



Members Present: Jason Janvrin, Chair, Francis Chase, John Kelley, Michael Lowry, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector;

Members Absent: Alternate; Paula Wood, Alternate, Ivan Eaton III, David Baxter, Alternate; Donald Hawkins, Vice Chair; Rick Friberg, peer review civil engineer;

Janvrin opened the meeting at 6:40 PM.

MINUTES OF MAY 19, 2015

Janvrin asked for comments on the May 19, 2015 Minutes; there being none.

MOTION:	Chase	to accept the Minutes of May 19, 2015, as written.
SECOND:	Lowry	Approved: Unanimous

SECURITY/EXTENSIONS/ROADWAYS

CORRESPONDENCE/ANNOUNCEMENTS

Janvrin reported that in the opinion of Town Counsel, a zoning amendment had to be done at a Town Meeting, and could not be voted on simultaneously with the election of a replacement state representative. Chase asked if this would negatively impact the Yankee Greyhound Racetrack. Janvrin said it should not, noting that this issue would be discussed later in the meeting.

Potential new business at the Beach.

Attending: Patrick Hall

Janvrin referenced an email letter from Hall asking for guidance on the potential for a operating a paddle and surf board business and giving surf lessons to be located at the Round Rock mall on Route 1A. Hall would seek a business license. He understood that the owner intended to reopen a restaurant at the other end of the building. Janvrin asked if there would be changes to the exterior. Hall said just to repaint, and space for 2 or 3 cars. Morgan thought this would have minimal impact. Janvrin noted that retail use was allowed in Beach Commercial. Morgan said the choices were for an expedited review or to waive jurisdiction to the Building Inspector. Zalewski explained that this would be under Beach Zoning. Morgan asked if siteplan review was warranted. Janvrin was inclined toward an expedited application process. Hall might meet with the town planner about the scope of the use. For example, would there be sidewalk sales. Chase asked about waiving jurisdiction; it should not cost an applicant \$800 just for hours of operation. The Building Inspector should do the review.

Khan said there was no product or detail shown or in a photo. He was not ready to grant approval. Janvrin noted that he looked at the facebook page for Hall's Salisbury location and thought it would be fine. Khan said to bring the product to the next meeting i.e. photos, hours of operation, and a sketch of the plot plan. Hall said that the Beach Building Inspector told him to go to the Planning Board. Janvrin noted they would be reoccupying space; a Google download could show access from Route 1. The Board was troubled that this landowner had blocked the boundary with a fence, noting that the abutting land owner (O'Keefe gas station) had already signed an access agreement. Opening that up the cross easement could be a condition of



approval for the restaurant use, and asked if the restaurant had been closed for more than one year. Chase said the land owner should appear.

Morgan cautioned about not taking jurisdiction; Hall should be invited back with a formal application. Khan called attention to the parking lot in the back which was now blocked; there was no north side entrance. He thought Hall had a good business, but there was a responsibility to define the parking spots or this would become a bigger problem. The two lot owners were still in conflict. The fence issue needed a formal review. He wanted to coax the landowners to cooperate. Morgan said that an expedited application would be ok. Khan said that the landowner would need to show the parking for the apartments. By consensus, a formal application would be needed. Janvrin confirmed that he wanted this business in town; the property owner needed to be at the hearing. Hall thought the owner's brother was in town to organize opening the restaurant. **Hall will obtain an application from the Planning Board Office and submit the fee with it. Chase suggested the Board could return a portion of the fee for a small business.**

INFORMAL CONVERSATION

Potential for Redevelopment at 146 Lafayette Road

Attending: Mike Schollosser, MJS Engineering; Phil Grandmaison, Southern New Hampshire Services Agency;

Janvrin noted that this property was located in Zone 6M, Smithtown Village District. Grandmaison explained that this property was on the east side of Lafayette Road; Big Al's was a currently located there. The intention was for the recently merged Hillsboro and Rockingham Community Action Centers to redevelop and occupy the property. The Agencies wanted to relocate their administrative offices, as well as the Head Start, Heating Assistance, and Food Pantry Services. Grandmaison said they had 146 Lafayette Road under agreement. He commented that the Town of Seabrook had been very generous in allowing Rockingham Community Action the use of the former Sanborn School building. The redevelopment of the Big Al's site would be good for their clients, including those needing handicap access.

Schlosser submitted site drawings, including an architectural rendering of a long narrow building, and the parking layout. The intention was to use permeable pavers. There was adequate space for one delivery vehicle and the truck turnaround. He pointed out the south swale and said the stormwater would be treated; the plan also showed sidewalks and front and back area landscaping. Schlosser said there would be an 8 to 9 percent reduction in impervious surface.

