not had liquor violations either. Over the years they have had a clean record and feel they are an asset to the community.

Dussi said that during inclement weather people rush into the restaurant and then there are no tables available so this causes chaos. The concept of a deck covering the bar and part of the deck resulted from that issue. It would not be screened, but people could stay out there in a rainstorm and continue eating with a tiki-hut atmosphere including some fans. Thus there would be less disruption. They are sensitive to the residential component that abuts the restaurant and don't have reggae bands. They have brought a lot of jobs to the area, and would be hiring more young people with the expansion of the deck area. Dussi said they gave more than \$100,000 to the state and /or the town in revenue raised through the meals tax, and brought a lot of value to the community. They are not looking to go outside the footprint. He said they were a good neighbor, noting that when Velma Livingstone was alive, they helped her out when asked e.g. with a light issue. Dussi said there might be a few neighbors who disagreed, but thought their record speaks for itself as there were no complaints, or only very minor ones, with any agencies. As business owners they want to keep the area esthetically pleasing, and bring jobs and revenues to the community. He said they are proactive in the community, and have done fund raising for the schools and other local groups. They want to prosper and bring value to the residents of Seabrook.

Hawkins asked for Morgan's comments. Morgan wanted to hear about the lighting, whether there were odor issues, and about parking for the added capacity. He also wanted to know when the kitchen closed. Dussi said the kitchen closed at 10 PM. Morgan asked when patrons are asked to leave. Dussi said people stay until 11:30 or midnight. Dussi said there had never been a parking problem. [[[Theresa said the kitchen closes at 9 PM on weekdays and 10 PM on weekends. Morgan remembered that when they previously came before the Board It was presented as a restaurant, but it seems that for a couple of hours it is a bar. Mountzuris said the last food order is at 10 PM but that did not mean people could not stay until 11 PM, which they often do. This is a big eating crowd, not just liquor. He noted they won the Page Restaurant in Portsmouth. Harborside is not that kind of establishment After the last order at 10PM, people are still dining and after 10 PM it is all liquor. From a revenue perspective, about 85 to 90 percent is food, and 10 percent liquor. Even though there are two outside bars and one inside, that is not a big draw. Dussi said it is truly a restaurant. They have food specials, but don't really offer liquor specials like a happy hour. They want to keep this a family restaurant.



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Morgan asked about parking, and if there were about 30 spaces. Dussi said an easement provides a few more spaces, and all of the patrons use the beach public spaces. Sometimes there are one or two hour waits on a Friday or Saturday nights. Parking doesn't seem to be a problem. Morgan asked how many patrons are in the restaurant when business is booming. Dussi said that in the summertime everyone wants to be outside on the deck, so even if there is a wait, people don't want to be seated inside. Mountzuris said the full capacity is about 285 seats, but because people want to sit outside they have a lot of vacancy inside. People will wait [for an outside seat]. Morgan said that the Board's interest would be in the parking capacity if seating were full. Boyd said as with other restaurants in the area, people park along the frontage. He cannot show that as parking spaces because it is out in the state's highway territory. The state's position is they do not have an objection, but would never grant permission to show an easement. They do have an easement where employees can park; there are about 11 spaces that he cannot show.

Morgan asked for figures in re the greatest number of people at one time and the corresponding number of parking spaces. Boyd said there were 33 defined legal spaces between what is on site and a 12 space parking easement in front of the market next door. There are an additional 11 spaces adjacent to the parcel and then the municipal parking lot. Boyd commented that in a similar stretch in Hampton they do not require any parking for business uses because of the municipal lots in the front. He thought that was a practical benefit for all of the businesses. Janvrin thought people in Portsmouth would disagree. Boyd thought that Hampton was more similar to the Seabrook situation. Mountzuris said that the peak inside would be about 200 to 210 people. The General Manager said to take into consideration that many people are walking from across the street with their families, or 4 to 6 people in a vehicle. It is a family restaurant with a lot of children. Mountzuris thought about 30 percent of the patrons come from across the street where they rent or own summer homes. That is why they don't have parking issues. They thought about doing valet parking, but even the easement is rarely used.

Garand asked for the exact number of seating capacity prior to the proposal and afterwards. Mountzuris said it was 285 currently. Garand asked for the number of additional seats needed. Mountzuris thought it would be about another 60 seats. Garand said the onsite parking was about half of what was required; they could not count what was off the land that they own. He cautioned that if the parking was not depicted, the Board could have restaurants coming forward on Lafayette Road saying they would rely on the Kohl's for parking. He wanted the restaurant to do well, but asked what happens if they start parking in the neighbors' spaces; he would have to deal with that situation. The town lot is for overflow. Dussi pointed out that so far their history showed no controversy with many people coming from across the street, and believed 60 seats would be no greater impact on parking. Garand said that town residents pay for parking passes and stickers; the restaurant should be aware not to preclude residents from their spaces. Dussi agreed that the municipal spaces are for people from Seabrook as well as visitors. He did not think the restaurant took up all the spaces.

Garand reiterated that the residents of the town have stickers and are allotted spaces. The restaurant needed to assure that residents had access. Dussi asked if there had been complaints. Garand said the point was how an additional 60 seats would impact the available spaces, and thought the Applicant should be presenting that impact. He noted that they were already estimating that about 100 people come from across the street. Abramson asked what were the peak hours during the week. Dussi said this is staggered. The core days it was from 11 AM to 11PM, and the peak on Thursday, Friday, Saturday and Sunday would be from 7PM to 9PM. Abramson asked if there were neighboring businesses and activities getting overflow during those times. Dussi said on occasion, the market will point out that a patron is parked in



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

front of their store, but they work with them [and the car owner] to open up the space. He did not think this was a significant problem, but they would take care of it right away. Boyd noted there was plenty of signage to direct people where they can or cannot park. Dussi noted that the fish market was no longer there. They try to manage the parking the best they can so that businesses are not affected. Usually people park in the municipal area or the restaurant parking lot. They have not seen a significant impact on local businesses; if there is an issue they address it right away.

Abramson said when he shops at the Beach; he parks his Jeep in one spot and walks to other establishments, rather than move the vehicle to each store. Dussi asked if he had experienced any problem. Abramson said he goes early afternoon when there isn't much beach traffic. Dussi thought that a lot of people who park in the municipal lot are beach goers, a lot of whom have left by 7PM when the restaurant gets busy. He thought they did not impact the public area as much as might be thought; their core activity is at night. Abramson wondered how many additional people would be parking there during peak hours due to the additional 60 seats. Dussi said that if there were not problems since the last time they increased the seating, he did not see how 60 seats would make a significant impact on that area. Janvrin said according to the ordinance, 15 parking spaces would be needed. He asked if anyone from Catalano's Market was in attendance, and what their hours were. [[[the general manager]]] said Catalano's closes before the restaurant, about 10 or 11 PM. Dussi maintained they have a good relationship.

