



Town of Seabrook
Planning Board Minutes
Tuesday, December 17, 2013
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Francis Chase, Roger Frazee; Aboul Khan, Ex-Officio; David Baxter, Alternate, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Sue Foote, Alternate; Paula Wood, Alternate; Dennis Sweeney; Michael Lowry,

Hawkins opened the meeting at 6:30PM.

MINUTES OF NOVEMBER 19, 2013 AND DECEMBER 3, 2013;

Hawkins said the Minutes of November 19, 2013 would be held to the next meeting. .

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2002-37 Irene's Way.

Hawkins noted that the Board had agreed to return all but \$17,000 as the 10 percent of the security for the maintenance fee. The Water Department and the Department of Public Works have informed the Board that the issues had been satisfactorily resolved. Garand confirmed this. Hawkins said to check with the Secretary in re outstanding invoices.

MOTION:	Chase	to recommend Irene's Way to the Board of Selectmen as a town roadway, subject to outstanding invoices for Case #2002-37
SECOND:	Janvrin	Approved: Unanimous

Case #10-22 NextEra Firing Range

Hawkins called attention to the memorandum from Garand that as Code Enforcement Officer, he was satisfied and there had been no complaints.

MOTION:	Chase	to return the balance of security held in connection with Case #2010-22 NextEra Firing Range, subject to payment of outstanding invoices.
SECOND:	Janvrin	Approved: Unanimous

CORRESPONDENCE

Castaways Restaurant

Hawkins referenced a memorandum from the Town Manager with respect to the request of the Castaways Restaurant to be allowed to extend business hours on New Year's Eve. Although special events were the responsibility of the Board of Selectmen, the Planning Board was being asked for its view. Hawkins suggested that the Planning Board could waive jurisdiction. Garand asked if the Board of Selectmen would meet before New Years; or if the decision could be made by the Town Manager. Khan said the Town Manager had asked the BOS and was given the ok to make the decision.



**Town of Seabrook
 Planning Board Minutes
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MOTION:	Janvrin	to waive jurisdiction to the Town Manager or the Board of Selectmen in re the Castaways Restaurant request to extend hours on New Year's Eve.
SECOND:	Hawkins	Approved: Unanimous

**PUBLIC HEARINGS
 NEW CASES**

Case #2013-22 – Proposal by Daniel & Johanna Lord for a 2-lot subdivision at 55 Centennial Road, Tax Map 9, Lot 38.

Attending: Johanna and Daniel Lord;
 Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd said this was a 1.2 acre subdivision with a duplex in the back and 35,000 square feet of uplands. The David Boyd homestead remains existing with a horseshoe driveway and easements for safety concerns. The wetlands stamp would come from Mark West; the monuments would be set after the approval; the contours were shown. They could ask for a waiver, or they could do another duplex. Boyd said the sewer and water was in place; they could decide on whether to do another duplex at the building permit stage. Morgan said that Boyd had submitted easements that day, so he had not looked at them yet. Boyd said there was a gravel drive to a shed; they would leave the flat area intact for cars. There was a lot 1B easement for turns from lot 1A, and cross easements for Lot 1A. According to the regulations, each building would have two driveways Morgan asked about the utilities.

Chase noted that Lots A and B were reversed on the plan. Boyd said the existing duplex could be returned to a single family after the approval. Janvrin noted that the box was past the lot-line. Boyd said the overage was less than one foot of the 200 feet. Janvrin asked if there were wetlands inside the box. Boyd said there was a small amount; it was 180 feet depth to the wetlands, with about 150 feet for uplands. Janvrin asked if the permanent markers were in place. Boyd said they were. Janvrin noted that some pipes that did not belong needed to be corrected. Boyd said the David Boyd estate owned the entire parcel; Brown and Perkins was part of the estate. Hawkins asked for further questions; there being none.

