



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

- 6:30 PUBLIC HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE,**
continued from December 6, 2011
Tom Morgan, Town Planner
Julie La Branche, Senior Planner, Rockingham Planning Commission

to consider an amendment to the Town's zoning ordinance, namely a proposal to re-zone Smithtown, an area that is bounded on the east by the former Boston & Maine Railroad, north by Cains Brook, and extending westerly from Route 1 approximately one quarter mile.

A) Replace the definition of "Home Occupation" in Section 2 with the following:

Home Occupation is a home-based business that has no noticeable impact on the quality and character of Seabrook's residential districts. In order to qualify as a Home Occupation, the business must meet all of the following standards: 1) no more than two non-resident employees; 2) it is not a nuisance; 3) it is conducted within a pre-existing building; 4) parking is located off the street, and the vehicles are subject to zoning setbacks for structures; 5) no emission of odor, smoke, dust, vibration, or noise that is discernable from the property line; and 6) no on-site storage of hazardous, flammable, or explosive materials other than small quantities of products that are intended for normal household use.

B) Adopt a new Section 8, and re-number subsequent sections accordingly.

Section 8 – Open Space Development

8.100 Purpose: The purpose of this section is to encourage flexibility in design and development of land in order to promote the conservation of open space and the efficient use of land in harmony with its natural features.

8.200 Objectives

8.201 To stimulate imaginative and economical approaches to land use and community development.

8.202 To facilitate the adequate and economical provision of streets, utilities and public spaces.

8.203 To preserve the natural and scenic qualities of open areas.

8.204 To establish living areas that provide a diversity of housing opportunities while ensuring adequate standards for public health, safety, welfare and convenience.



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

8.205 To encourage the conveyance of land and easements for use by the general public for recreational and or conservation purposes,

8.206 To preserve those areas of the site that have the highest ecological value, for example, wildlife habitat including rare and exemplary species and habitats, water resources, wetlands, streams and rivers.

8.207 To create a contiguous network of open spaces or “greenways” by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.

8.300 Locations: Such development shall only be permitted in Zones 1, & 2R & 6R.

8.400 Procedure: Applications shall follow the procedures and standards of the Subdivision Regulations. Open Space subdivisions, as described herein, are strictly optional, that is to say, applicants are free to pursue conventional subdivisions pursuant to Seabrook’s Subdivision Regulations.

8.600 Dimensional Requirements: Within the Buildable Area, residential development may be built in any configuration or combination of dwelling types and lot sizes, subject to the following:

8.601 A minimum of fifty percent (50%) of the land identified as Net Tract Area shall be set aside as open space.

8.602 Residential density for the Buildable Area shall not exceed 7,500 square feet per dwelling.

8.603 The height of buildings shall not exceed 35 feet.

8.604 Ten foot structural setbacks shall be maintained from all Abutters who are situated outside of the Open Space Development.

8.605 The Planning Board finds that the proposal is consistent with the purposes of this section.

8.700 Open Space Guarantees

8.701 Contiguous Open Space: Reasonable efforts shall be made to locate open space adjacent to protected open space in adjoining property or properties to the satisfaction of the Planning Board. This open space shall be permanently restricted for recreation, open space



Town of Seabrook Planning Board

Agenda

Tuesday, December 20, 2011 6:30 PM

Seabrook Town Hall 99 Lafayette Road

603 474 5605

and conservation uses and protected by a homeowners or condominium association. Upon mutual agreement of the Town, the development and/or the homeowners or condominium association, a portion of the open space may be permanently protected by a public body which shall maintain the land for the benefit of the general public.

8.702 Enforceability: The Town and the property owners within the development shall be assured of enforceable rights with respect to such preservation.

8.703 Non-Divisible: Such open space shall not be re-subdivided further, but may contain accessory structures and improvements appropriate for educational, recreational or social uses.

8.704 Legal Guarantees: The developer shall submit, prior to final approval, such legal instruments as the Planning Board may require to prescribe the manner of ownership, maintenance and obligations of the developer and future residents, including the articles of incorporation and charter in a form and manner approved by the Board necessary to insure the intent and purpose of this section.