Mountzuris noted that 15 seats would be lost because once the placement cover over the deck was installed, several tables could not have a place. Janvrin said it is still an increase of 11 parking spots according to the ordinance. Lowry asked for the number of employees during the peak. Mountzuris said between 25-28 now, and maybe up to 33. Lowry asked where the employees park. [[[the general manager]]] said they park doubled up on the land between the restaurant and the fish market, and single file in the ally with Catalano's. Dussi said the kitchen staff parks in about 6 spots on the side where the dumpster is. Mountzuris noted the employ a lot of young people who live across the street with parents for the summer. [[the general manager]] schedules staff for the whole day.

Mountzuris said the staff is scheduled in shifts. Lowry asked for the purpose of the ally. Dussi said it is the passage for the dumpster truck early morning [pick-up]. Janvrin noted this should not be before 7 AM. Dussi said about 9AM. Frazee said it would cause problems if the fire trucks cannot get there. Lowry said that should be an access ally more for safety than for parking.

Janvrin asked about a proposed 3-foot high chain-link fence on the retaining wall, and if there was a danger that someone could take a fall. Boyd said they worked with the NHDES on that to catch stray papers etc., and noted that the fence is actually existing, and that there is also another fence there. Morgan called attention to a 16-foot wide access easement and asked for whose benefit it was. Khan said he dined at the restaurant two times during the last two years. One occasion was a Saturday about 9 at night and everyone was indoors; he did not see a parking problem. The next time was a Sunday when a lot of people were on the deck and almost no one inside. He felt that the whole establishment would not become full. Khan noted that the restaurant would only be open for the summer and closed for the winter months. They pay their fair share of taxes for the winter months as well. This is a business that has to survive. He also felt good to see that some Seabrook youths had been hired. Parking would be a big concern because it isn't known what kind of business would come to the empty store at the Precinct Building. He was concerned that there had been some problem when people parked in front of the Beach Precinct building. Khan asked if the Applicant could consider reducing the seats upstairs. Another concern was how wide the stairways were if there would be many people



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

upstairs on a holiday weekend; also if there was a secondary stairway. Otherwise, in this economy it should be understood that the Applicant needs to do business.

Hawkins asked if the upper deck was connected to the existing dining room. Dussi said there are two stairways - one outside, and one inside which is about six feet wide. Boyd showed the stairway positions on the drawing, and the opening to the inside that also gave access. Hawkins said accepting the application would be the next step.

MOTION:	Hawkins	to accept Case #2012-09 as administratively complete for jurisdiction and deliberation.
SECOND:	Khan	Approved: In favor - Hawkins, Khan, Fowler, Sweeney, Frazee, Abramson: Opposed: Janvrin

Janvrin cited the lack of lighting fixture details and asked for the hours of operations; Hawkins noted that the hours of operation were at the top of the plan. Hawkins asked for questions or comments from those in attendance. Theresa Kyle lives across the street from the restaurant and said she did not believe what had been said. They do not have sufficient parking. They park in front of the building and have a second row, and almost a third row on the other side. Those people back out onto Route 1A. Every spot is taken, and sometimes they cannot get into Catalano's Market without going down to the light and coming back. Also, they park in front of the precinct building. Kyle said that while at a meeting, a man told them they could not park in front of the precinct building, which they have every right to do. He wanted those cars moved. When she asked why, the man said that the restaurant owner told him to park his motor home there. Kyle had responded that the restaurant did not own the precinct building, and said that the parking is all over.

Kyle referenced Dussi's comments about no noise issues, and said they had promised that the restaurant would be closed up at 10PM. Realistically, she thought a restaurant couldn't be closed at that hour during the height of the summer when they are open until 12:30, 1:30, or even 2 AM. One evening the police were called at about 1:30 AM because a man and a woman were fighting using very colorful language in the parking lot, noting that conversation carries at the Beach. It sounded like the woman was being beaten. A woman came out from the restaurant telling them to keep quiet or they would lose their license; then the police came. Another time about 1:30AM two men left the restaurant drunk and urinated on the mailboxes. Kyle believed they were over-serving alcohol and were open way too late. It may be a family restaurant until about 9 PM, but not during the later hours when it is one big bar. They used to play music out on the deck, but thought there were complaints. She thought that was stopped a long time ago when music was stopped on the Eastmans' deck. She thought music was moved inside the Harborside, but was now piped outside. Kyle said there were a lot of problems: there is an abundance of people there at all hours and too much alcohol served. She did agree that they keep the facility clean and the outside neat. The parking, noise and drunks at 1 AM are the problems. She hoped the Board would not allow any further extension or building in that facility.

Hawkins asked for other comments; there being none. He asked Morgan for the maximum parking allowance; Morgan said the Applicant would have to ask the Board for a waiver which, procedurally, should be in writing. The minimum allowed in Section 11 of the Site Plan Regulations would be one parking space for every three seats plus one space for each employee. The existing restaurant didn't comply with those standards; adding 45 to 60 seats would trigger the requirement for the waiver. Abramson asked for the total seating if the proposal were approved. Hawkins' figured 285 plus 60 with a reduction of 15 would result in about 330



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

seats. If divided by 3 [per car] it would mean 110 parking spaces. Janvrin said to add another 25 spaces for employees (all 33 employees would not be there at the same time). Hawkins said this meant a written waiver request would be needed to deal with the parking, and asked Dussi if they wanted to make that request. Dussi said yes if the Board would allow it. Hawkins asked if hardship would be a factor. Morgan said the site plan requirements require a request in writing as well as the reasons for the request.

Boyd acknowledged the abutter position that there was a parking problem. Khan had raised this concern even though he did not have a problem when he dined there. He did not know if a waiver could be justified, and had suggested to the owners that they guarantee there would be no increase in seating capacity i.e. some seats would be lost elsewhere to add new seats on the deck. Boyd said the owners would agree to this. thought the permit assembly was in excess of 300. Boyd said that related to the fire code. Mountzuris thought it would be difficult to spread out tables under the flat roof; there could be bench seating for looking out at the water. There couldn't be tables if there were an angled roof. He thought that would take care of both the seating and parking issues; it would solve the situation so that patrons could be under cover while waiting for seating. Dussi clarified that they could keep the status quo on the seating and use the overhead to shelter people in a storm so they don't have to wait inside. He noted that the inside dining room isn't filled on nice days. In that scenario, he did not think they would add capacity. Dussi said if the Board was inclined to grant the permit, they would keep the same seating capacity footprint.