Khan asked for the number of employees in the offices and the number of students in the head start program. Schlosser said there would be 10 offices plus a reception area, and about 18 Head Start students. Chase asked about cubicles; Grandmaison said these would be for computers. Chase asked about delivery to the basement and storage, and if there was a ramp. Schlosser said possibly within the 7500 square feet. Janvrin understood the Agency would be vacating a Portsmouth location. His concerns would be safety, stormwater treatment, maintenance area standards, and the plan for drainage into the swale. He suggested granite curbing or cape cod berms.; parking spaces would be 10 x 18 feet. The Building Inspector should be consulted about handicap provisions. A location for bicycle parking was missing, and suggested reviewing the landscape ordinance. Schlosser noted that the site was less than one acre; they would be using a landscape architect and disease resistant vegetation. Khan said to follow the 6M building and signage regulation and color restrictions. Lowry wanted to see the snow storage location.



Morgan suggested contacting Don Hawkins who had worked on the Zone 6M ordinance which was intended to recapture a traditional 19th Century, pedestrian friendly atmosphere with buildings closer to Lafayette Road and parking on the side of an office building. Janvrin added the concept of pocket parks and common areas. Schlosser was concerned that with access on the side they would lose parking spaces; they need 32 and have planned for 37. Chase asked if there could be 3 detached buildings. Schlosser said the businesses wanted internal access to each other. Chase agreed with Morgan, and explained that the intent was to create curves and varied dimension. Morgan suggested contacting Julie LaBranche at the Rockingham Planning Commission who had assisted with the ordinance. He also suggested designing a ditch as a rain garden. Schlosser will look at these ideas. Chase said to ask LaBranche about the roof pitch. Janvrin asked about the materials for the slats used on the west side of the building, and suggested looking at the more historic facades of the Old South Church, Sanborn School, or the building at Washington Street and Walton road. Certain cement sidings might be interesting and efficient. Chase suggesting breaking up the façade into shop-like buildings with a farmer's porch. Khan suggested planting trees within the parking areas. Janvrin suggested looking at a pocket park concept, trees and the like; the objective was to create a pedestrian friendly environment.

There being no further questions or comments, Janvrin thanked Schlosser and Grandmaison for the presentation. Grandmaison appreciated the Board's good questions and comments.

PUBLIC HEARINGS NEW CASE

Janvrin opened the Public Hearing at 7:30PM.

Case #2015-09 proposal by Scott MacKenzie to erect a 3,000 square foot industrial building and to grade an adjacent area for propane filling at 28 London Lane, Tax Map 5, Lot 8-43;

Attending: Scott MacKenzie, MacKenzie Plumbing and Heating;
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Janvrin recalled that this property had previously been approved in re a propane tank in the aquifer protection zone. He asked if Case #2015-09 was an extension of that application [Case # 2013-02] because at that time the building location was not known. Morrill said the purpose of Case #2015-09 was to bring forward the building. In 2013 a 6,000 square foot building was contemplated. Since then, the gravel parking area had been completed and the propane tank put in place in the rear; the detention area, drainage, swales and pavement separators were in place. The current proposal was for a 3,000 square foot building and a mezzanine, because they wanted to keep the area already prepared stabilized and to create a green space all the way around. A front entrance that would allow service trucks to back into to load materials would be added. A fenced in area would allow vehicles to be parked at night in an environmentally safe area. No new propane capacity or additional gravel was requested. All they wanted was to reduce the size of the building and the impervious area, and install the parking spaces.

Janvrin asked if the business now located on Whitaker Way would be moved to the new building. Morrill said the Whitaker Way building would be leased out, and all of the Applicant's business would relocate to one building with a secure front door that would allow vehicles to move inside; offices and storage would be located on the mezzanine and the impervious surface would be reduced.



Town of Seabrook
Planning Board Minutes
Tuesday, June 2, 2015

NOT OFFICIAL UNTIL APPROVED

Janvrin asked if the trucks being talked about for inside the building were oil trucks, not propane. Mackenzie said that would be service trucks. Morrill said only service trucks would be inside the building. Janvrin asked if the only trucks on the site would be service trucks – not delivery trucks. Mackenzie said they had already been approved for delivery trucks [in 2013]. This [application] had nothing to do with delivery trucks or propane; it was not about trucks, only about the new building request. Janvrin thought if the business was moving from Whitaker Way, there would be delivery trucks. Mackenzie said their delivery trucks were approved for parking on this site in 2013. Chase asked where the delivery trucks were kept now. Mackenzie said at London Lane. Chase again asked if the oil trucks were now parked at London Lane. Mackenzie said “yes”. Janvrin did not remember approving that. Lowry did not recall approving vehicles. Mackenzie said there were no delivery trucks parked at Whitaker Way. Chase remembered discussing that propane vehicles would be pulled in and parked overnight, but did not remember anything about oil trucks.

