



# Town of Seabrook Planning Board Minutes

Tuesday, June 1, 2010

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

This meeting was held in the Seabrook Library.

Hawkins opened the meeting at 6:35PM and said the one new case would be heard before the work session began.

## **NEW CASE**

### **Case #2010-12, a proposal by Lund Family Revocable Living Trust of 1997 and Jason & Marcia Knowles for a lot line adjustment at 137-145 Farm Lane, Tax Map 12, Lots 44 & 44-3.**

Attending: Marcia and Jason Knowles; Theresa Perkins-Lund and Ronald Lund;  
Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd said he was disturbed the Board would not accept this case for expedited processing which meant a \$400 fee for a transaction between a mother and son. He considered this case a simple adjustment of a common lot line which should have an expedited process. Hawkins said the expedited process would be discussed during the work session and that Boyd's input would be welcome. Boyd said he'd seen some fees returned before, and he hoped the Board would return some funds to the applicant because he thought they were treated unfairly by the application process.

The two lots - 1 B and 1C were divided in 2004 and a full formal review was done. Boyd said the current goal was to add a portion of the Lund lot to the Knowles adjacent approved lot. He thought this should be expedited; it did not require a technical review. Morgan explained that the expedited process was adopted only for site plan reviews, and not for subdivision or lot-line proposals. He noted that the wetlands scientist stamp and the boxes were not submitted on the plan. Boyd said the applicants are suffering from that oversight. He thought nothing is simpler; these are not new lots so the boxes are not needed; he could have the wetlands scientist stamp for the mylar because that was flagged in 2004 and nothing had changed. Morgan said In other respects the application is compliant.

<b>MOTION:</b>	<b>Moore</b>	<b>to accept Case #2010-12 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Sanborn</b>	<b>Approved: Unanimous</b>

Hawkins asked if the board had questions; there being none. Moore thought this case was about as simple as it can get.

<b>MOTION:</b>	<b>Moore</b>	<b>to approve Case #2010-12 Case #2010-12,- Lund Family Revocable Living Trust of 1997 and Jason &amp; Marcia Knowles for a lot line adjustment at 137-145 Farm Lane, Tax Map 12, Lots 44 &amp; 44-3.</b>
<b>SECOND:</b>	<b>Sanborn</b>	<b>Approved: Unanimous</b>

Boyd asked about the expedited process. Hawkins said the definition and qualification for expedited processing would be discussed at the work session. A lot of confusion had been created as expedited



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applications have gone from one extreme to the other. Foote said the original intent of expedited applications was to handle small items initially relating to the no smoking ban such as a patio where patrons could smoke. It was for relatively insignificant small items. The Board did not foresee going any further, but many such applications have been submitted that were never intended to be expedited. . Boyd said he didn't see any exclusion on the application and didn't see why it could not be used for this case. Hawkins said the expedited reference is in the site plan regulation but the definition and terms need to be better described.

### **MINUTES OF MAY 4, 2010 AND MAY 18, 2010.**

Hawkins tabled the Minutes of May 18, 2010 to June 15, 2010.

Hawkins said on page 5 "fell" should be "feel" and in the paragraph under the motion box on page 5 "abjections" should be "objections". Sanborn asked about the date for the function hall discussion. Kravitz explained it was first heard on May 4.

<b>MOTION:</b>	<b>Moore</b>	<b>to accept the Minutes of May 4, 2010 with typos amended.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous Abstained: Thibodeau, Sanborn;</b>

### **CORRESPONDENCE**

Hawkins referenced correspondence between Morgan and the Salisbury, MA planner who requested comments from Seabrook re the Cottage Village traffic study; Hawkins' impression was that Salisbury was open to taking input on what should go into the study. Morgan had sent a memo as to the Board's concern. Morgan said he'd been informed by email that all of the Seabrook requests had been included within the scope of the study.

### **SECURITY REDUCTIONS**

There being none.

### **WORK SESSION**

#### **APPLICATION PROCEDURES AND GUIDELINES MANUAL**

Hawkins said this might be discussed at the end of the session. He asked members to read their copy to see the changes and write comments on the draft about what to clarify or add for the next worksession.

### **Expedited Application**

Hawkins thought the original intent was place to start because the intent had not been clearly defined which caused confusion. Every application wants to be expedited which he thought was because they wanted a quicker process and a reduced cost. So far, other than no tech reviews, Hawkins did not see a reduction in cost to the Planning Board.