Kyle disagreed that the incident with the drunks was on New Year's Eve. The noise is there and she thought the building inspector had written a letter or been there because other people on her street had complained. She said to check the meeting minutes when they said they would be out of there by 10PM. At the time a couple of them laughed about how to close a restaurant by 10PM. She maintained that after the family meals are served, it turns into a full fledged bar. She lived right across the street and can hear and see it. Janvrin asked if the hours of operation on the plan were those approved by the Board in 2009. Boyd said nothing had changed. Janvrin stated that, for the record, the plan authorized them to be open until 11 PM. They had exceeded that and thus violated the code, noting that the CEO was present. Hawkins asked for other comments. Dussi said that there are hundreds of neighbors across the street, and only one person had elected to come to this hearing. He thought that a tell-tale sign of how they run the establishment, and said only one abutter said they were no good. Kyle said she was a full-time resident, not their "abutter".

Hawkins view was that to comply with parking they would need about 110 spots for patrons plus about 25 for employees. Right now existing parking was 33 plus about another 9 on the road; this was light years away from being close to the parking requirements. He asked whether an approval of the proposed deck with existing seating (285) was something the board would consider or did they think it was just too dense an operation for the existing parking. Abramson commented that seating was related to parking spaces, but in general people are attracted by the amenities and the kitchen and bar. Whether there were enough parking spaces was the same as to whether there was enough seating. He acknowledged the testimony of what the woman from the beach saw with her own eyes, he thought changing the number of seats would change the number of people walking in the door. The issues brought up were not Planning Board issues. He did not have objection to adding on the deck, or even a few more seats if there is customer demand. Abramson thought the other issues raised were for the Board of Selectmen.



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Boyd recalled that when this project first came before the Board the Beach zoning district did not address parking. The original approval was made under those directions and guidelines in that zoning ordinance. He hoped the discussion would not turn into saying that they had too many seats, and they couldn't [have them all]. He wanted to be sure that everyone understood that the seats are allowed as a pre-existing, grandfathered use for that building. Janvrin pointed out they would be non-compliant. Hawkins said that the Beach District had never addressed parking in its zoning; they recognize the density of the area and that if the same standards were used as for the uptown, they couldn't have any kind of business at all. So when this facility was first before the Planning Board, there was no zoning that addressed parking. What was presented was approved on that basis with fewer parking spaces than the town normally would have required.

Hawkins explained that since then last year's Planning Board and the Town Meeting approved moving parking out of zoning and into the Site Plan Review Regulations. This means that parking for the beach as well as the rest of the town is now the responsibility of the Planning Board under site plan review. Janvrin asked if in this zone the parking regulation was at the discretion of the Board; Hawkins said it was not. Janvrin asked if this meant one space for every three seats. Morgan said that was the standard; the Board had the ability to waive that standard. Abramson called attention to the following language in Section 11 relating to parking requirements should be addressed in the future:

...No structure shall be erected, nor shall any non-residential land use be established, unless appropriate off-street parking, loading and unloading spaces provided...

Abramson said that for eating and drinking establishments it was one space for three seats plus one space for every employee. He thought the language a bit vague in re expansion or adding seats or tables. Khan asked Boyd for clarification of whether seating would be expanded. Boyd said they would have liked to expand seating, but they are respectful of the Board's and neighbors' concerns and are willing to have a no net increase in seating within the restaurant. Khan commented that he was a Board member when the plan was first approved, and asked Garand if there had been complaints during the last four years. Garand explained that he only does the code enforcement for the Town's portion at the Beach. When Velma lived there she did put in a few complaints, however, since she had been in a nursing home there have been no complaints. Janvrin asked if the police would have records. Garand had no comment on that as he would have no knowledge. Boyd said that Velma had called him a few times; he explained to Dussi and Mountzuris that Velma had lived in Seabrook [for a long time] and they that they should take care of her. Boyd said that they did.

Boyd did not know of the neighbor's complaint, but commented that a drunk could come out of anywhere screaming. People having arguments and fights can't be stopped; in his involvement and Velma's they were answered immediately. One time there were odor issues which he thought were coming from the fish market. The issue was scheduling the dumpster pick-up. He thought they did a decent job in running the business. If there were things to do differently to satisfy the neighborhood, they should be held to that standard. It's a great business for the Beach and should be allowed; it adds tax value for the town. Boyd said he goes there and enjoys it.

Hawkins asked if the primary reason for the proposal was for people to get under cover. Dussi said that was one reason. Also people don't want to sit inside. If they had the extra deck people wouldn't have to line up outside the door. It would provide shelter and also allow them to migrate to the extension. Hawkins said that from a practical standpoint, how would they keep the maximum seating to 285. If people want to sit outside and all of a sudden it starts raining and



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

everyone wants to sit outside, would there be an empty restaurant inside. Dussi said that is what typically happens; there might be a few tables taken inside. Hawkins asked if in the summer they would keep people outside and have the inside empty. Dussi confirmed this, saying that people want to sit outside naturally in nice weather. [[[the General Manager]]] said that people with small children will eventually move inside. Otherwise, people are coming and will stand outside. Dussi said they envision people being seated on the deck instead of inside on a nice day.

Hawkins polled the Board to see if a maximum seating compromise would be acceptable, or if the density is too high. Abramson asked if they were grandfathered for 285 seats. Hawkins acknowledged this. Frazee asked how many times they had trouble with overflow parking i.e. was it a constant problem or not. [[[the general manager]]] said it was a problem in the beginning until she got it settled. She got cones and worked it out with Eastman's and Catalano's so people could get in and out of those businesses. Once the cones were in there were no longer issues. Frazee asked if there were holes in the parking or if it was full during the prime time. {{{the general manager}}} said people go in and out and understand they can wait for a parking spot or drop people off and then look for a parking spot. People work together. Frazee asked if, on average, they had empty spaces at peak times. Dussi said no. Mountzuris said during July and August the parking spots were taken. Hawkins said the good think about the overflow on the other side of the precinct building, was that it was used during the day by people going to the beach, and at nighttime it generally fills up with people who want to walk to Hampton without paying for parking. He thought the restaurant parking was not a bad use because it would be used at night when they need the overflow parking.

Janvrin commented that there had been a movement by uptown residents to change the parking to "permit only", because some of them did not think that the parking at the Beach was sufficient for them. They cited use by the restaurant as a reason why they couldn't get to enjoy their beach, because that parking was taken up by the restaurant patrons. He cautioned the board that there is very little parking for someone who lives on the west side of town. Khan said he would rather see people driving into Seabrook spending their money and parking here, than Parking and walking to Hampton Beach. He wanted them to spend their money in Seabrook establishments. Boyd said the problem with beach parking was people from out-of- town with no stickers; he has trouble finding parking for himself in areas designated for residents. That is why people get angry, because this was not enforced.

