



Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee, Michael Lowry, Francis Chase, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; David Baxter; Alternate, Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick[Friberg, Peer Review Engineer, TEC;

Members Absent: Ivan Eaton III, Sue Foote, Alternate; Paula Wood, Alternate,

Hawkins opened the meeting at 6:33M.

MINUTES OF AUGUST 19, 2014

Hawkins asked for corrections or comments for the Minutes of August 19, 2014; there being none.

MOTION:	Khan	to accept the Minutes of August 19, 2014 as written.
SECOND:	Lowry	Approved: In favor: Hawkins, Frazee, Lowry, Khan, Chase; Abstained: Baxter Absent for the vote: Janvrin

REQUESTED DISCUSSION

Case 2007-11 Beckman Woods, Halls Way issues

Attending: Mark Keyser et al; Richard Green, Green and Company; Henry Boyd Jr, Millennium Engineering;

Hawkins explained that neighbors had asked to describe the drainage problems they were having in their neighborhood, and said that Keyser could speak to their issue. Keyser used a power point presentation with photographs to describe the issue, and distributed a CD and photographs.

Keyser said he and his wife bought their home in 2009; they love their house and the development, but that about 50 percent of the homes had serious driveway drainage problems and had had no success in resolving this with the developer. The deep swales continue across the driveways collecting in substantial puddles that trap the vehicles attempting to access the roadway. The water goes up the driveway as much as 17 feet from the road and up to 9 inches deep trapping vehicles. Some cars are bottoming out when driving over the swale. In the winter the water freezes; plows push snow into the swales which can be too deep to reach the mail. Driveways are between 30 to 100 feet from a catch basin. Guests have to park in the street, which could block fire engines. Keyser said that now Green and Company was responsible; he did not think the town would want that responsibility.

Mitch Evans said he can't get out over the solid 14-16 inches of ice in the winter because the water did not leave and his property it was 200 feet to the catch basin. Just washing his cars leaves a muddy puddle where the water collects. Steve Nelson's driveway angles to puddles. He had installed 8 inch pipe surrounded by stone that turns into perforated pipe and turns again down the side of a wall they had to build. A landscape architect told him that his house was like at the top of a mountain anchored in swamp. Nelson said this is the same problem at different locations. Paul Howard sweeps off the water and snow at the end of his driveway. His Lexus had bottomed. A new Lexus can get out better but not when people are in the car. He asked whether the asphalt should be 1 ½ inches thick, because the catch basins will be that high when dug out

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for the surfacing. There is growth in the sidewalks and granite curbing, and plows chip the granite curbing; this should be dug up and done over again. Also the bridge appeared damaged. He asked that the project security not be released.

Carol Van Liere said the water runs off Causeway to Halls Way down her driveway and into the swale, it has to cross another driveway before going into the swale. When the swale backs up it goes into her driveway. There is constant water like a skating rink. They put in some pipes, but should the swales be made deeper. She said they need help with the drainage for the water coming from all sides. They did not understand why a catch basin was not put in before her driveway, and wondered if the swales could be made deeper. They will be taking matters into their own hands because at times the water comes into their garage.

Mike Jorgenson said his situation is not as serious as some others. The winter is the real problem. They are told to clear the snow, but it is ice that thaws and freezes. A video of that day's storm showed that the water is wider in the driveways than in the yards. The mailbox is in the swale. He thought that in the future the water would get under the driveway. Gloria Titone was sorry it had gotten to this point. She was an early resident and loved the house and neighborhood, and had been clear that she did not want a dip in the driveway. Her snow plow people quit because their blades were chipped. Now there are 50 houses. Other residents described their same problem.

Hawkins had driven through the neighborhood during that day's rainstorm. Every swale and driveway was filled and running over; water poured down the driveways into a swamp-like area. When the rain stopped, the driveways were still full. The Planning Board and the Board of Selectmen did not want unhappy neighbors and likely would not take over the roadway until the issues were resolved. The Board had little authority after a plan was approval until there was a request to return security. It could help to get the parties together to find a resolution. The problem must be fixed, and might be addressed by bringing all of the parties, and appropriate town officials together to figure out the resolution. It may not be ideal but there had to be something to do. The Planning Board would help where it could. Nothing would be recommended until the problems are fixed. The situation cannot remain as is.

