



Town of Seabrook Planning Board Minutes

Tuesday, August 6, 2013

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair, Jason Janvrin, Vice Chair; Roger Frazee; Aboul Khan, Ex-Officio; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer; William Manzi III, Town Manager;

Members Absent; Sue Foote, Alternate; Francis Chase, Dennis Sweeney, Michael Lowry;

Hawkins opened the meeting 6:40PM, indicating that this meeting would be a Planning Board Workshop. He welcomed Bill Manzi as the new Town Manager.

MINUTES OF JULY 2, 2013

Hawkins asked for comments or corrections. Janvrin said on page 5 the correct spelling of Ms Brown's first name was Jessica.

MOTION:	Khan	to accept the Minutes of July 2, 2013, correcting one misspelling.
SECOND:	Hawkins	Approved: Unanimous

MINUTES OF JUNE 18, 2013

Hawkins asked for comments or questions; there being none.

MOTION:	Janvrin	to accept the Minutes of June 18, 2013 as written.
SECOND:	Khan	Approved: Unanimous

Hawkins said the Minutes of July 16, 2013 would be heard on August 20, 2013.

SECURITY REDUCTIONS, EXTENSIONS

Case #2002-37 Irene's Way

Hawkins said the Board was awaiting a letter from the DPW Manager or Paul Lepere.

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins reported that litigation had been filed in Superior Court in re the Zoning Board of Adjustment support of the Planning Board interpretation concerning gas stations. Hawkins said there was nothing for the Board to do at this time other than to inform its attorney and watch for updates.

Case #2013-15 Waterstone, Greene Retail Shopping Center Request for application fee reduction

Case #2015-13 Waterstone, Green retail shopping center proposal

Hawkins referenced a letter from Jones & Beach Engineers, on behalf of GRA Real Estate Holdings and Waterstone Retail Development Inc, requesting that the application fee for Case



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#2013-15 be reduced by \$14,405 to account for a decrease in the total project impacted area which they claimed was addressed in a 2009 site plan case concerning parking lot expansion on the property(#2009-02). Hawkins said that this was a different use which included building(s) on part of the same area, and thought the fee should not be reduced. Khan wanted to know the fee amount for the 2009 case. Hawkins did not see the purpose; the reasoning was not explained. Khan asked to delay any action until the next meeting. Hawkins wanted to know the board's feeling, and thought no action was necessary. He called attention to a drawing submitted to show the area that the applicant had questioned, and recalled that tree cuts had affected the land. Janvrin noted that paving would be removed causing additional disturbance, recalling that the pavement would have stabilized the drainage. Additionally, the new fee schedule specifically includes all impacted area. Hawkins held this matter for the September 3, 2013 Board meeting when Cases #2013-14 and #2013-15 would be on the Agenda. Kravitz noted that the Technical Review Committee Meeting was scheduled for August 12, 2013 at 10 AM in Town Hall.

Chevy Chase Road Relocation Request

Hawkins referenced the information in the packet provided by the Town Manager concerning a requested relocation of Chevy Chase Road, and called attention to his communication to the Town Manager recommending that such a decision should wait until the process for Cases #2013-14 and #2013-15 had completed the Planning Board process. At that time the Planning Board would make a recommendation.

Khan commented that as a member of the Rockingham Planning Commission Development of Regional Interest Committee, he had been notified of an evening committee meeting concerning Case #2013-15 on August 14, 2013. Kravitz indicated that a notice had not been received by the Board. Morgan agreed to attend that meeting. Janvrin asked that the notice be forwarded to him as this was important to the Town.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Donald Hawkins, Chair

William Manzi III, Town Manager

Hawkins explained that every summer all departments, as well as the Planning Board, submit a capital improvements proposal for the next 6 years. The Board would discuss its recommendations at this meeting. When the Town Manager and the Board of Selectmen were ready, they would submit their final 2013-2019 document to the Planning Board for their required approval. Hawkins itemized the Board's current CIP projects:

Route 107 Bridge over I-95 – The Bridge expansion should be completed by the NH Department of Transportation in the fall of 2013. The project was entirely financed by the state, the town, and DDR, the developer of the retail shopping center now being constructed off Route 1 north of Provident Way.