Hawkins polled the Board on whether to pursue the maximum seating issue. Frazee said to let them build; Abramson had no objection; Sweeney did not want the net current seating increased. Hawkins asked if Sweeney had a problem with the deck if they do not go above the current seating. Sweeney did not have a problem as long as seating did not go above 285 seats. Janvrin was in favor, but wanted the Police Department's view. Khan supported the proposal but requested that the Applicant be more sensitive to their neighbors. Hawkins thought there was enough support to approve the deck; however, the restaurant seating would stay at the existing seating capacity of 285. He asked if there were other conditions to be added. Janvrin asked if there would be no new lighting. Mountzuris said the amount of lighting would not increase as some deck lighting would be taken out. They would probably go with the existing lighting. Janvrin said the Board wants to be sure that the lighting does not trespass on to the neighbors, noting that both levels need to be lit. Boyd said lighting to be moved would be shown on the revised plan. Mountzuris said they are not reducing the number of lights, but would reduce the wattage. Janvrin said they would want the ambiance.

Hawkins noted that the plan states they close at 11 PM, and that the neighbors should be able to expect them to hold to those hours of operation. He asked if that would be an issue. Mountzuris



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

said that would give an hour after the last order is placed to finish up. He did not know if that would be sufficient; perhaps 11:30PM. He was concerned about making people leave before they were done with their meal. [[[the general manager]]] said people on vacation want to spend more time with their families. Hawkins said that it was their plan, and asked if that was what they were going to do. Dussi asked what the process would be to extend for an extra hour. In the summer people want to mingle a little longer. Perhaps during the peak season they could adjust the hours. Janvrin suggested to midnight between May 15 to September 15 (the beach season), and otherwise to 11PM. Janvrin said they would be held to that. Dussi thought it would be good to address this at this time. Dussi asked if Boyd could make a proposal. Boyd would add whatever is agreed to the plan. Garand said that the Application was for expanding the deck, and questioned talking about hours. Hawkins noted that the hours were on the plan, and that the deck would have hours of operation that go with it. Garand said that was tied to the prior approval which would have to be looked at. This was advertised as an expansion of the existing use. Hawkins asked for Morgan's view.

Morgan said it was fine to have hours on the plan, but in terms of enforcement to carry clout the Planning Board should stipulate it as a condition of approval; this would be more efficient. The Board should stipulate this in the motion, and it should be put on the plan. Hawkins referenced Garand's comments about the notice being for expansion of an existing use. Morgan said that technically, Garand was correct. Changing any other conditions for the restaurant had not been advertised. Therefore, at this meeting hours could be established for the deck. Hawkins thought different sets of hours for the deck and the restaurant would be a nightmare. Morgan agreed, but there had been conflicting testimony as to how late the operations are. It would be good for the Board to be definitive so everyone knows the rules. Abramson thought most problems were tied to alcohol, and thought it might be preferable to cut off hours when alcohol could be served, e.g. 10 or 10:30pm. Hawkins said the hours of operation are for a food and drink establishment.

Janvrin thought that Garand's issue was that the hours were not within the scope of what had been noticed. The Board should be approving or not approving the application. If they want to come back change the hours they should return with an expedited application. Garand said if the noise was contained within the building and the deck, e.g. a small fire and having a drink, there would be no issue for the abutters. He questioned inviting an issue by setting a timeframe when it has been going fine. Noise or parking issues could be addressed with the police. This application was for a deck. Boyd asked if [changing hours] would be an expedited application. Hawkins said it would. Boyd said the hours would be left as they are [for this application.]

MOTION:	Abramson	<p>to approve Case #2012-09 – John Dussi and Harborside Restaurant Group, LLC to expand the upper deck at the Harborside Restaurant at 209 Ocean Boulevard, Tax Map 26, Lot 91, conditioned on:</p> <p>(i) the maximum number of seats remains at or below the existing 285, (ii) depicting the lighting details on the planset, (iii) the management become more sensitive to the neighbors' concerns, and (iv) submission of a revised siteplan entirely satisfactory to the Town Planner.</p>
	Khan	Approved: In favor - Khan, Janvrin, Fowler, Sweeney, Frazee, Abramson:



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

		Abstained – Hawkins
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Case #2012-10E – Proposal by Fantasy Fireworks, Inc. and Arleigh Greene to store fireworks at 27 Stard Road, Tax Map 4, Lot 9.

Attending: Jaffad Savinelli, Fantasy Fireworks;

Appearing for the Applicant: Mary Ganz, Ganz Law:

Ganz said that Savinelli runs the fireworks store at 571 Lafayette Road. He proposes to rent, for 3 months, space that GRA Real Estate Holdings owns at 27 Stard Road. The Board was provided with a previously approved plan that showed where the boxes to store the fireworks would be positioned. Ganz showed photographs of the site. Although this usage would be temporary, she did not want them to have to return to the Board each season. Savinelli had gone to the State Fire Marshall, and a letter from the Seabrook Fire Chief had been submitted. He investigated the nature of the boxes and would have strong locks. Ganz had marked up the plan to show the current location of the trailers. Khan asked if any town official had had concern about the high tension wires. Savinelli said the boxes could be near the wires, but the Fire Marshall said they would have to be moved quickly if there were an incident, so the location is away from the wires. The boxes will contain Class C safe, self-contained fireworks, which are consumer product that anyone over age 21 could purchase. Inside the box they are completely self-contained; if they all detonated, it would never, ever leave the box. The Fire Marshall recommended staying away from the tension wires because if they needed to reach the wires for the utilities, the boxes would have to be moved. There is plenty of access to get to the utilities wires.

Garand said that in 2004, the Board of Selectmen and the Town Manager directed him to issue an order to remove all the fireworks storage containers from their locations in the town. Savinelli's site is very restricted; he has been renting an area in the industrial zone. Last year the zoning was changed, moving the commercial zoning back 500 feet which impacted some of that storage area. Savinelli is trying to find an approved storage area. He's been to the Fire Marshall's office and consulted with Chief Brown. They are looking for a 90-day storage to facilitate their business. Business regulations in the commercial zone covers sprinklered structures, but does not talk about storage. Historically all of the fireworks facilities stored numerous containers on their lots. It is an unsightly issue and grew out of control on Route 1. Savinelli is trying to resolve their storage issues. Hawkins asked if the reason the BOS asked everyone to put their fireworks into a sprinklered building was related to safety or to the way the property looked. Garand said it was both, as well as the way the fireworks ordinance was structured. At that time only one structure on a lot was allowed. A storage container meets the state's definition of a structure. Where there is a structure that is not sprinklered and there are sales, it conflicts with the ordinance. That's why the containers couldn't stay on the lots.