MOTION:	Khan	to accept Case #2013-22 as administratively complete for jurisdiction and deliberation.
SECOND:	Chase	Approved: Unanimous

MOTION:	Chase	to grant the waiver request for Case #2013-22 as described to the Planning Board on December 17, 2013 showing the footprint of the proposed building and agreeing to return to the Planning Board with the details of the proposed new structure.
SECOND:	Hawkins	Approved: Unanimous



Town of Seabrook
Planning Board Minutes
 Tuesday, December 17, 2013
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Boyd will submit the written waiver.

MOTION:	Janvrin	to approve Case #2013-22- Daniel & Johanna Lord for a 2-lot subdivision at 55 Centennial Road, Tax Map 9, Lot 38, conditioned on: (i) submission of the waiver request in writing; (ii) existing house structure changed to single family; (iii) the easements written on the planset and in the deeds; (iv) the Case number inserted in the title block; (v) the revised planset to be entirely satisfactory to the Town Planner; and (vi) the approval to expire is the conditions were not met in 180 days.
SECOND:	Khan	Approved: Unanimous

Case #2013-23E – Proposal by Michael Wilson and Ken Wilson to establish a pool store and a T-shirt store at 14 New Zealand Road, Tax Map 7, Lot 71.

Attending: Michael Wilson;
 Appearing for the Applicant: Attorney Jeffrey Brown;

Brown said this request was for one expedited application to allow a mixed use unit at 14 New Zealand Road. The Applicant wanted to move his pool supply and sales business into part of the unit, and to sell T-Shirts in the other part of this space. The parking was adequate to meet the needs; no additional dumpster would be required. The hours of operation for the pool business would be 9AM to 5PM on weekdays, and 10AM to 2PM on weekends; the T-Shirt business would be from 9AM to 9 PM. Brown said the fire Department had no issue with storing chemicals; the premises was sprinklered. Morgan asked if there would be any change to signs or lighting, Brown said none. Morgan said there could be no parking on New Zealand Road. Janvrin asked which unit was involved. Wilson said it was the unit closest to the Community Action building. Khan asked if the pool and T-Shirt business would be retail Wilson said it would be taking orders, servicing and supplies.

Garand said the issue was splitting the unit into two businesses that caused the need for Planning Board approval. Hawkins asked which side would be for T-shirts. Wilson said the right side of the unit.

MOTION:	Janvrin	to accept Case #2013-23E as complete for jurisdiction and deliberation.
SECOND:	Khan	Approved: Unanimous

Charles Mabardy commented that he had no issues with this proposal, and liked the businesses.



Town of Seabrook
Planning Board Minutes
Tuesday, December 17, 2013
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Janvrin recommended that the hours of operation be from 8AM to 9PM, Monday through Saturday. Garand agreed this would be better, so that they would not have to return to the Board. Hawkins asked for further comments; there being none.

MOTION:	Janvrin	To approve Case #2013-23E – Michael Wilson and Ken Wilson to establish a pool store and a T-shirt store at 14 New Zealand Road, Tax Map 7, Lot 71 with hours of operation from 8AM to 9PM, Monday through Saturday.
SECOND:	Khan	Approved: Unanimous

ONGOING CASES

Case #2013-14 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings, LLC, West River Road, LLC, and Waterstone Retail Development, Inc. to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to discontinue most of Chevy Chase Road, 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;

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;

Request for application fee reduction, continued from August 6, 2013

Chevy Chase Road Relocation Request

Attending: Arleigh Greene, GRA Real Estate Holdings; Anton Melchionda, [[[Doug Richardson, Waterstone Retail Development;

Appearing for the Applicant: Wayne Morrill, Jones & Beach; [[[Jeffrey Dirk, traffic engineer, Vanesse Associates;

Greene said they had had a conversation with Governor's Councilor Sununu concerning the widening of Route 1 south. They thought there could be possibility of going out to bid in 2014 for 2015 construction. Comments on the traffic design were expected in December, but now it appears not until mid-January.