Hawkins began with Foote's prior summary indicating that about 18 months ago the discussion was about expediting small items like outdoor patios that didn't involve any construction other than perhaps putting down a brick patio. It has evolved to having even building additions submitted for expedited process. Every week the Board has been rethinking what should be expedited. Hawkins asked if what Foote had described accurately represents the Board's original intent. If so, how can this be better described in the regulations so that it is clear to the applicant. Foote said one item would be a threshold of cost. Garand thought, for example, that the Dunkin Donut cooler, or the proposal for 177 Lafayette Road were appropriate. Abutters just want notification of what happens and nothing impacts the drainage, traffic, or parking. Every case is different. He agreed with Hawkins that people saw the expedited application as



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cheaper and quicker. It does require less engineering but for the Planning Board it can be very involved. Foote said it should be for site plan purposes only; nothing that is recordable should be expedited. The Board would really open itself to having very explicit definitions otherwise. Hawkins thought it easier to define in the site plan than in any other category. Moore said to limit it to previously approved site plans that have already been through the process. Garand said if it goes through the Planning Board there is something on record even if it were a small thing it shows the intent and they can be held to it. It is appropriate to give it a case number to track it which wasn't done in the past. Moore said it would flow through to previously approved plans. Why should they have to go through a rigmarole when it is a simple change. Garand said it should not change utilities or something on a road. It could help the average homeowner even though it is limited. It is not the intent to penalize the average person. Basically it is to cover the town and ensure there is a proper paper trail even with a quick process.

Foote said the savings to the applicant is in the engineering costs. Hawkins asked what can be done to help an applicant avoid the professional engineering cost [for this type of case.] It is important to consider both sides of the cost. The Planning Board has to cover its cost to make sure that the taxpayers are not paying for the function of the Planning Board and its office. There is still a lot of money to be saved if the requirements can be reasonable. For example, he did not want to see a scratched sketch, but an aerial view that has the dimensions on it would make it easier to understand. Garand said someone in the town should decide if a proposal should be expedited; he thought that should be Morgan or himself. Foote said either the Town Planner or Code Enforcement should recommend that an application qualifies to be submitted as expedited.

Hawkins had identified a number of items to clarify or add to the expedited application description, the first of which was the intensity of use in re parking and traffic. Garand indicates to an applicant that they can submit an expedited application so the Board can hear it, but makes clear that the Planning Board will decide what it wants. Hawkins said that the Board had not given Garand any means to say that something did not qualify for an expeditious review. Garand noted that the Board has to decide and has the right to give waivers, so it needs to hear the presentation. Hawkins said another item should be no increase in traffic. Buildings ought to be defined eg not an addition. Garand said it might be an accessory use for an approved site to improve use of the site eg a refrigerated cooler on the outside of a restaurant that has been growing. Hawkins said that might mean adding a section for processing additives to food, or storage, and saw the need to be somewhat restrictive in terms of size. He noted that the board could always say no to an expedited request. Moore said basically the issues are traffic, drainage, and noise. If the site is back in the woods noise wouldn't be a problem. This needed to be addressed on a case by case basis. Garand agreed there can be different scenarios. The separation of smoking is a good example but if there are to be more tables and seating then parking is an issue to review.

Hawkins said nothing that needs tech review should be expedited. Garand said if there are any new utility items then the department heads should review it in tech review. Hawkins said there should be no change to utilities or stormwater. No condominium conversion. Foote said there should be no alteration of drainage or utilities on the site. Garand said no change to exterior lighting, and noted that condominium is just a form of ownership. Hawking recalled a very complicated condominium conversion case recently. Garand and Hawkins agreed these should be a full case. Morgan said it appeared that one intent was to save money for applicants for small projects, and asked if the Board intended for expedited applications to speed up the process. Moore said they should move faster. Thibodeau said if it isn't a simple thing and the case can't be done in one night, it isn't expedited. Foote said the procedure had been abused and misrepresented by the engineering firms to go far beyond what the Board's intent had ever been. Garand said the Board needs to say "no" to poorly submitted applications, and applicants need to fulfill prior promises. When an engineer comes forward and gives a promise re a siteplan they should have to fulfill this before coming back with another project. When a plan comes back nine years later trying to change what was promised, the Board should say it has to be completed as approved. The Board has to say



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“no”. Foote had observed that once there is an approval the engineer goes away, and the applicant has no idea about all the other things that need follow-up – even to get their plans signed. Garand said that is a shame on the applicant who signed the application – they should be there and listen and follow the process. Similarly, when a case returns for a driveway change he does the research back to the prior plans. They made a promise to the Planning Board that should stand.

Thibodeau asked what could be taken away if [conditions] are not completed. Garand said that should be looked at when an extension on approval is requested. If they don't have a reason for the extension, the Board should say “no”. The Board listens to every applicant and to abutters and makes the best decision it can. When they come back for several changes to an approved plan that is not proper. Thibodeau said nothing should go for nine years without being done. Foote said now there is security for things that the town can collect on and hire contractors to do the work. Insurance bonds are no longer accepted because they lapse if the premiums are not paid for a few months. Thibodeau said to shut them down if they haven't done what they were supposed to do. Hawkins said that would be an enforcement issue and beyond the Planning Board.