Garand said the issue is that storage is allowed in the industrial zone, and does the Board want to approve this for 90 days out of the year. What's the impact on the abutters. there would be minimal traffic to bring the trucks in. Savinelli was riding back and forth to Hinsdale which is a burden as his father is deceased, his mother is not in the best of health, and he just became a new father. Garand said the town put the restrictions on the fireworks establishments; that is why the majority had built new facilities. Savinelli's lot size is too small, there is a gas station next door, and proximity to abutters. Hawkins asked if an approval is issued, would the containers be taken off the lot. Ganz said it is a temporary use; they didn't want to come back each year.



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Garand said it would be the same every year, similar to businesses that do landscaping, vegetables, or flower sales as long as it is one the site and continually happens. If it went more than one year without occurring, it would have to come back for siteplan review. Hawkins said this property looks ideal, it is wide open. He asked if this were approved, would it open the door for every other fireworks operation to find a piece of land some place in town to do their storage and get around the safety issue with the sprinkler systems.

Garand said Rockingham Fireworks had 60 leased containers on the property last year. Janvrin thought they had Class A and B. Garand said they no longer manufacture on that property. It is going on in town but the zoning changed; the Fire Marshall looks at the size and number of containers and the envelope for safety. One abutter, Best Western, asked for and got a fence on the property. Khan asked if the hotel had been notified of this meeting. Garand said their only issue was for the fence. Janvrin asked if the Fire Marshall had put any restriction on the use of the property. He understood there would be Conex boxes up on 4 x 4 that are not in direct contact with the ground, and asked if there were a minimum separation between the boxes. Savinelli said they have to be side by side. The Fire Marshall wanted hooded locks so they cannot be drilled or cut as a safety measure and to protect him, from theft. There is also a locked gate. Garand said boxes directly on the ground are more for safety because a fire cannot be lit under them. It is a total steel container.

Janvrin said he was familiar with this in re the national Guard Armory. Janvrin related that when he was a child living on Rocks Road, the Rockingham fireworks blew up twice. They were using the same Conex boxes; the cause was static electricity. As a ham radio operator, Janvrin had a better understanding of static electricity and induction, and was concerned that high voltage power lines could make contact and induce a spark onto the box. He asked if the Fire Marshall had required the boxes be grounded. Savinelli said he had not, because these are 1.4 fireworks that cannot exceed 1.1 lbs of powder, and are completely self-contained. If a box caught on fire, nothing would burn. Janvrin asked if he would have to remove his cigarette lighter when entering Savinelli's store. Savinelli said that was not a state regulation. Janvrin's concern was when an employee retrieved product from the boxes, and had a cigarette lighter in his pocket when walking into the store. Savinelli said the Fire Marshall's concern was if they had to work on the lines.

Abramson's experience was on merchant ships when they sometime have to fight fires. When commercial grade fireworks were being transported across the Atlantic a container caught fire and exploded causing a great deal of damage to the ship; they were lucky no one was killed. Seabrook's Fire Department has the special equipment for fighting such fires and punching the steel containers which burn very fast. Savinelli said [if on fire] the product would never leave the container; they are Class C consumer grade self-contained inside a steel structure. The Class C is all that will ever be there and should not be confused with professional product. Garand said that's all the Fire Marshall would allow on site. If this were not the case, they would not be before the Board. Janvrin referenced the letter from an abutter who is concerned about security on the site. Savinelli said the gate will be locked so no trucks could get in and out. The Fire Marshall insists on a hooded lock where a key has to fit in under the hood. About the only way to get in would be to melt the door with an acetalline torch. It cannot be drilled, cut or shot. Janvrin said they are 18 feet from the property line and asked for the set-back in the zone. Morgan said the set-back was 15 feet on the side. Khan asked what was on the top of the truck. Ganz said the boxes would be going on the other side of the property, not near the trucks.

Hawkins asked for additional questions from Board Members at that time; there being none. Lorraine Fogg said she was a direct abutter and was not against the storage. However, in 2004



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

they had two arson fires in her salvage yard. She did not know about fireworks, but asked how many pounds there would be per magazine. Savinelli thought each magazine would hold about 800 cases, estimating about 60 pounds per piece. Fogg had found tables on line that specify how far apart the magazines have to be. Savinelli said only in New Hampshire and Maine is an ATF permit is required for consumer fireworks. They would be side by side as the fire Marshall required. Fogg was concerned about the required distance between them. Savinelli said the 1.3 fireworks are extremely volatile, there is no safety fuse and is like raw materials. Consumer fireworks (1.4) go through rigorous testing, and CPSC and NHDOT sign off on what is brought into New Hampshire. In the early 1990s fireworks became legal in New Hampshire and they wanted the ATF involved. Maine and New Hampshire are the only states that require an ATF license. The reason was for bonding and to keep felons from becoming store owners.

Fogg said that the ATF site specifically talked about consumer fireworks She said that Fiesta Shows had some very expensive equipment stolen. Savinelli said those were on wheels that came in and backed up. Garand said they vandalized and stripped the copper. Fogg asked that, if approved, there be an end date on the permit. She had a cell phone tower on her property and was concerned that the boxes would be close to it with gun powder. Savinelli said the contents was all kinds of powdered metals. With talk about terrorists, vandalism and thieves, in 2004 she had 2 arson fires so a gate was useless. The key was hidden but anyone could unlock it. Savinelli said this would be a combination lock. Fogg was concerned that vandals would park down the road and carry things in; she did not want to lose her woodland to a fire. Savinelli did not understand how a fire could happen in the steel containers. Fogg said all kinds of instruction could be found on line. She asked if they were insured. Savinelli said they had fire, product liability and theft insurance. Fogg wanted to know if the abutters or anyone damaged would be covered. Ganz said it would be part of the insurance package. Fogg wanted to be sure of that.

Savinelli explained that the boxes would be about 450 feet from her property line. His boxes would be 18 feet off the Best Western fence. Ganz said the location of the six boxes was on the plan submitted. Savinelli said the Fire Marshall had walked and measured the property with him and recommended the location. Fogg said she had been misinformed as to the location on the site, and wanted some protection. If the storage location was as Savinelli had described, she would have no problem. Khan asked if the Fire Department inspects the store before they open for the season. Savinelli said they did and also would inspect the off-site storage. He has to adhere to specific safety rules. Khan asked if the permit request is for 90 days. Savinelli said that is the request. Abramson asked for the information that Fogg had brought to the meeting; this was distributed. Gary Dolan, an abutter, had not seen the plan but was concerned about where the storage would be. He was ok with the location, but wanted the duration to be date specific. He asked if there was a lease agreement with Greene that was renewed on a yearly basis. He asked if this would be an ongoing operation, if approved. Hawkins said the Board would discuss that in its deliberations. Dolan asked that the Fire Department inspect it yearly. Garand said it would be specific as to the number of containers; any additional use would have to come to the Planning Board. If it was unused for a year, they would have to come to the Board.