Hawkins asked for comments from Boyd, who said he had talked with the Greens and the DPW Manager. They did not want to do anything until there was a full solution for a fix – a solution was in the works. The developer had talked with the DPW Manager about a resolution. The driveways were the problem; one driveway had to be redesigned. Boyd said that the DPW Manager had been clear that nothing should be done to the road until the final solution was known. The Greens were in the process of designing a solution, so that at some point they could turn to the Planning Board for a recommendation on a bond reduction and to the Selectmen. He asked for patience to come up with something satisfactory to the neighbors as well as the developer. Boyd said there was no doubt that there were driveway issues. The driveway for one home had to be completely redesigned, probably with an added structure because of the house placement and site design. Boyd said he and R Green met about a month ago with the DPW Manager who was very resolute that things be fixed in that neighborhood. They also met with Jim Kerivan of Altus Engineers. The Greens were in the process with Millennium of coming up with the solution to fix the swales and the drainage. Boyd said that neither he nor the DPW Manager were interested in turning anything over to the town that did not work. Many photos of the problem existed.

Boyd said the Greens were looking at starting construction and in some cases reconstruction next week.



R. Green said they were working with Jim Kerivan of Altus Engineering to find the driveway solution for each of about 25 homes. They wanted to do the work all at once to tie into the topcoat road work, to repave and repitch. The roadway was designed with a one percent pitch, the design standard at the time; the sod rises over time. They'll have calculations for each driveway; the work would begin for 25-26 driveways in the next week. The solutions were to raise the driveway pitch. Kerivan had the list and would inspect. The work would all be done by the end of September. One resident wanted to know who was on the list. R. Greene will distribute the list; anyone who thought they had been overlooked should contact him.

Baxter asked about the property line. Green said it went to the back of the property. Baxter said that eventually there would become town land. Boyd said the drainage in about half the driveways needed to drain properly. R. Green said one resident had built a bed surrounded by stones in the right-of-way. Lowry asked if the DPW Manager had ok'd the proposed work; he wanted that feedback. R. Green said he would meet with Kerivan. Hawkins wanted the list to be sent to the Board. Boyd said there was no change to the plan, only corrections. One homeowner needed piping that would be different than shown on the plan. The swale had to be managed. Chase thought there would be some minor adjustments to the grading on the plan. Boyd said the as-built would show that. Morgan asked about the long term and if homeowners generally go up to the pavement. One resident thought more catch basins were needed. Keyser thought that in the Marshview area drainage worked because water went into the street.

Hawkins asked about a shallower swale in the winter. Boyd said it would ice up; they would have to look at that. R. Green said there was no way with open country drainage to stop ponding in the winter. Keyser asked about granite curbing, not an open swale with catch basins. One resident said the town had regulations; the Board should not accept the street until the problem was fixed. Hawkins said the town held some security but it would not be enough to replace curbing. The Board of Selectmen would want a recommendation as to any road taking. Helen burns thought it was good to discuss the planned work first. Water drains down their driveway but not to a catch basin. She would be encouraged to know that people could be informed. Green said he would distribute the work list the next day; he would show up if anyone called him. Paul Harvey commented that he was told his driveway was fine, but his car bottoms out. Hawkins said a meeting could be considered. Communication could improve with talking together. Keyser thanked the Board for allowing their presentation.

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS
Case 2013-13 Sea City Crossing, Scott Mitchell, IStar
Recommendation in re Donation – Allowed Use of Funds

Hawkins said that in lieu of the exaction for Case #2013-13, \$88,560 had been received as a donation, which the town had to agree to accept. To accept the funds, the Board of Selectmen wanted a recommendation from the Planning Board specifying the manner in which the funds could be allocated. The purpose would be for roadway construction and related water and sewer improvements in connection with the widening of Route from Route 107 south to the Lowe's. Khan asked if the town could take and use the funds elsewhere. Hawkins said the ordinance was restrictive. He asked Morgan to look at the ordinance for flexibility, but believed the ordinance did not allow the use of funds for sidewalk equipment, and it would apply only to Route 1. Janvrin asked if it could be used for right-of-way acquisition; Hawkins said it could.