Hawkins said there have to be minimum expedited standards on drawings, and did not think they needed to come in with \$2000 engineered drawings. This could be a properly dimensioned plan with the dimensions of the lot, the driveway and building placement, indication of the streets.etc. He thought the aerial for the tow truck proposal, if it had the dimensions and showed parking spaces, would have been understandable and adequate for an expedited application. It could even be hand drawn. A drawing that just says square feet should be returned for a better job because there is no way for enforcing the outcome. Garand said he is looking to the Planning Board for the tools to do the enforcement when there is a complaint, or his hands are tied. Hawkins asked Morgan for the language re minimum standards. Morgan said he would draw that up, but thought that minimum cost was a goal. Hawkins said that was not the criteria for him. If something is really simple to do why are people forced into really sophisticated type of work. Garand said if there is an approved siteplan the infrastructure is already there. All that's needed to let the abutter know what they want to do. Hawkins said they can take an aerial photo to show where they want to put something. For example, showing where the fencing goes in the tow truck proposal is what was needed. The fencing could be removed if the business were no longer there.

Foote agreed expedited process should be for a previously approved site, and perhaps state a timeframe limitation eg approved in the last 10 years. However, the language needs to be phrased very carefully. A lot of applicants probably don't realize that while they paid a pretty penny for an engineer to draw plans, they do not have the right to take that siteplan and resubmit it in the entirety because of legal considerations for someone else's work. She did not know if photocopying a small section would be ok. She thought that technically, if a person paid for it they should be able to use it, but they cannot do all of it where there is an engineering stamp and firm reference. The Board needs to take care for itself to avoid being attacked with a suit for insisting on such use, as well opening the door for the applicant to have difficulty with an engineering firm especially if it is two or three owners down the road. Garand asked if an applicant could show a change on the approved plan. Morgan said not if it is copyrighted, but technology is marching forward. He thought as Mike Lowry did that an applicant can get a photograph on the internet if it really is a small project. Garand said this could be gotten at the town Hall. Foote cautioned that an original photo might be readable but found that with the black and white copies of aerials it is very difficult to figure out what is going on as they become dark grey. Hawkins said the Board should insist that the applicant bring in color copies which are clear. They could draw something in with a red marker. Garand said the applicant should be responsible for all copies being consistent. Foote said they should clearly designate the intent; an aerial photo of a lot with a couple of lines doesn't tell the intent. Janvrin said there should also be a narrative. Moore said the shot should also show what is around the lot.



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Hawkins summarized that minimum standards would include (i) a drawing done by the applicant with dimensions, (ii) aerial photos would be accepted with dimensions, (iii) the abutters on each side of the property are to be listed to show who owns the property next to them, and (iv) and the streets identified with frontage so the lot can be referenced in the future. Foote said this information could be presented on multiple pages; it doesn't have to be crammed onto one page.

Hawkins next referenced a separate expedited application checklist that he had asked Morgan to create. The locus, abutter id's, north arrow, date are needed. The engineering, wetlands and landscape stamps, and monuments would not be needed. Easement holders are needed. The proposed use of property is needed. Foote said a copy of the original site plan or a case reference is needed. Garand said both the existing and proposed use of property are needed. Garand said if the sign, lighting, and landscaping details are changing it is not an expedited application. Foote said those detail could be expedited if they are going away. Janvrin agreed that no change in lighting should be expedited. Garand said that if a light pack is moved from one place to another it is not changing the use or intensity of the light. Moore said the whole idea is to control spillover. Driveways should be shown – but no changes. Garand said this would show in a photo but driveways or parking shouldn't be changing. Hawkins said then they did not need to be on the list. Foote said they should be indicated on the plan. Garand said they should be on the original plan. Foote said knowing where they are important eg if they want to place a patio.

Hawkins wanted the regulations to have a list of things that cannot be expedited. One item already recognized is no impact on the public or the environment, so if a proposal has such an impact it can't be expedited. Morgan recalled Lowry's landscaping proposal did show a pond. Garand said to show the distance from a pond. Garand pointed out they can't change anything in this regard. Garand said the 2" contours aren't needed. Hawkins said no revision block. Kravitz said while a revision block wouldn't be necessary; whatever they produce needs to be identified. Foote said there should be a title block in the lower right hand corner identifying the owner, applicant (name, address), and the address of the property. A signature line should be above the title block so it can be identified as approved. Hawkins said no stormwater drainage analysis, but the location of structures and the intended changes should be drawn in. Janvrin said the location and dimensions of impermeable surfaces should be drawn. Set back lines should be shown. Garand said they have to prove the setbacks for the improvements. Foote said Google has a ruler. Garand said property lines couldn't be determined that way; the maps can be gotten from the assessor. Janvrin asked if as a property owner he could ask to print that out for a fee. Garand said he could. Kravitz said that 14 copies (11'x17') would be needed so each Board member gets one in the packet.