Hawkins asked if the number of containers was 6; Savinelli confirmed this. Sweeney asked what would happen if not all of the fireworks were sold, e.g. 2 containers were left. He asked if they would try to stock it all in the business. Savinelli said worst case, he would ship them back to the distributor. In 90 days the containers would be gone. Hawkins noted that every other fireworks storage would have to have a sprinkler system. Janvrin asked about the fire extinguishers. Savinelli said they would be 2 high-pressure extinguishers, per the Fire Marshall, and noted that the Rockingham facility had 60 containers without sprinklers. Hawkins said the Town is trying to get all of the fireworks under sprinklers. The question for this case is the expansion of non-



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

sprinklered storage, recognizing that it is going in the opposite direction from the sprinklers that the town wants. He thought for this particular situation there was not much of a problem; it is out in the middle of nowhere. There should be some consideration for the town trying to create standards for how fireworks are handled. Abramson said if this is done in one case, there ought to be something added to the zoning in re an unoccupied structure. Fowler wondered if the other on-site structures that have to have sprinklers are explosion-proof. This Applicant ways nothing can get out of the box so it isn't really needed.

Savinelli said there is no federal or state regulation for sprinklers. The reason they had to remove the containers they had was because it was not aesthetically pleasing to the town. Garand said the zoning only allowed one building on a lot. The sales of fireworks had to be in a permanent building with sprinklers. This is a storage use. Khan said in re having to do this for others if it is done for one vendor, and in light of the BOS regulation in 2002, he thought the Planning Board could advise the BOS to look at this regulation and add those items into that regulation. Janvrin asked for the location of the nearest fire hydrant. Savinelli said it was across the street. As an abutter, Dolan requested that the fire Department and the Fire Marshall's stipulations be added to the plan. He appreciated having this for his records, as this was all new information. Hawkins said the letter is part of the file.

MOTION:	Abramson	to accept Case #2012-10E as administratively complete for jurisdiction and deliberation.
SECOND:	Fowler	Approved: Unanimous

Janvrin asked about the waiver requests. Hawkins said it would be sign, lighting, landscaping, and wetlands detail, and the approved signature. He thought the Board should again revise the expedited checklist to only needed things. Janvrin wanted to go above the Fire Marshall's requirements to have the containers grounded. Garand said the abutter's only request was to fix the fencing. Savinelli said the Fire Marshall had not been concerned about that, only to be clear of the utility lines. He did not know about doing this. Janvrin said it would be like the meters on a house. Savinelli thought that would not be a problem.

MOTION:	Abramson	to approve Case #2012-10E – Fantasy Fireworks, Inc. and Arleigh Greene to store fireworks at 27 Stard Road, Tax Map 4, Lot 9; conditioned on: (i) the term of the storage shall run from April 15, 2012 to July 15, (ii) a maximum of six storage containers at any time, (iii) the gate to be locked at all times with hooded locks, (iv) the boxes to be properly ground the metal container, (v) repairing the fence, (vi) providing the Fire Marshall's stipulations, and (vii) the revised planset to be entirely satisfactory to the Town Planner.
	Janvrin	Approved: In favor – Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Hawkins recessed the meeting at 9:10 PM and resumed at 9:20PM.

ONGOING CASES

CASE #2012-05E - Proposal by Glenn Cooper, 112 Lafayette Road Ilc, and Loanmax, Ilc to establish a consumer finance office at 112 Lafayette Road, tax map 10, lot 8, continued from April 3, 2012; April 17, 2012

Appearing for the Applicant: Alicia Lastowka, Loanmax;

Appearing for the Applicant: Bo Bonin, contractor;

Hawkins thought the remaining issues were colors and signs. Lastowka presented the samples for the historical colors they would use for the painting; the brick would remain as is. Bonin said the wood is on the front and side of the house. Lastowka said the letters on the sign would be maroon, not bright red. The pylon sign would be the same kind of beige colors – not bright yellow or fire engine red. Hawkins asked if the red was the same as on the building. Lastowka said it would. Hawkins noted they had dealt with the lighting hours, and asked about the light poles. Bonin said they could only be powered by the utility company; they would be removed. Their electrician submitted the cut sheets for light fixtures to Garand. Nothing would be installed until the approval. There would be two light fixtures on then building front at the wood level, and another at the window height; all face downward. The floodlights would be removed.

Bonin asked about the town's lighting hours. Janvrin thought that the lighting would be subdued after business hours, except for security lighting. Hawkins said the hours of operation would be 10 AM to 6 PM during the week, and 9AM to 2PM on Saturdays, with safe access lighting after that. Bonin said this is low-level lighting and would be installed with a photo cell that would turn on from dawn to dusk. Lastowka asked about the sign so people could see it when they drive by. Hawkins asked if it is back lighting. Bonin said it would be lit from inside with florescent lights. Lastowka said it would be on a timer. Bon in said in other locations typically it comes on a dawn and goes out at 1 AM. Janvrin asked for the Market Basket lighting hours. Garand would not comment on that. Hawkins asked what it typical. Garand said it depends on the nature of the business; some have backlit and go down for security lighting; some go from bright to minimal lighting at night. He suggested using fewer bulbs. Bonin said there was a single feed into the pole and did not know how that could be done. He asked about lighting for the building sign; it would be florescent type. Bonin said if the Board approves what they submitted, that light would be lit from within, with no additional lighting. Hawkins asked for Morgan's recommendation. Morgan said it is ok as long as they do not shine light up to the sky.

Bonin asked if the sign company had to apply for a sign first. Garand said the sign company would apply separately. Hawkins wanted the Board to discuss the signs in light of the Smithtown Village regulations which differ from what is there. The ordinance had been passed, but not yet the site plan detail. The free-standing sign described would not be of the type that would be approved in the future in Smithtown Village. Garand said the pylon sign would be allowed as long as the make-up and size was not changed. The building wall sign would be an issue, as to the Smithtown Village concept for small signs hanging from brackets. Morgan asked why they could not claim it was also grandfathered. Garand said it would be non-conforming. Janvrin asked about making the sign as submitted and provided exterior lighting to it; if the lighting were in the soffit with lighting shining down during the hours of operation. Garand said the zoning ordinance tells what would be liked, that is why the Board had to provide guidance. This had been public noticed, but not detailed in the ordinance.