Chase commented that the town would receive 10 percent more money if collected as an exaction. Hawkins said in that event it would have to be spent within 6 years, which was likely.



Baxter thought the Sea City Crossing traffic analysis would cover both north and south of the site, for which more money would be needed. Hawkins said the calculation did not account for the overall cost. Baxter asked where the funds would come from for the problems north of the site. Hawkins said that would come from exactions in re future site development. It was important to get the northern portion into the 10 year plan. For the current widening project, the town would pay 20 percent, for the right of way acquisitions and 20 percent of any overage, and DDR paid \$127,000 for the design work. Khan said the Waterstone proposal [to construct a portion on the east side of Route 1] would be a big help.

Morgan read the following from RSA 674:IV (j)...”Such offsite improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.”...Hawkins said this was not required by the state; a legal opinion might be needed. Baxter said to encourage donations and/or exactions. Hawkins said the whole corridor would contribute as defined in the ordinance. Janvrin said that Routes 107, 286, and 1A should be included. Hawkins noted that an expensive analysis of the Route 1 properties involving the identification of individual properties by Morgan and the analysis by the Board’s traffic engineer was done. The engineering study was financed by a donation from a developer. Janvrin commented that this was not a zoning issue.

MOTION:	Hawkins	to recommend the Selectmen accept a donation in the amount of \$88,560 from Scott Mitchell and IStar LLC Inc. The donation is made in lieu of an exaction fee on Case #2013-13 and should be used for the same purpose as an exaction fee as stated in Section 10.07 of the Seabrook Site Plan Regulations.
SECOND:	Janvrin	Approved: Unanimous

Khan asked for the language to be forwarded to the Board of Selectmen.

Case #2013-28 – Green & Company, Marshall Way Subdivision Security Reduction Request

Attending: Richard Green, Michael Green, Green & Company
 Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Hawkins referenced a letter requesting the return of security in re work already completed for the Marshall Way subdivision. The original security amount was \$451,000; the developer had obtained department head signatures and was requesting the return at this time of [[\$393,000.]], and proposing that 10 percent be held as maintenance. Hawkins’ comfort level at the \$300,000 figure was not good. Khan asked what percentage of the construction work had been completed. R. Green said the sidewalks had to be graded and paved, and loam added. Khan commented that the Greens had done good work in the town, and accepted responsibility for their mistakes. Boyd said this subdivision had a different design, and the work was done. R. Green said they were only asking for a 90 percent reduction for the work that was already finished; the balance would remain until the pavement was finished. The money was needed to pay the subcontractors. The curbing had been inspected and working well. M. Green noted that this project had closed drainage. Boyd added that they had given up 2 lots for conservation purposes.



Hawkins calculated that 12.7 percent of the work remained to be completed – approximately \$57,000. R. Green said if equipment tore up the road they would fix this. Hawkins asked if the hot top really would last. Boyd said that the DPW Manager preferred the hot top because the cost to repair granite was very expensive. Baxter asked if less than 87.5 percent was needed. Morgan said the cost to finish the work should be retained. R. Green said they had still to do the top coat on the road and the sidewalks. M. Green said to hold 10 percent until the road was accepted by the town. Hawkins said that would be at least a year. Morgan thought 2.7 percent was not enough. Baxter thought that for the landscaping etc, the top coat and sidewalk, the amount held should be 10 percent plus the cost to finish the work. Chase said the reduction was calculated by the security listing. Hawkins said the history in releasing security was not good. Chase said the adjustment should have been explained in the Green letter.

Hawkins proposed that 15 percent be held, and \$383,400 returned. He thought the Board should have a policy of allowing one partial security reduction. M. Green said that 2 foundations were in, but they could not begin construction because the security had to be released.