Garand said ZBA approvals and easements should be noted. Foote said a copy of the ruling should be submitted so the Planning Board does not do anything contrary. Foote said there is no need for Conservation Commission, state or federal permits or wetlands surveys in re an expedited application. Garand said boundary markers would already be installed. Hawkins said they wouldn't show on an aerial; but they get moved and people should have this looked at from time to time. Garand said if that type of information is needed it should be a full application. Hawkins said the stormwater plan and erosion and sediment plan are not needed. The deeds citing easements and wetlands, and architectural elevations should be submitted. Hawkins lighting detail is not needed if there are no lighting changes. Morgan said to include hours of operation which could be changing. Hawkins said this would be pertinent if the application was for a change of use and the hours might change, but he was more concerned about the intensity of use and how many people to expect. Garand thought that expansion of use or hours was ok as long as there were no impact on abutters. Moore said the town doesn't restrict anyone from working 24/7. Noise can be controlled when a complaint is filed. Hawkins said to show the hours of operation and lighting hours; foundations and pole details are not needed. Janvrin said acreage is not important as long as the setbacks are there. Hawkins said no waiver requests. Hawkins listed a number of informational items that would remain on the list. A site work cost estimate is not needed.



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Garand thought the discussion had given a good idea of where expedited applications should go, and asked if Morgan would revise the checklist for the Board. Morgan said he would. Hawkins said to provide some prescreening, an expedited application should be recommended by both or either of the Town Planner and the Code Enforcement Officer before it is submitted. He thought the requirements had been pretty well defined at this meeting, but at least one of them could say that something doesn't meet the expedited requirements and the proposal should be a full application. This is especially pertinent when someone is just looking for a fast approval. Garand said if he has a question he can consult with Morgan. Hawkins wanted a line on the application form for either or both to sign as meeting the requirements of an expedited application, although the Board can say yes or no. People won't be able to just bring in whatever they want. Morgan asked if he or Garand decided something doesn't meet the criteria it doesn't get on the agenda. Foote said what in addition to a signature line on the application itself there should be a disclaimer so that the applicant realizes that if the town planner and/or code enforcement believes it may be expedited, the Planning Board may determine that it is not suitable for expedited. Garand said the Planning Board has the final say re acceptance of an expedited application. Foote did not want an applicant to argue on this point.

Hawkins said that a \$25 application fee is too low. The base site plan fee is \$200 and includes the first 5,000 square feet. Hawkins did not see why the Expedited fee should be changed from the regular site plan fee. He said there was no case submitted so far that only cost the Planning Board \$25. He proposed going back to regular site plan fees. The real savings for people doing expedited is in the engineering. Hawkins believed the Board should really be trying to cover its cost. For a review of a plan that has the town planner and code enforcement involved the board should be trying to cover its cost. He recommended going back to a regular site plan fee making it clear that the savings are not in Planning Board fees. Foote agreed with the fee of \$200 for processing and review of the application. Hawkins commented that if there is more than 5,000 feet involved, it shouldn't be expedited. Foote said the savings is in the applicant's time and engineering costs when it is not necessary. Moore noted the notification fees are in addition. Kravitz asked whether the Board wanted to start public noticing the expedited applications in the newspaper. Foote said the abutters are being notified but not putting in the newspaper. Moore asked the cost. Kravitz said \$75 per applicant. Hawkins asked if it was legally necessary for an expedited application if the abutters are notified. Morgan said what is currently done is consistent with state law. By consensus, expediteds will not have a newspaper notice.

Hawkins asked for further comments on expedited applications. He wanted the checklist to be part of the application – perhaps pages 2, 3, &4, and they should initial the lines or say why they can't. Hawkins said it should be filled out, but Morgan has to verify it. If they request a waiver then it has to be submitted as part of the application. If something required is not turned in, and there is no waiver request giving a good reason why not, then the application is incomplete. The Board can decide what it thinks about the waiver request. Hawkins did not like having someone say they forgot something when they get to a meeting which has been the case at nearly every meeting. Garand said the case should be continued. Hawkins said if submissions are incomplete the application form says there is a fee. If this is enforced, people will pay attention to the checklist and get complete applications in to avoid the fee. Hawkins said it is confusing when some things are left out and he doesn't know why. Cases will go through more quickly and with less expense if it's done right. Waiver requests must be in beforehand, and not handled as a condition of approval that no one gets the chance to read. Foote said she has refused to sign for some cases because they haven't given all the documentation. Hawkins said those are the things that require follow-up and cost the Board money. Garand said sometimes they're looking for it years later. Garand pointed out that applicants have been submitting waivers at the meetings. Hawkins said that should not happen.



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Garand said all that would happen is that the Board is making the requirements for the application not as strict. Foote said it would make it easier for the applicants themselves, and have a shorter time span. Moore said that interior lot-line changes have to be put on a plan; that should not be very costly. The big expense in that situation would be if the engineers appear before the Board. Garand wondered if the lot-line fee should be reduced. Foote noted the lot-line adjustment fee is \$200. Kravitz said it also requires a mylar and other fees. Hawkins said a lot-line adjustment or removal is \$200. Morgan said that before the meeting he was reviewing Arleigh Greene's lot-line adjustments and found that rather than being simple, they were among the most complicated plans he'd seen. Garand noted that the new expedited fee brings the base for all fees to \$200 which is consistent. Foote commented that last year the Planning Board cost the town \$65,000 and includes support services for reviewing plans. Hawkins said the Board does not cover its costs and that this year the Board is under budget but is way behind on fees. Moore said it really depends on how much and what kind of work needs to be done. Foote believed that an expedited application cost the town at least \$200 in the amount of time the secretary, town planner and code enforcement put into it. Kravitz noted that whatever time the planner puts into a case is invoiced for reimbursement, whether or not it is expedited. Hawkins agreed that the board had changed the policy so that all incremental costs are for the applicant to pay. The town planner reports his hours by case and that is a separate over and above charge at the end, no matter how big or small the case; the same with the Planning Board engineer.