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Hawkins said the Board had not yet had the discussion about backlit sign and whether they would be approved and, if so, would they be allowed on buildings, or awnings. This would be discussed at the next meeting. Chase said they had pictured the pole sign as being smaller in nature and not so high off the ground. Hawkins wanted the Board to be sensitive to this proposal as only a change in use and not new construction. He had less problem with the pole sign than with the building sign. He thought the building sign would not be a problem if it were not back-lit i.e. a painted signboard; the intent is to get away from florescent lights and neon, and try to calm things down in the area. Morgan thought that would be a reasonable condition. Janvrin wondered how that would be illuminated. Morgan's preference was not to light the sky, but to light it downward from above. Fowler said this could be done with two lights above the sign, shining down. Khan asked if the Applicant had considered the Smithtown signage examples. Bonin said they had and felt that using the pole sign would be advantageous for visibility, as the building is in the shadows with a fence and trees. Visibility when coming from Massachusetts was limited; bright colors would be better. He had proposed a new sign, but the company wants to use the existing sign. Hawkins said not too much is changed for the proposed use; however, the Board is trying to cut down on the bright colors and backlighting. He said a painted sign would be more appropriate, lit downward rather than shooting up.

Hawkins summarized that the colors for the sign were ok, the pylon sign is ok to reuse, the building sign would be a painted board sign lit from above rather than below, the three paint chips for the building colors are ok, and safe-access lighting will be used after business hours. He asked for other questions. Khan asked what activity would go on in the upstairs area. Bonin said it would not be used, but they would do life safety items in that part of the building. The main use would be in the showroom area. Hawkins noted that in this zone, mixed-use would be a future option. Janvrin asked if the screening were waived for the dumpster on the back side of the building. Garand said that was done at the last meeting. Abramson asked if there might be some ground cover at the pylon. Bonin said it was on a cement tube and bolted down near the edge of the property, and noted that six flagpoles along Lafayette Road had already been pulled out. They will clean up the property that had not been cared for, and re-mulch the area.

MOTION:	Sweeney	<p>to approve Case #2012-05E – Glenn Cooper, 112 Lafayette Road llc, and Loanmax, llc to establish a consumer finance office at 112 Lafayette Road, tax map 10, lot 8, conditioned on:</p> <p>(i) applying the exterior paint colors that match the three specific paint chips introduced at the May 1, 2012 Planning Board hearing; (ii) reusing the existing pylon sign; (iii) using a painted board sign on the building, down-lit from above, not from below; and (iv) providing safe access lighting after the close of the business day.</p>
	Janvrin	<p>Approved: In favor – Hawkins, Janvrin, Sweeney, Fowler, Frazee, Abramson; Present - Khan</p>



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Case #2012-08E – Proposal by G & D Realty Trust and Gregory Burzywski for a change of use encompassing 4,500 square feet at 142 Batchelder Road, Tax Map 6 Lot 13. continued from April 17, 2012

Attending: Gregory Burzywski

Burzywski had been in Seabrook for 16 years and owned the approximately 45,000 square-foot building. He wanted to sub-divide about 4,500 square feet of the back bay as a storage facility for an importer-distributor of kitchen cabinets and bathroom fixtures. The company is Premier enterprises, currently located on Ledge Road. Janvrin asked if there were separate bathrooms for that area. Burzywski said there were not. The tenant would have three parking spaces; it would be a fork truck in and out through two bay doors; another door would give e egress. Janvrin asked if the area was sprinklered. Burzywski said the whole building had sprinklers. Garand asked if the tenant would only be in the building when Burzywski was there. Burzywski confirmed this saying his hours are from 7AM to 5PM. Garand's concerns would be traffic, hours, truck access, and the lack of bathroom facilities. Hawkins asked for Morgan's comments. Morgan asked about any additional signs and lighting. Burzywski said there was no need for signs; they just need storage space. It's a wide open area; lights and switches are already there. Hawkins asked for further questions; there being none.

MOTION:	Janvrin	to accept Case #2012-08E as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved: Unanimous

Hawkins did not see the need for conditions, and asked for comments; there being none.

MOTION:	Janvrin	to approve Case #2012-08E – G & D Realty Trust and Gregory Burzywski for a change of use encompassing 4,500 square feet at 142 Batchelder Road, Tax Map 6 Lot 13.
	Abramson	Approved: Unanimous

PROPOSED AMENDMENTS TO THE TOWN'S SUBDIVISION AND SITE PLAN REVIEW REGULATIONS THAT WOULD GOVERN DEVELOPMENT IN THE NEW SMITHTOWN ZONING DISTRICT THAT IS SITUATED IN THE VICINITY OF TOWN HALL

Hawkins said that this item would be discussed in detail at the May 15, 2012 Planning Board Meeting. He asked the Board to review the draft in depth and be prepared with questions and guidelines to make the discussion go more quickly. Members should think about whether the draft covers what is needed, noting that the choice of colors had not been previously anticipated. He wanted suggestions on what would not be wanted e.g. backlit signs. This is not to tell people what to do; it is basic directional guidance to create the desired village feel. The question is how specific to make the standards. It seemed easy until someone wanted a red and yellow building, and the standards are not written down. Khan understood grandfathering on standing signs, and asked if it would be too much to ask that signs on building walls be wood carved. Hawkins said that is for discussion; the Board would have to draw the line as to what would be allowed as grandfathered. Common sense was needed; the compromise on the Loanmax building sign was ok, but was not exactly what the Board had in mind. All they were doing was renting a pre-



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

existing building. This will happen repeatedly.

Hawkins said that the Board would have to look for compromises to try and create the environment that the ordinance had in mind. Khan wanted to identify the colors, signage, and the lighting. Hawkins agreed on identifying the things that the Board absolutely wants to enforce. Garand said to address digital signs (one was already in place), the intensity of LED lighting, and technology matters. Abramson felt that all this is really good, although he found a few items in the zoning that were conflicting, e.g. a couple of set-back references. Hawkins noted there is some contradiction in the draft. Such items can be corrected over time. Abramson suggested a set of architectural codes and landscaping design so that if someone wanted something different than allowed, they would have some examples to go by. Hawkins thought there was a great advance with the landscaping regulations implemented a year ago, noting that they are difficult to enforce. For example, on route 1 everyone wants more parking, and the town wants less. There can't be a huge building and parking lot and no landscaping. Something has to give and that is never on the building size; parking is next. Additionally, people are being asked to create pocket parks and open space. This will have to be addressed in future applications.

Abramson said communities have done this with form-based codes, usually as a district or a town center. They build a module for the maximum building size, placement and massing of the building, another for architecture and colors, and others for landscaping and signage. Items can be optional, or not. Hawkins said the Board needed to review all of these items individually. Janvrin thought that, in the interest of time, some further discussion would be handed off to the Steering Committee. He noted that Hawkins had said that any Board Member, or citizen, who would like to participate with the Steering Committee would be welcome. Khan said if there was compromise with some applications e.g. signs, an exchange might be plantings i.e. green space. Hawkins thought that would be a good approach for a compromise, but a Board decision would be whether to have back-lit wall signs and bright lights and colors. Chase thought a developer would need some guidance. Hawkins agreed, and said it would take a lot of coordination between the zoning and siteplan regulations. The Steering Committee was very conscious that it could not be telling people how to do something. The Board could not take opportunities out of a developer's hands and tell them what to do. It could provide encouragement to create New England type buildings, and evaluate if it made the right choices for an attractive area to redevelop.