Widening of Route 1 to the north – The roadway widening from Route 107 to the north boundary of the Sunoco Station is under construction as offsite infrastructure for the DDR project at a cost to the developer of approximately \$3,200,000. Last year Demoulas considered redeveloping its north plaza and the potential widening of Route 1 from the Sunoco Station to that location. The cost was estimated at \$2,500,000. Demoulas found this to be not economically feasible, and is rethinking how to upgrade that property.



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Widening of Route 1 to the south – The NHDOT projects that widening Route 1 past Railroad Avenue to the Lowes will take place in 2014-2015. Again the financing is a combination of state, town, and DDR funds. So far, there had been no driving force to redesign the circle around the Town Hall. Hawkins thought this should be listed for 2018-19.

Rocks Road – Route 1 signalization - Janvrin said to remove this from the CIP because the funds had to be returned as the not utilized. Hawkins said if this project were removed from the CIP there would be no chance to correct the still dangerous left turn; he thought it should stay on the list even if not financed. There would be an additional 1800 trips per peak hour when the DDR shopping center is completed. He recommended retaining Rocks Road in the CIP, and on RPC and state lists at an estimated cost of \$250,000 in 2015 04 2016. Wood said there was also the possibility for housing development in the area.

Route 107 infrastructure - Hawkins said the improvements to Route 107 would be driven by development; the NHHFA Challenge Grant subcommittee needed to accelerate its work toward a plan for 2016 or 2017. While the Governor favors expanding gambling opportunities, it could see retail development. It would be important to get potential improvements into the 10 Year regional priority list. Wood wondered if this could be done for 2015. Hawkins thought that could be too quick if this became retail development. Kravitz reported that this week an appraiser from Connecticut wanted information about the racetrack.

Seabrook Rail Trail – Janvrin said the total rail trail was approximately \$500,000), now planned for 3-phases:

Phase 1 – Railroad Avenue to the Library (\$100,000) in 2014;

Phase 2 – Mill Pond to Salisbury (\$150,000) in 2015

Phase 3 – power plant bypass (\$250,000) in 2016

Folly Mill Road Bridge – Hawkins said the town previously had 2 bridges over I-95, until the Folly Mill Road bridge was disconnected. This “wish list” item was listed in the Master Plan, and attention should be called to this lack in the CIP with an estimate of \$15,000,000 in 2018. Morgan said once the DDR shopping center opened, the single crossing at Route 107 would become inadequate. Khan thought that access to the I-95 rest area might be accomplished through Folly Mill Road. He wondered if a second bridge would be beneficial. Janvrin thought it would be very beneficial; Morgan thought especially for emergency vehicles. Hawkins wanted to retain the second east-west roadway in the CIP, but expressed concern that it might be too great an impact for the neighborhood. Khan said the town owns the land up to I-95 and could to a roadway.

Hawkins asked for other suggestions for the CIP. Janvrin wanted a public transportation center as in Newburyport, Hampton and Portsmouth. Morgan agreed. Khan thought a bus and parking facility would be suitable for the west side of the town. Garand said talk about this stopped after 9/11. More bus stops, for example at the DDR shopping center; should be promoted for a more friendly pedestrian town. Janvrin wanted cost estimates, and to explore the potential for exactions. Hawkins agreed to thinking about this, as long as the plan did not include taxpayer dollars.

Hawkins wanted to revise the Beach Master Plan and tie it into the Seabrook Master Plan. Potential sea level rise issues should be addressed, including funding to maintain the dunes. He urged everyone to read the Beach Master Plan. Garand will post this on the website, and thought federal money might be available to repair the dunes. Janvrin thought emergency repairs could be done. Hawkins said the Department of Public Works puts sand at the dunes very effectively.