Kravitz asked if the signature page used for the regular application should be added to the expedited form. Hawkins said the regular application has a full signature page which he thought should be added to the expedited application. It requires the signature of the applicant, the owner and the agent if there is one. Foote said the signature page should be adjusted for the code enforcement or town planner sign-off. Hawkins agreed and said that line should be added. Hawkins wanted to go back to the regular site plan fee for the expedited application which would be \$200. If there were more than 5,000 feet of impacted area the fee increases at the rate of \$50 per additional 1,000 square feet.

<b>MOTION:</b>	<b>Hawkins</b>	<b>that the application fee for expedited site plans be returned to the normal site plan fee of \$200 as the base fee [[for the first 5,000 square feet of undisturbed surface.]]</b>
<b>SECOND:</b>	<b>Foote</b>	<b>Approved: In favor: Hawkins, Janvrin, Foote, Fowler, Moore Opposed: Sanborn</b>

### **Security Reduction Matters**

Hawkins said one recurrent enforcement item is that the pdf and Auto-Cad as-builts are not coming in consistently. He asked if Garand should be the one to sign for it on the Security Reduction checklist. Garand said the as-builts have to go into the Planning Board file; he compares then to what's out in the field. It is one thing if the as-built is the same as the plan, but it may not be. In any case it is the final case document. Foote said that has always been key to releasing the security. She believed site plans needed to be signed because a lot of times they are needed for financing. It has to be key to the final release of the security, and if not received then the security isn't released. Hawkins said this is an implementation issue; nothing needs to be changes as it is in the regs. Garand wanted them electronically. Hawkins said it is the electronic ones that don't come in. Foote said they have to exist to print out the paper. She has heard from several engineers that they don't want to give the electronic copies because they are afraid that the Board might access and alter them. Kravitz asked Morgan if both the pdf and the Auto-cad versions should be submitted along with the paper.. Morgan said the real value is in the Auto-Cad file when the Town does its GIS. Foote said that would allow every single utility to be depicted for department heads. It would save the town a lot of money in the long run if they are collected now. Hawkins said pdf,



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paper and Auto-cad are to be submitted. Hawkins said the security reduction checklist needs to be more specific. Foote noted this is in the regulations.

Garand asked if the security policy paperwork that came from the Finance Department would be discussed. Hawkins said the result was to leave the Planning Board requirements as is, and to add the insurance instrument for other departments. All that the Finance Department was doing was to document consistent procedures for everyone for the auditors. The inserted a separate line acknowledging that the Planning Board procedure would stay the same. In re the checklist Garand said the regulations are pretty specific about what needs to be done, and everything has to be checked off. Hawkins said until it is nobody gets their money. He thought the issue was with implementation. The procedures have to be followed very carefully so that everything needed is in the records before signing off and giving money back. He thought applicants had been pretty good about turning paper but not the Auto-cad files. He asked if there were other security reduction issues. Kravitz said the current form was sent to department heads and there were comments from the Department of Public Works. She suggested seeing if other comments come in. Hawkins said this would remain an open item that could be handled at the September worksession or perhaps at a Board meeting. Moore said the biggest issue is that the money has to be there in the end so it can be accessed. Over the years some just money just wasn't there.

### **Waiver Standards and Procedures**

Hawkins said the biggest issue is that waivers are not coming in with the application. Garand saw the problem as the Board giving too many waivers out. One engineer said in private that a particular waiver should not be granted and then asked for it in at the public hearing. Garand asked why grant a waiver that other towns don't even offer. Also, the Board has site plans for which a waiver had been requested and given only a few weeks after the plan approval eg convenience store floodlights. Hawkins thought the problem was the way waivers are coming to the Board. For example, they are requested at a Board meeting without being written beforehand, so the rationale, which is the most important factor. If the Board insists on written waivers with the rationale, it will become embarrassing if they need to ask for a waiver for every checklist item that is missing and have to give the rationale for something that is easy to do. Garand asked why such waivers like for photometric grids even need to be discussed when for \$400 the proper paperwork is getting to the Board. For example, a recent application re Walton Road requested a waiver to reposition a light. Upon inspection, he found a floodlight on a pole that wasn't even depicted on the plan. He asked how that situation should be addressed and should it be enforced in the context of the new application. Garand said that every site should have to show compliance. The town has to be protected especially when residential property is affected. Hawkins asked what should happen if someone comes to the Board and says they want to do work and won't change the lighting. They ask for a waiver for the photometric grid but the Board doesn't know there is a spotlight. Garand said people don't show the existing lighting when the grid is waived. He did not think such waivers should be given.