Abramson said in a couple of states there had been litigation in re how vaguely some of the new zoning laws are written. He said the courts had tossed out some provisions that seem to vague, like "New England style". Khan thought this meant to show what the New England style is. Abramson said the courts and architects are wanting to see photos, and drawings which are easier to understand. Hawkins noted that the new regulations use that technique. For example, there are layouts with multiple buildings, but it is hard to say that only one type of building is acceptable. The Board can say it wants an environment that is not just hard-top e.g. pocket parks. Hawkins said this discussion would be continued at the next meeting; he wanted to get to the specifics where a vote could be taken. .

Hawkins asked about other items for the next session. **Kravitz said the draft Memorandum of Understanding between the NHDOT and the Town would be on the May 15, 2012 Agenda.** Comments on the draft had come in from Steven Ireland of NHDOT who will try to be at that meeting. This will be circulated prior to the meeting. Hawkins said that historically the town always seemed to become involved at the tail end of the NHDOT driveway-cut process. The intent is to get into the process sooner so that the Town's input is actually considered before the



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

NHDOT makes a determination. Hawkins commented that the state did not have a problem with this and seemed quite ready to accept some of the Board's ideas on how things should be done. The objective is to adopt the MOU at a point so that the future operation will be clear.

Hawkins recalled attending the very interesting **Complete Streets presentation** some weeks ago. He did not want to invite someone to a meeting at which there would not be time for this. It could be scheduled on the Agenda for another workshop in June or July. If this cannot be arranged, Chase could run a presentation.

OTHER BUSINESS

Garand wanted the Board to talk about the time frame for receiving packets so there is more time to review the material than Thursday to Tuesday. During the last weekend he spent time reviewing the building plans and did not have time to do Planning Board things or anything in the files. He thought it daunting to know that [some] board members don't get packets until Monday, when the meeting is Tuesday. He did not know how they could research when there were five or six cases. He knew it would be slowing things down but, if they looked at doing things and met all the guidelines required by the land regulations, he thought it would help the board make wiser decisions. Khan thought that right because they are getting a lot of cases coming up and logged on the pipeline. Garand said they are larger cases. The simpler cases are one thing. He looked at some Planning Board procedures of the past when it used to have a work session on the first meeting [of the month] and a formal meeting session at the second meeting. It was meant to slow down so there could be discussions and work things out. He knew that currently there were an awful lot of issues that are trying to work in on time, and Kravitz is working to get things going. Garand said they have to something that is a little bit better so that the people submitting the applications have the time to bring it in, and the Members have the time to review the case and give it their full attention. He said that full decisions were not being made.

Janvrin said that when an applicant comes to the Board meeting and hand in items, that should be an automatic continuance to the next meeting. Garand said it is also unfair to Kravitz because she does not have the full application. It is not something that the Board already has knowledge of; that is something that should stick to the rules. Janvrin said that triggers "continuance" in his mind, every time. Garand said it is not allowed. It is new information. Either the applicant should ask to postpone to the next meeting, or go with the application that is submitted. The rules are there. Garand commented that this was an easier week with smaller applications, He did not feel on some of the applications there was complete review, because he does not have time for it. He is spending his weekends reviewing plans at this point; he wanted to have more of a life than plan review.

RAIL TRAIL MATTERS

Janvrin said on Saturday, May 5, from 9AM to 2PM there would be a Rail Trail clean-up. The public is invited to join in and do some volunteer work. The focus would be south of the river bridge at Walton Road, and from the bridge to the Library. Also the Town Meeting voted to designate the Rail Trail as a municipal trail, contingent on the State, the NHDOT and the Board of Selectmen coming to an agreement that was ratified by the Governor's Council and the



Town of Seabrook Planning Board Minutes

Tuesday, May 1, 2012
NOT OFFICIAL UNTIL APPROVED

Governor. Janvrin said he had been indirectly notified that the attorney general's office did not accept the form that was submitted. It is not what is in the form. Seven NH communities submitted their agreements at the same time and the language was too different from one to the other. Someone from the Rockingham Planning Commission was working with the Attorney General's office to find out the acceptable language. Within the next two months they want representatives from each of the seven communities to meet or teleconference to coordinate and collaborate on the agreement. Part of the problem was that the NHDOT did not have boiler plate language.

Progress is stalled because the State is not in a position to approve it immediately. Hawkins asked who would be taking the lead. Janvrin said that Scott Bogle, RPC's senior transportation planner would take the lead and he is also the coordinator for the East Coast Greenway non-motorized group. At some point someone at the town level would have to collaborate with other towns. Janvrin thought it should be someone from the planning side. [He would volunteer]. Most of the things that had been planned were put off until the agreement was signed, as a lot of things hinge on it.

Hawkins announced that the **Rockingham Planning Commission would be meeting on Wednesday, May 9, 2012 at the Seabrook Library, Liberty Lane, 7PM.** Khan said that once again Seabrook is hosting the meeting. Kravitz said the Library would remain open for the meeting.

Abramson suggested that a Board work session be held regularly on a Saturday or Sunday, and be open to the public. Hawkins noted that one meeting per quarter was scheduled as a work session – with only cases heard that had to meet the 30-day requirement. Kravitz said two cases would be on the next agenda. Hawkins said that members serve on many volunteer boards, and was reluctant to have extra weekend meetings, although he would do this. He thought that some matters, like the master plan, could be handled by a sub-committee before submitting recommendations to the Board. Abramson referenced the charrette done some time ago when only a few people other than officials attended. Hawkins said the only heavily attended [master plan] meeting was at a board meeting. the meeting in the Library had more consultants. He thought Abramson wanted to get more people involved in the process. Kravitz thought Abramson made a good suggestion in re that there were items that one or another member would like to address. She asked that topics for consideration be submitted in writing to know the items that need to be addressed. Hawkins noted that there is a full folder of items to address in work sessions. Janvrin thought that some might be addressed in sub-committees. Hawkins did not want to waste the Board's time because there was not enough time as it was to work out all details. A sub-committee is the place; volunteers would be needed.

Chase called attention to a Workforce Housing Meeting in Exeter on Tuesday, May 8 at 6:30 PM.

Hawkins adjourned the meeting at 9:45PM.

Respectfully submitted,

Barbara Kravitz, Secretary Planning Board