Morrill said they would have to do the research the record in re the 2013 application to see what had been brought forward to the Board and discussed in 2013. Janvrin agreed, and said there would be a problem with trucks containing 6,000-8000 gallons of oil being parked [unapproved] in the Aquifer Protection Zone. Morgan noted that the peer review civil engineer had recommended sending Case #2015-09 to the Technical Review Committee. Janvrin noted that the TRC would meet on Thursday, June 4, 2015 in Seabrook Town Hall.

Janvrin said if oil trucks had not been addressed in the 2013 case, then that use was not approved by the Board. They would need a variance from the Zoning Board of Adjustment. MacKenzie said he had 3 oil trucks and 1 propane truck driving in the town. Morrill said only water and sewer lines would be involved. Janvrin said if oil trucks were not approved in 2013, it would be a matter for the Code Enforcement Officer. If that were the case, then the Planning Board could not approve this case until they had been to the Zoning board of Adjustment for a variance].

MacKenzie said Case #2015-09 was for an office building and had nothing to do with trucks. MacKenzie said they were not talking about trucks – only a building. There was nothing about grading, only propane in 2013. MacKenzie said that London Lane and Whitaker Way were both on the west side of the town, and that the trucks were much safer parked within a fenced area, then they were driving around town. He did not see why trucks were being discussed when the proposal [to the Planning Board] was for a building, and had nothing about oil or propane. Janvrin said it was also for a use. Janvrin cautioned that if that use for storing trucks with home heating oil had not been approved in 2013, before going too far, the record would have to be researched to see what had been discussed. He thought propane truck delivery had been discussed, but did not recall discussion about home heating oil. Mackenzie did not understand this discussion, as only a building was being proposed. Janvrin said the proposal was to erect a 3,000 square foot industrial building... Mackenzie said [the proposal] had nothing about propane; he did not know where the reference to propane or grading came from. All they were asking for was the building.

Morrill noted this was located in an industrial zone; they would research the record. Lowry asked what business would be inside the building –i.e. technically if it was an oil business. MacKenzie said the business was HVAC. Chase said it was not whether trucks could be parked; they had to be parked in a safe way. If oil was dumped on the site the town could lose its water source. The Board had worked very hard with US foods; this was the aquifer protection area. Khan said that this business had existed in the town for many years. Chase was concerned about what would happen if the business were sold to a new owner. Morrill will research this issue.



Janvrin scheduled Case #2015-09 for the Technical Review Committee on June 4, 2015 at 10 AM in Seabrook Town Hall; the plans revised following the TRC meeting had to be submitted electronically by June 9 with 2 full size paper plans to the Planning Board Office. Janvrin continued Case #2015-09 to June 16, 2015 at 6:30PM in Seabrook Town Hall.

PLANNING BOARD WORK SESSION

ZBA Rehearing of Yankee Greyhound Racetrack

Janvrin reported that the Zoning Board of Adjustment had agreed to a rehearing for the Kane Company request for a variance, and read the following letter from the Chair of the ZBA

“On behalf of the Seabrook Zoning Board of Adjustment, and pursuant to a vote by that Board at our last meeting, I respectfully request that the Planning Board send Attorney Walter Mitchell, or his designee, to our next meeting to assist us with the rehearing for the Kane Group. It is our desire to work cooperatively with the Planning Board to ensure that we have the same legal understanding provided to your Board on this petition.”

Janvrin referred to correspondence among Morgan, Kravitz and the Town Manager. Janvrin will meet with the Town Manager to resolve the confusion as to whether the Planning Board Attorney would be representing this Board or the ZBA. [Morgan’s draft letter to the ZBA, as revised with the Planning Board attorney’s comments, was circulated to Board members]. Janvrin said the Planning Board would have to vote on the letter language and whether to send the letter to the ZBA for its June 16, 2015 meeting. The next ZBA meeting is scheduled for June 24, 2015.

Morgan explained that it would be better to have this type of decision in re a zoning technical matter made during a Planning Board hearing concerning a conditional use permit, as this Board was more experienced in paying special attention to such issues. Janvrin noted the proposed mechanism would be to adequately enable an appropriate exception to the more stringent limitations in the aquifer protection ordinance. Khan noted that many towns deferred these decisions to the Fire Department, and/or the NHDES. He wanted it to be clear that the Planning Board would review each building business situation separately and work for the town residents in the best way.