Sanborn said the Planner or Code Enforcement should say yes or no. Hawkins said each would need a decision from the Board, and that is when Garand should recommend not granting it. Hawkins asked if Garand's position is there would be no problem if the Board did not grant any waivers. Garand responded "exactly". Hawkins asked for the Board's comments. Thibodeau said to listen to Garand. Foote said the board has been too sympathetic when an engineer appearing before the Board says it is costing the applicant too much money, especially when they are charging the applicant far more than what it costs to come before the Board. Garand said applicants could make a presentation themselves and let the case stand on its own merits. The Board needs to say "no" and turn applications down. Sanborn said the Board should be able to say "yes" or "no. Garand suggested making the town planner or code enforcement sign a waiver request. Moore said if the Board had a grid it would know what to say. Hawkins asked about other items. Moore said there is the zoning box. Garand said looking at a plan would show if it has more



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than the required width and depth it is simple to see if it complies with zoning. The box would be needed for a lot-line adjustment to show the lot meets the zoning. Hawkins said that could be waived and Garand agreed.

Morgan agreed with Hawkins' requirement to submit waivers in advance in writing with the rationale. Garand said unless someone looks at the site it isn't known what is out there. Morgan said some Boards do that. Garand described a situation where a shoebox lighting fixture had been approved, and then they come back for additional lighting for a site that is already overlit. He commented that everyone wants to show up their stores on Route 1, but the lighting isn't needed. Hawkins agreed on the lighting, but said there are so many different waiver requests. It wouldn't bother him to say "no" to all of them, but there might be reasons that would benefit the town. Foote said waivers should be in writing and justified. Garand said there might be Conservation Commission comments. Foote said the regulations say applicants should first go to the ConComm and their last case was Beckman Woods. Sanborn said there should be no waivers unless the regulations are met. Morgan said topographical waivers could be justified and they are expensive; some property is flat and others are not. Hawkins asked how this would be known if it's not viewed. Garand said for one case the topo was waived before the drainage was addressed. Morgan said this is important for commercial/industrial use but there are a lot of small residential situations. Garand pointed out that if a residence is in an existing subdivision it wouldn't come before the Planning Board.

Hawkins said in the future the Board could look at adjusting fees for non-profits in the future. Foote said that some non-profits have a pretty healthy income. Why should those entities ask the Board for fee reductions. Garand said the Board of Selectmen can reduce fees if they want to take the time. They would be responsible to the taxpayers. Hawkins did not want to put that to the BOS; the Planning Board could waive a fee if it were justified. Kravitz pointed out that the fee comes in with the application before the case gets to the Board. Hawkins thought nothing about waivers in the regulations needed to change other than insisting that waivers come in with the application with a written rationale for the request. Garand said if a relevant waiver should have the ConComm sign-off. Hawkins waiver items should have to be approved by the responsible department before being submitted to the Board, eg lighting to Garand. Kravitz noted that when waivers are submitted at the Board Meeting that is not submitting it beforehand; either it should have been submitted with the application or no one has looked at it. Hawkins said an applicant could be told that there are going to be certain reviews and if something is missing they might want to submit the application at a later time when it would have a better chance of getting through. Morgan pointed out that once the paperwork is in the Board has to decide within 30 days if it is administratively complete. Hawkins said that does not mean the application is complete. Janvrin said it means the Board is taking jurisdiction. Hawkins said it is one thing if an application is accepted and deliberations continue, but another if it is incomplete. A \$75 fee should be collected because they will already have seen the checklist. they have waiver letters or submit everything on the checklist.

### **Route 1 Capacity Analysis**

Hawkins said the Route 1 poker case presented a microcosm if this issue. There were a certain number of parking spaces had to be allocated to the different occupants of that condominium. The Board couldn't make a legitimate decision as to whether they had enough parking spaces or not, because they hadn't shown how that would be done. By way of example, if the 455,000 square-foot project goes through on Route 1, and the capacity of Route 1 for 5 Lanes the length of Seabrook is "X" number of cars per hour, if there were 3000 cars per hour and one site would be taking 1800 cars per hour, what about the next big developer with 1000 cars per hour. Hawkins' point was that in re that example the roadway would already be over-capacity. The Board would have no basis or reasoning to say that project is too big for the infrastructure. Individual traffic studies are like first come, first served. That's what has happened and



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Hawkins said it will get worse because there are some big projects on the way. He wanted to have a capacity analysis done based on the assumption of 5 lanes through Seabrook ie that 5 lanes with the lighting could handle "X" number of cars per hour. The Board should hire a firm to do such an analysis, but the money for that is not there so he wanted to discuss alternatives. Hawkins said [such a study] would at least provide the basis for saying that a project would go way over the limit of the capacity of the roadway. The capacity would be split up - perhaps each acre gets "X" number of cars and developers would get a ratable amount. At lease there would be a basis to be able to say "no" . Garand thought that sounded like a TIF. Morgan said a TIF would deal with who pays. Garand said there would be a plan in place and if someone wanted to develop on Route 1 they would have to put in a certain sum for improvements. Foote said the capacity would change with each approval. Morgan said the Planning Board's job was to plan for the community, and the corridor could be planned to its liking. If they liked Hawkins' suggestion the capacity could be figured out. Hawkins said with the speed limits that are available on that route, the capacity can be figured out. He did not think the cost would be too much. Morgan said that traffic engineers only look at a limited section of the route; Hawkins was proposing to do it from Salisbury to Hampton Falls. Hawkins thought this would be a computer model with no on-site work.