Melchionda submitted a letter enumerating the overview offsite infrastructure improvements and the costs thereof, their calculations for the related exactions, and their request for certain credits to be applied to the exaction fee. In this regard they separated the improvements exclusive to their project, from offsite mitigation due to land reconfiguration. Melchionda said they took the time to analyze each action for the offsite components to meet the Board's requests for general traffic improvements that would be self funding. Hawkins said the board would take the time to review the proposed exactions and discuss this on January 7, 2014. He also reminded that there

Town of Seabrook Planning Board Minutes
December 17, 2013 draft # Page 4 of 6



Town of Seabrook
Planning Board Minutes
Tuesday, December 17, 2013
NOT OFFICIAL UNTIL APPROVED

were still some site plan details to be reviewed. Greene said they were hopeful of finishing the siteplan loose ends and did not expect problems.

Hawkins continued Cases #2013-14 and #2013-15 to January 7, 2014 at 6:30PM in Seabrook Town Hall.

ZONING – North Village

Don Hawkins, Chair

Julie LaBranche, Senior Planner, Rockingham Planning Commission

Tom Morgan, Town Planner

A proposal by the Planning Board to amend the Zoning Ordinance and the Zoning Map so as to re-zone much of Seabrook's commercial district that is situated north of Route 107 into a new North Village – Mixed Use (6M) Zoning District, and to make associated revisions to the ordinance's provisions regulating permitted uses, dimensional requirements, signs, and nonconformities.

A proposal by the Planning Board to revise Section 8 of the Zoning Ordinance so as to better define criteria for Conditional Use Permits.

[Secretary's Note: The text of the draft proposed zoning changes is incorporated herein and available as may be amended from the Planning Board Office.]

Hawkins explained that the Steering Committee had engaged in multiple discussions for more than a year to create mixed use zoning along the Route 1 corridor from Route 107 to the Hampton Falls boundary. The Board would have to take action on January 7, 2014 to take the proposed zoning changes to the 2014 Town Meeting. Khan wanted the Old South Meeting House to be declared as a historic building whose designation could not be changed without a town meeting vote, and asked that such language be inserted. Garand commented that one conversation was to place town buildings into a separate municipal zone. Janvrin said that the Meeting House was owned by the town and the Historical Society and the land by the Trinity Church. Kravitz noted that the ownership structure was very complicated. Garand noted that the Brown library had been moved. Morgan said that towns create historic districts. Hawkins wondered if an ordinance could specify that it could not be demolished or sold. Morgan said the land use regulations could prevent demolition, but not a sale. Khan said the taxpayers made the payment and asked if there could be a preservation easement by agreement. Chase asked if this could be accomplished.

Baxter thought a municipal zone could be done, but there would not be time for the next town meeting. He did not think owner's rights could be dictated. LaBranche thought a municipality would be exempt, but could not dictate for just one property. Demolition covenants or historic district zoning would be complications at this point, but suggested that a deed restriction or covenant among private parties would not affect zoning.

LaBranche said the mapping changes consolidates the zoning boundaries. Zones 6M Mixed use, and Zone 3 Industrial created uniformity. Hawkins said to look for changes in commercial and industrial. For example, DDR had gone from Industrial to commercial, and would now be in 6M. she noted that there was not much call for heavy industrial. He noted that the methadone



Town of Seabrook
Planning Board Minutes
Tuesday, December 17, 2013
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proposal had not been covered by the 1st Amendment. Charles Mabardy commented that Salisbury had allowed it in a zone where it could not be done. Morgan said everything tied into 6M; there would be one vote up or down. The Section 8 proposal would be a separate warrant article. Khan asked if LaBranche would be at the Deliberative Session. Hawkins said as the Chair he would explain the intent.

Hawkins asked for other comments; there being none. He did not want this to be a 9 page ballot item, and thought the Legislature gave the capability to summarize the warrant. Morgan said the warrant had to be detailed, but the ballot would be succinct, maybe 3 lines to the effect that the changes would be to downsize buildings and reduce traffic congestion. Hawkins said this would be on the Agenda for January 7, 2014 at 6:30PM on Town Hall. Typos would be the only changes. Morgan and LaBranche would fix the text and provide it to the Secretary.

Hawkins adjourned the meeting at 8:53 PM.

Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board