Chase wanted the siteplan for every proposed building on the Kane Yankee Greyhound property to separately apply to the Planning Board, so that each could be reviewed on its own merit. Janvrin noted that the proposal before the Planning Board was for a subdivision as well as a siteplan. After adjusting the language in Morgan’s draft letter to the ZBA, the consensus was to make a decision at the June 16, 2015 meeting. Janvrin will discuss with the Town Manager whether the Planning Board Attorney could or should represent the ZBA as it requested. Morgan commented that the abutters needed to be convinced that the Planning Board would go through “everything in the tool box”. Janvrin said that the Planning Board had the ability and did seek special expertise, for example, the Emergency Management Director, department heads including fire and police, as well as technical assistance from outside professionals. Khan noted that the DDR project took 10 years to come to fulfillment. Chase wanted the Conservation Commission involved. Janvrin noted that conservation Commission Chair, Sue Foote, was previously also a Planning Board alternate. The applicant should go to the ConComm for comments. Khan reminded that according to state statutes, this project would go to the



Rockingham Planning Commission Development of Regional Impact Committee. Neighboring towns would be provided notice of the designation and invited to their public hearing.

Case Procedures

Janvrin reported that the **Case #2015-10 Proposed Kobe Sumo restaurant in the Kohl's Plaza** plansets had been distributed to Department Heads with a memorandum informing them that the Planning Board hearing was scheduled for June 16, 2015 and that a TRC meeting was not anticipated. While the retail to restaurant proposal appeared fit the current expedited criteria, the Sewer Department had posed questions other than the need for a grease trap. Janvrin said the expedited criteria should be looked, specifically as it pertains to change of use. Other questions concerning the impact of this change of use had been raised. For example, Zalewski asked about a cooler expansion, and a cooler expansion and a smoking area. Lowry had questions about traffic, noise, and water use. Janvrin questioned if Cases like 2015-10 should be expedited, and asked if a sewer permit would cover this. Morgan said a set of criteria was needed if TRC was to be held prior to the first Planning Board hearing. The chair could be designated to make the call. Zalewski noted that the chair was a layman. Janvrin said Friberg could send a memo. Zalewski asked if everything should go to TRC, and wanted a monthly date established. Janvrin said the Kane Company proposal would be the first to go to the TRC up front, and asked if 10 days was a sufficient time for review. TRC Minutes would go to the Board. He noted the 30 day statutory hearing requirements.

Kravitz said with one TRC meeting per month, whether an application goes to the TRC before the first Planning Board Hearing would have to depend on the date it was submitted. By consensus, it was agreed that Morgan and/or Zalewski would authorize expedited applications; Friberg would designate cases for the TRC. Lowry was comfortable viewing pdfs.

Question of Recording Plansets at the Registry

Janvrin noted that the regulations require plansets to meet Registry recording requirements. Currently, only the page for the Stormwater Operations and Maintenance Manual is supposed to be submitted as a mylar. Rick Friberg had recommended that at least the sheet with the conditions of approval and the O & M Manual should be recorded. Janvrin, Friberg and Morgan should discuss this. Morgan felt that the Rockingham County Registry of Deeds wanted to discourage filing siteplans, and was particularly picky in their review. Kravitz, who does the filing, said that the Registry staff is very accommodating in reviewing mylars and pointing out deficiencies prior to the final submission. She alerts engineers and surveyors to this opportunity and several of them take advantage of this. Janvrin asked if the conditions and O&M could be condensed on one page.

Identification of Business License by Color Code

Khan wanted the Planning Board to recommend to the Board of Selectmen establishing a questionnaire to be submitted with the request for a business license that would highlight any type of activity in the Aquifer Protection Area. This could be updated annually. Zalewski pointed out that that information would be on the original business license application; changes would be made on the annual renewal form. Khan felt that having a separate color code for identifying



Town of Seabrook
Planning Board Minutes
Tuesday, June 2, 2015

NOT OFFICIAL UNTIL APPROVED

license information for a business in the Aquifer Protection Area would be helpful to the BOS. Chase said applicants should be accountable on the business license.

MOTION:	Lowry	to recommend that the Board of Selectmen consider establishing a color coded questionnaire in re activity in the Aquifer Protection Area to be returned annually with a business license request.
SECOND:	Kelley	Approved: Unanimous

Salon meet criteria

Khan – on a case by case basis

Janvrin now it was fair to town and business owner.

Janvrin adjourned the meeting at 9:27PM.

Respectfully Submitted
Barbara Kravitz, Secretary
Seabrook Planning Board