Foote thought this was within the Master Plan scope and with some other funds that haven't been used in a long time such an analysis could be done. Hawkins said at least the potential cost could be investigated. Foote said using the economic development toward having a viable Route 1 commercial thoroughfare was appropriate because that is where the town is getting the majority of its tax revenue. Hawkins thought the Board couldn't say it was doing any planning without those numbers to know the impact that each of the lot will have on the traffic and ability to move through the town. Hawkins did not know where the money would come from, but said the information is essential to know what to do when the next big developer comes in with a 50,000 square-foot site. He asked if the Board would tell everyone there is no capacity. Hawkins wanted to pursue the idea of getting an estimate from someone who does this work, and then try to find the finds. If they find the cost is under \$10,000 perhaps some money could be made available. Moore said this would be a model for all of Route 1. Foote said this would have to be done by a professional that has not been involved in commercial enterprise on Route 1. Janvrin asked if the RPC does this type of work. Foote said it did not. Morgan did not think RPC had the professional training for this work. Janvrin asked if RPC might have funding. Foote said the objective would be to find how many cars per hour would be the capacity for Route 1.

Morgan suggested writing an RFP for traffic services and get it out to qualified firms – other than the ones that have worked the area. Garand pointed out several choke points. Hawkins said there should not be an opportunity for someone to suggest six or seven lanes. Morgan said it only makes sense to do this capacity analysis in connection with the Master Plan because the first question will be how wide the road is going to be. The traffic engineer needs to know the parameters. Hawkins said the Master Plan will limit it to 5 lanes and on the ends maybe less than that. If there is a definition there would be at least a starting point. Morgan asked for the timeframe. Hawkins said the Master Plan work is going on during this summer.

The Board took a break from 8:30PM to 8:40PM

Hawkins said he would work with Morgan on a route 1 capacity RFP.

### **Approved Case References**

Hawkins said there have been several cases that were related to prior cases and this raises the question of how the numbering system should work. He thought a Kravitz suggestion to give the case a new number in sequence and tie it in the numbering to prior cases was worthy of consideration. It would give



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the reference and also show there is a new case. People would not be left off the hook for not doing what they were supposed to do the last time which he thought was important. He noted that some of the prior cases had expired. Garand said if they hadn't done what they promised to do the new case shouldn't be accepted. The regulations require that all site plans be completed before a new case is submitted. Janvrin said unless the Board says it is ok. Hawkins asked if a not completed case could have been withdrawn. Garand said it could not. Foote said a case can only be withdrawn if they don't break ground. Hawkins referenced the appliance store that he thought would come back. If the old case number was referenced, it could be reviewed as to what was supposed to be done and what was done. He thought if a new case came in before the two year expiration, as may be extended, the fee should be the \$100 as on the application. If later than that it should be a new case.

### **Capital Improvement Program**

Hawkins said the Town Manager wanted feedback on the next year's CIP. The only thing that was due in 2010 was Rocks Road, and assumed that would stay until the roadway agreed with the Power Plant was in place. Moore said this is still being discussed with the lawyers; the roadway could be done in the next year. Hawkins said the first item on the list was the Route 107 for 2011, and thought it might go out a year. Kravitz pointed out that \$200,000 from NHDOT had been approved and the bill to raise the figure to \$4,000,000. Hawkins said the Route 1 widening was \$10,000,000 for 2012, although that could happen sooner depending on who comes forward. Hawkins thought Rocks Road should be moved to 2010. Garand pointed out there are some funds in escrow. Foote said if the contract said Rocks Road and Route 1 signal then the \$50,000 funds probably have to go back. If it just referenced traffic signals generally, that might be different because if Rocks Road becomes connected to an existing traffic light, those funds should be able to be used elsewhere. She wanted the Planning Board attorney to look at the contract to find out if it can be used. Hawkins said that answer should be found quickly. Foote said if the money can't be used it should go back. Hawkins said to hold on to the funds until the new roadway details are final. Given the six year limitation on those funds, Foote thought there might only be months left. Moore suggested asking the Planning Board attorney if the economic development money could be transferred for Master Plan purposes to do the Route 1 analysis. Foote said the Town Manager indicated all that had to be done is for the Chair to call a committee meeting and vote the money. Hawkins did not think anything else on the CIP, including Folly Mill Road, would change. Janvrin said there was a movement in the Town to accelerate the rails/trail project. There would be a public meeting very soon. He thought it would be prudent to move that date to 2012. Moore thought the rails would be long while but the trails were coming along.