MOTION:	Khan	to return \$383,400 currently held as security for Case #2013-28 Green & Company Marshall Way subdivision and to retain the balance of the security held in the account until released by the Planning Board.
SECOND:	Chase	Approved: Unanimous

In re Case #2007-11 (see above) M. Green said that the one percent grade would work if it remained unchanged. The road would be paved properly. Hawkins said communication with the residents was needed. Khan commented that all of the residents would have to ok accepting the road in the future. M Green commented that there had been conservation land and the Army Corps had made changes. R Green said the catch basins had been properly spaced, commenting that water was not allowed to go out of the driveway to reach the catch basins. M Green said that winter was the issue; there would be ice.

**Case #2013-24 GRA, Greene – Stard Road property
 Change in Security Amount to \$45,000**

Attending: Arleigh Greene;

Hawkins explained that there had been an amount difference between the costing amount set by the original engineer (\$31,900) and that set by the engineer monitoring the project going forward (\$180,000). Because the Town would not consider doing all of the proposed work if the developer decided not to go forward, the security amount was revised to \$45,000. Hawkins commented that security for subdivision work would be of more concern than for a siteplan.

MOTION:	Janvrin	to increase the security amount set for Case #2013-24 Greene, Stard Road property to \$45,000 from \$31,900.
SECOND:	Hawkins	Approved: Unanimous

CORRESPONDENCE AND ANNOUNCEMENTS

Hawkins called attention to compliance requirements set by the NH Department of Safety, Division of Fire Safety in re the Phantom Fireworks property at 3 Chevy Chase Road.



PUBLIC HEARING

ONGOING CASES

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; continued from March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, July 15, 2014. August 5, 2014; August 19, 2014; topics -- site security, letter from NHDOT, Route 1 work schedule; letters from DDR and NextEra;

Attending: Anton Melchionda, Waterstone Retail Development; [[Arleigh Greene,

Hawkins said although this meeting was primarily a work session, the Board wanted a status report for Case #2013-15.

Security

Hawkins said that the work on the site was being done with the security having been posted. Melchionda explained that the bond had been committed (see Provident Bank letter) but the bank officer had abruptly left the Bank requiring the negotiation process to start over. Their financials had been evaluated and found sufficient; the bank has said it will port the security and that process was proceeding. Hawkins asked how long before the security would be ;posted. Melchionda said 2 weeks to 30 days.

NHDOT

Hawkins asked about the work status with the NH Department of Transportation in re the widening of Route 1. Melchionda said they were in touch with Kevin Russell of District 6 and with Concord; there had been multiple meetings about the widening project, the “taking group” and an ok on a 2-phase opening. They had forwarded the information to Concord 5 months ago; Victoria Chase said they would call when ready. He would help to facilitate the process. Hawkins reported that in a telephone call last week Victoria did not acknowledge the value of the Waterstone work plan. Melchionda thought that the takings group might know of the contacts with Concord; all of the takings were on the west side of Route 1. Hawkins asked about the work schedule. Melchionda said the Route 1 and Provident Way work would begin next month. Phase 1 would be Provident Way; Phase 2 would be the Perkins light. He would get the information and ;provide the Severino work schedule.

Letter from DDR

Melchionda said that additional information had been sent by Jeff Dirk, the traffic consultant, to DDR’s traffic engineer Robin Bousa,. and should have gotten to Jim Grafmeyer at DDR. He will resolve that situation ASAP.

Letter from NextEra



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Melchionda said there was a new sector Vice President. The power plant and Florida had the information; they had addressed all issues and expected a letter soon.

Signing Plansets

Hawkins thought the letters and the security were expected 30 days from the approval. The activity was going on without a final signed plan. He called attention to Morgan's memorandum, and that Morgan needed to ok signing the final plan, or there could be a cease and desist. Melchionda said the siteplan for the onsite had been signed, but that Wayne Morrill had asked for a new planset to be signed. Hawkins said that would take a memo from Morgan.