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Janvrin asked if this was done annually. Garand thought a developer might fund such a plan. Garand suggested a bus stop at the Market Basket south, noting that driving through DDR had been restrained. Morgan said that DDR had committed to an internal bus stop. Khan said to add a bus stop in the Waterstone Retail Development. Reportedly the dog track was on the market at \$9,500,000; Wood suggested a public transportation hub be located in Crowtown for 2019 with an estimated cost of \$4,000,000. Janvrin wanted to tie in sidewalks and bikeways. Garand said a transportation facility could be at the old fire station. Hawkins said the Yankee Greyhound could be asked to set aside a portion for a town transportation facility. Wood thought the firebarn would be good for local stops like the rail trail and senior housing. Khan noted that such a facility would require wheelchair access.

Fraze said there was a significant increase with sand placed by the DPW after the dredging. Hawkins said now there were sand bars; in the winter sand migrates out and returns in the summer. Reestablishing the dune grass helps the dunes to grow back; a big storm can cut into the beach. Garand thought this had decreased near the town line. Hawkins said there had been a big impact in Salisbury. Garand wanted a plan for implementing healthier dunes. Wood commented that some people did not want dunes. Hawkins said the Beach plan should establish a policy. Garand wanted the town protected from storm surge. Fraze commented that valuables could be found with a metal detector. Khan commented that the Old South Meeting House will become an eyesore. He wanted to a park created with business sponsors, noting that the gas station had a different plan.

Garand said the historic buildings were deteriorating. Wood agreed that clapboards were falling down; too many buildings were let go. Janvrin commented that the Recreation Commission wanted money for several items including a pool, skate park, and sports facility behind the rec building. Garand thought the meeting house could become the town centerpiece in the manner of the Harborside Park at the Fisherman's Cooperative. Khan suggested the Town Manager might take up such a project.

Hawkins will write up the Planning Board CIP for a vote, after which it would go to the Town Manager. When the fully structured CIP was ready, the Town Manager would return it to the Planning Board for the final approval.

CASE CALENDAR STRUCTURE

Hawkins said that historically there had not been enough follow-up to assure that things happen. Case approval votes had conditions, but no enforcement. The draft in the Board Packet outlined a number of steps to address this issue. Key steps would be to require the Applicant to sign the Notice of Decision specifying the conditions, and return to the Board at a date certain for the final approval. That would make the applicant responsible for meeting the conditions prior to the Chair signing final plans or receiving a building permit. This would make Board responsible for oversight. It was not fair to place that burden on Morgan, Kravitz, and Garand, when the applicants do not follow through. For example, sometimes people take occupancy without meeting the requisite conditions. Janvrin pointed to the Appliance Warehouse situation. Wood wanted to give more bite for Garand to act when nothing was done. Garand said contractors were not always responsive to the minimum standards set by departments.

Khan commented that there had been a privately owned pump station that did not have electricity. Khan wanted to adopt a policy. Garand explained that he's called in when there is an emergency. Wood said there had been an agreement with the developer, but no follow-through.



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The ball was dropped before the sign-off. Garand said the electric company should never shut off power for a pump. It was important whether the service was in the name of the owner or the developer. He thought the Sewer Department needed to look at privately owned pump stations. There should be town standards and controls for maintenance. Khan thought the Technical Review Committee should talk about this. Hawkins asked Morgan to look at the standards. Janvrin asked what happens at the time of installation. Garand said in one instance, the billing should have been to a condominium association. Hawkins commented that would have been the ownership methodology. Garand said a subdivision had to show adequate utilities. Khan thought the town had approximately 20 private pump stations. Garand's concern was that the town could be held responsible for the electric bill. Wood thought there should have been an alarm as a back-up.

Khan said the issue would be how to collect for the cost of repairs. Janvrin said that the town had to be in charge for enforcement. Khan said that not every development needed a pump station. The owner should be responsible for maintenance; the town should do the inspection. He asked if there could be a bond. Morgan questioned the desirability of private pump stations. Janvrin was concerned about stormwater maintenance and infrastructure repairs. Garand noted that owners often change the swales, so there was a cost to clean and repair them.