### **Regular Application Checklist;**

Hawkins said the Board had already said that what is on a checklist is required. If there is not a written waiver for a checklist item the application would be incomplete. He would remove the mylar and the digital copies as they are due at the end of the case. Hawkins wanted to add "licensed landscape architect which the Board already voted and written waivers, A statement should be added at the bottom:

The Planning Board can accept any application as administratively complete. If any required item is not turned in with the original application, an incomplete application fee of \$75 will be required with the application.

Garand said to add ADA compliance. Janvrin said 14 copies were needed for the Board. Kravitz said it is six of the large size and 14 11x17. Hawkins said that Morgan also gives the regulation reference for each



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item that makes it easier to understand. He wanted to add that a “W” could be use to indicate that a waiver was being turned in.

### **Information Distribution**

Hawkins said that when Morgan does a memo or checklist for a case, or if Garand does a memo the Planning Board gets them [in the packet]. But the Applicant is seeing them for the first time at the Board meeting. He suggested that the planner’s checklist or memo, the Planning board engineer’s memo and the code enforcement memos, and the tech review minutes be distributed to the applicant when they are available. He said it wouldn’t be a requirement on the Secretary to chase people around. If they want to get them, they can come to the office. What should not be distributed before the Board sees it is anything having to do with legal matters, town manager or selectmen communications, or abutters letters. Garand asked why the applicant should needs to se items before the Board receives it. Hawkins wanted them to be prepared at a meeting and process a case more quickly. Garand said when they get a copy beforehand they redo plans before the meeting that weren’t part of the application. Hawkins asked what happens when the Board has a memo with all the things they have not done. Someone should then make a motion that the case is incomplete. He asked for the reason why they should not have the information that they need to complete their plan. Foote said it should be made available to them at the same time it is available to the Board, otherwise they will be bugging the Planning Board office with phone calls and dropping in asked for new items. Kravitz will be taking up so much time on this and making copies. If the documentation is usually ready on a Friday morning then the Secretary can make extra copies that they can pick up.

Hawkins said he is looking at it electronically. Garand said the Planning Board is paying [Morgan] to do the work for it. The applicant may change the plan because Morgan makes a recommendation. Foote said that is something she ran into in the past – they would get [Morgan’s] memo and run with it and then find out the Board didn’t agree with what was recommended. Garand said between all the memos and the tech review it would be a nightmare for the Secretary. Moore said the applicant needs the information as soon as they can get it. If they are going to come before the Board and be given all this paperwork, and the Board will send them back and charge \$75. Garand said it will be an incomplete application. Foote said the process got circumvented when the Board created the tech review, because it’s all the department heads comments. If the engineer attended the tech review they would know what needs to be changed for the next time they come to the Board. Moore said if they got the same information that the Board does, they wouldn’t have to be sent home. Garand said he gets so many plans ie one with submission, then they bring in a changed plan or give one to him and it has never been through the office. He noted that happened recently with the Parkersville cases when they provided Morgan with a new plan directly. He thought everyone is trying to jump the gun to get to the next approval.

Moore said the Board is supposed to help people through this process. Garand said the information should come in with the application. Hawkins did not think it right for an applicant to come before the Board and be asked about all the things the Board thinks is wrong with their application when they don’t know it yet. They will be winging it Hawkins said he gets items that are for the current week and sometimes for the next week. Foote said he is only getting that as Chairman; other Board members don’t get it [at the same time]. Garand said when the proper procedures aren’t followed by sending things through the office, it makes the Secretary’s job miserable. Foote said Hawkins is getting things that the Board hasn’t seen. Hawkins thought it was not best that when someone is standing in front of the Board trying to address things that he knew about because they were in his Board packet, but they weren’t aware of it. Garand said if they look at the site plan review regulations they know what they are doing – every engineer knows what is required. If the town planner catches it they have to take care of it. It is checks and balances and applicants are trying to get by. Foote said the Board had bent over backwards to help people get through the process. The engineers who come in front of us know the deadline. Moore



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said that whatever comes from Morgan should be the rules. Garand agreed and but sometimes the office doesn't get it. Everything should go through the office. Hawkins asked if there is a problem coming from Tom; it would be in the packet anyway.

Hawkins said he was not convinced on opposition to his distribution suggestions and said the discussion would be continued at a future point. He asked the Board to think about how to speed up the process for the applicant, and getting as much information as possible as fast as it can be done. Perhaps the solution would be to continue the cases until everything is turned in.

Hawkins asked what cases would be on the next agenda. Kravitz said there would be two new cases plus those that had been continued. She asked for clarification as to whether she should send memos out in advance. Hawkins said not to do that because the Board had not changed anything.

### **OTHER BUSINESS**

Hawkins adjourned the meeting at 9:05 PM

Respectfully submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board