Janvrin called attention to the OSHA standards noting that he had walked the site and seen workers on the roof without hard hats, drainage that had not been bermed, part of the silt fence down, and the need for stormwater protection. Melchionda said they had Thursday site meetings and toured the site; he was not aware of the items Janvrin called up but would assure that the site log would be made up to date and they would address the issues. He was grateful for the fair and accommodating treatment by the town; they had never had an accident or serious violation. Zalewski noted that the stormwater was contained and said the site superintendent knew his stuff. The wires around the roof for safety were ok. Melchionda said they had used the same sub-contractor for years. Kravitz noted that any documents for the next Board meeting had to be in the Planning Board office by Tuesday, noon.

Baxter left the meeting]

PLANNING BOARD WORK SESSION **Return of Security**

The Board discussed the partial return of security generally. Zalewski suggested that the amount to applicants should be for the value of work done, less 10 percent. Hawkins felt that not enough money was being kept, and the town had gotten burned. A policy was needed – perhaps for a partial return of 75 percent, but never 100 percent; this should be addressed in the regulations. Janvrin noted that for Case #2007-11 only one lot was not sold; @ \$125,000 would not be enough of the town had to do any work. Perhaps there should be a lien on it until the driveway problems were resolved. Hawkins noted that the engineer had set the costing basis when the application was submitted; inflation might increase the cost at this time. The engineer should build in inflation (contingency) factor. Chase said the federal government retains 5 percent.

Widening of Route 1 South of Route 107

Hawkins said they had asked for a meeting with Victoria Chase of NHDOT was called about the increase in cost for widening Route 1. In the phone call, Chase said the right-of-way offers would occur in October and November; she expected the takings conclusion in the fall of 2015 and construction in 2016. She expected the cost to be as much as \$550,000 and was the town's responsibility. Every item had to be appraised. DDR had paid \$127,000 toward the engineering which was already \$110,000 more. It could mount to \$300,000. The town would be responsible for 20 percent of the excess over \$127,000. He noted that Autumn Way was not figured in the original cost. They did not know if any federal funds might be available. The state maintenance funds were no longer available. The cost had risen to \$1,400,000 from \$977,000. Hawkins said that the Waterstone proposal had not been considered in the bidding. A meeting was needed with District 6, and a letter explaining why the Waterstone proposal was not being considered.



The NHDOT had added a 10 percent overhead to the cost, of which the town would have to pay 20 percent. Hawkins commented that Chase had been reluctant to come to Seabrook because of the schedule delay.

Khan reported that the property owners had gotten certified letters from NHDOT, which would be holding meetings with owners in about 2 weeks. Hawkins thought the initial offers would take 3 months. Khan asked if the Waterstone money would be available. Hawkins said the town's share was \$600,000 plus the Waterstone \$865,000]]](donation) would be enough. The town had to look at about the same sum for Route 1 North of Route 107. Khan asked how that would be paid. Hawkins said out of future exactions. The ratable accounting would be billed at the end of a project. The Waterstone **donation** would be expected in January 2015. Janvrin thought the amount could be based on floor space. Hawkins noted the offsite work and said to wait for the Phase 1 and then the Phase 2 request.

2015 Capital Improvement Program (CIP)

Hawkins addressed the draft CIP explaining that the projects were the same as in the previous year except that the Route 107 Bridge over I-95 had been removed as essentially completed. He commented that funding for a public transportation hub was unlikely, but this was still a good idea. Khan asked about the Committee concerned with Sea Level Rise. Hawkins said they were continuing to meet with representatives from the towns of Hampton Falls and Hampton. Frazee was concerned that the sand was silting at the Harbor. Janvrin said the Master Plan would have to be updated in FY2018, and asked for the cost of the last update. Kravitz said the cost was \$50,000 comprised of 3 approved warrant articles for \$10,000 each, and approximately \$20,000 in from the New Hampshire Housing and Conservation Planning Grant. Accordingly, \$50,000 was added into FY2018. Chase said that Seabrook's Safe Routes to School proposal was not granted funding, and asked that \$400,000 be included as an FY2015 item in the event that outside funding was appropriated. Hawkins asked Chase to write a brief description for this item.