Hawkins went through the following items recommended as standing conditions:

security amount

a checklist for items completed

submission of permits

easements on the plansheet and in separate writing

access for town departments re utilities

Zoning Board of Adjustment decision on plansheet

Stormwater Operations and Maintenance Manual on the plansheets and in separate writing

conditions of approval on plansheet suitable for recording

waivers written on the plansheets and in [minutes]

Hawkins said that for efficiency, all of the conditions should be stated in one place. The Board needs to come to a consensus re what siteplan sheets should be recorded. Garand said the sheets to be recorded should be designated for every plan on a case by case basis. Hawkins agreed there should be certain pages as designated for recording. Garand said there was not completion by applicants. Janvrin said different board members and staff could become involved. Kravitz wanted to add the obligation to pay invoices to date

Hawkins said that Morgan checks for all items and has been providing a memorandum stating that the plans are ready to sign. Now that decision would be made in a public hearing when the applicant had provided a letter stating that the conditions of approval had been met. If not met within 180 days, the approval would expire. Additionally, the applicant's engineer would need to submit a letter detailing the plan revision changes prior to the expiration date.

Hawkins said in addition to the standing conditions, the case specific conditions would be enumerated and stated on the Notice of Decision. Everything would be done in a public hearing, with a case tracking page that includes a completion date for final approval per the NOD. After 180 days the Board would recognize the expiration and move to close the case. The Applicant could reinstate the approval for a fee of \$250 plus the notice and abutter fees. [time period?].

Hawkins asked Morgan to research the date re a conditional approval. Khan asked about discussing the re-approval. Hawkins said it would be with motions and minutes if no objections.



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The conditions sheet would go to the applicant with the NOD. The base security of \$5,000 could be waived. Kravitz asked if the standard conditions would all be stated in the Motion. Hawkins thought there should be only a reference to the standard conditions in the vote. Morgan agreed. Janvrin had been tracking the votes as stated in the minutes. Kravitz noted that votes could be clarified, but changes would require a subsequent motion. The applicant, owner, and engineer should acknowledge their responsibility in the case completion letter.

ZONING AND MAPPING

Tom Morgan, Town Planner

Morgan explained that the Board wanted him to review the mapping details of the August 2012 Zoning Map, and work with Members to provide recommendations for boundary adjustments in anticipation of presenting a revised Zoning Map to the 2014 Town Meeting. Using a digital format, Morgan pointed out (i) the current zoning boundaries as digitized with low altitude and high resolution technology by the Rockingham Planning Commission, (ii) certain adjusted boundaries based on the Assessor's consultant's map coordinates, and (iii) Morgan's recommendations to the Board to readjust based on what was actually on the ground. A lengthy, interactive conversation among the Board Members and Morgan followed, with Morgan visually outlining the various suggestions.

Key discussion points in the conversation

Morgan thought that recognizing Route 1 as commercial was fairly obvious, but the side roads should be looked at. Hawkins noted that the Challenge Grant subcommittee was studying the North Village, including with a dialog with the neighborhood residents. Morgan said it was important to look at Route 286 and acknowledge what is actually on the ground in re conservation, residential and commercial zones. Garand pointed out that in mobile home parks often the land is leased, while residents buy the homes. He asked whether certain intrusions into conservation land should be changed into Zone 2R or commercial. Janvrin wanted to avoid spot zoning when defining potential changes. Garand said that historical uses had to be considered.

Morgan pointed out that historical uses are often imprecise. He asked if the property lines should be followed. The Planning Board could issue conditional use exceptions; the Zoning Board of Adjustment could issue special exceptions. It would be important not to take away rights e.g. make commercial property become conservation land. Another, question was what would go into a new Zone M – municipal land. Hawkins wanted this zoning work to be finished by a specific date. He noted that the North Village committee was aiming to make recommendations to the Planning Board in September. Morgan said River Street and Cross Beach needed to be looked at. Khan suggested the Board have a special meeting on the mapping. Hawkins said attention should be given to the boundaries of town owned and beach boundaries at the beach. Adjustments in the Beach area would require votes from the Beach Commission as well as the Town Meeting.

Hawkins adjourned the meeting at 9:50PM.
Respectfully submitted,

Barbara Kravitz, Secretary
Seabrook Planning Board