MOTION:	Janvrin	to recommend the Planning Board's draft Capital Improvement Program (CIP) as presented and amended at the September 2, 2014 Meeting.
SECOND:	Khan	Approved: Unanimous

2015 Budget

Hawkins said that the Town Manager had provided a draft of the Planning Board Budget based on level funding. Janvrin said that a records retention system and file storage would be a priority. Hawkins was working on a short-term plan to reduce redundancies, with the objective of adopting a digital program within 3 years. If no more file cabinets were purchased, about \$800 could be available for filing help e.g. summer interns to help with the digital conversion. Janvrin wondered if there might be some help from the state archives. Hawkins said that could be looked into, but certain things were required to be retained in paper form. He would be reviewing the Planning Board Budget with the Town Manager later in the week.

Hawkins noted that 2014 revenues were strong, but some reimbursements had to be booked to 2013. He thought over the years revenues were behind by about \$100,000. The objective was to bring in annual revenues as close to 100 percent of expenses – at least 80 percent of the budget figure.



MOTION:	Janvrin	to accept the 2015 Planning Board Budget of \$85,770 as presented at the September 2, 2014 Meeting.
SECOND:	Chase	Approved: Unanimous

Prompto Auto Service – 431 Lafayette Road

Hawkins said that coming north on Lafayette Road, a left turn into the Prompto business could be dangerous. He did not see how NHDOT signage could correct this problem, and suggested that the owner might be persuaded to allow an access easement from the Lowe’s property into the site. As this was a safety issue, perhaps money from exaction fees could be used for a cross-connector. He thought the best thing would be an approach the owner, perhaps by the Town Manager. Khan agreed, noting that this was similar to the problem at Autumn Way.

Review of Planning Board Fees

1. Abutter Notice Fee

Hawkins called attention to the need to update and justify the Abutter Notice fees in re the application form and in the regulations. He noted that the fee as stated in the current regulations was effectively \$100 added to the actual cost of certified and/or return receipt postage, as the case may be, plus \$4 per piece mailed. Kravitz explained that abutters receive certified mailings, and the owner/applicant/professional service provider receive certified, return receipt mailings. Given the increase in postage, Hawkins proposed that the amount for mailing a certified letter would be increased to \$7.78 (\$3.78 plus \$4), and the amount for a certified/ return receipt letter would be \$10.48 (\$6.48 plus \$4).. After a discussion of how the fees had been figured, and whether the \$100 and/or the \$4 additions should be retained, by consensus the Board established the mailing to abutters at \$7.78, and the mailing to owner/applicant/professional service providers at \$10.48.

2. Proposal to Revise Expedited Application Fee

Hawkins explained that currently the fee for an expedited application was \$300 plus \$100 per 1,000 sq ft of impacted area. The Board generally discussed removing the \$100 additive because expedited reviews were based on not having impacted areas. One concern was the first time use in a unit that was in a new building.] Kravitz noted that based on the conditions of approval the two stores at the Kohl’s each came to the Board for siteplan review. By consensus the Board decided to remove the additional \$100 from the expedited application fee.

*[Secretary’s Note: language discussed at an earlier session:
 to amend Section 3 of the Site Plan Regulations, as follows:*

The application fee for non-expedited site plan review is \$300 + \$100 per every 1,000 square feet of impacted area. The fee for expedited applications is \$300. For purposes of determining the appropriate application fee, the plans shall identify and measure the area of all impacted areas, including, but not limited to, buildings, parking, landscaping, woodlands, and wetlands.]

Morgan will propose the language for Items #1 and #2 [plus the language for revised parking provisions previously approved] for the Public Notice for the October 7, 2014 Planning Board meeting.



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Meetings Schedule

Hawkins set the following schedule for special subcommittees:

Zoning Map Subcommittee: September 18, 2014 9 AM in Town Hall

Mapping Subcommittee: first and third Thursday in September, October, November, December 9 AM in Town Hall.

North Village Site Plan Subcommittee: September 11 and October 9, 2014 at 9AM in Town Hall.

Hawkins adjourned the meeting at 9:30 PM

Respectfully Submitted

Barbara Kravitz, Secretary
Seabrook Planning Board