8.705 Municipal Rights: In the event the party entrusted with ownership of the open space within the development shall fail to maintain such open space in a reasonable order and condition, the Town may, through court action, be authorized to assess the costs incurred by the municipality to maintain this open space against the owners as a lien on their properties.

8.706 Dissolution: Should the organization managing said open space dissolve, all assets shall be turned over to the public or a non-profit organization dedicated to the preservation of open space. Any such transfer shall be approved by the Planning Board.

C) Add the following to Section 2 (Definitions):

Net Tract Area: The area of a parcel less all non-buildable land such as wetlands and land encumbered by utilities such as electrical transmission lines.

Buildable Area: Land within the Net Tract Area that is not dedicated to open space preservation.

D) Add the following to Section 2 (Definitions):

Vernal Pools are as defined by the NH Code of Administrative Rules – part Env-Wt 101.106.



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

E) Revise the Zoning Ordinance and Zoning Map as depicted in the map and ordinance attached hereto, in regards to Smithtown, an area that is situated within one half mile of the Town Hall. The proposed amendments are extensive, and are detailed in the attached/adjacent document.

PUBLIC HEARING ON NON-TOWN MEETING AMENDMENTS AND LAND USE REGULATIONS

A) Amend Section 8.304 of the Subdivision Regulations as follows:

8.304 Project Completion - Upon project completion, the property owner shall provide a letter to the Planning Board from a professional engineer certifying that the project is complete and in compliance with the approved plans indicating completion. The Planning Board will initiate a final review of all project requirements, and if it is satisfactorily completed, will close the case.

B) Add the following to Section 8.040 of the Site Plan Review Regulations:

8.040 Storm Water Discharge: Drainage infrastructure shall be designed to accommodate a 50-year storm. The rate that storm water flows from the applicant's property onto an abutter's property after development shall not exceed the pre-development rate. Stormwater infrastructure shall be designed to achieve 80% removal of total suspended solids, and 50% removal of both nitrogen and phosphorous.

C) Add the following to the end of Section 4.608 of the Subdivision Regulations, and also after the first sentence in Section 8.050 of the Site Plan Review Regulations:

The utilization of wood chips to control erosion is acceptable, as are bales of salt marsh hay. All other hay bales are prohibited due to their propensity to introduce invasive species.

D) Add a new paragraph to Section 8 of the Site Plan Review Regulations, as follows:

8.180 LEED - The Planning Board encourages building designs that comply with LEED (Low Energy & Environmental Design) standards.

E) Add the following to the end of the first paragraph of Section 4 of the Site Plan Review Regulations:



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

The meanings of terms in the Seabrook Zoning Ordinance and Subdivision Regulations apply also to these regulations.

F) Add the following definition to Section 2 of the Subdivision Regulations:

Interior Parking Area: That area that lies within an imaginary perimeter envelope drawn around the outermost reaches of a parking lot.

G) Add the term “non-lapsing” to Section 8.101 of the Subdivision Regulations, so that it reads as follows:

8.101 A Performance Security may be required. The Planning Board shall determine whether a particular application should be accompanied by a construction security to ensure completion of the proposed improvements. The amount of any such security shall be determined by the Planning Board. The security shall be cash or an non-lapsing, irrevocable letter of credit issued by a New Hampshire bank. Any such security shall be accompanied by a signed *Site Security Agreement*. Both documents are subject to Planning Board approval. A construction security and a site security agreement that is acceptable to the Town must be submitted prior to the recording of a mylar or the commencement of any construction activity that involves roadways or utilities. All construction securities shall be for a term of two years, and all project improvements shall be completed within two years of plan approval by the Planning Board. All security shall be self-calling, and shall be payable to the Town 30 days prior to the expiration of the security.

H) Amend Section 8.103 of the Subdivision Regulations, as follows:

8.103 Recording – The mylar will not be signed until such time as the Planning Board staff is satisfied that all documents required by these regulations have been submitted in their entirety, and in proper form. The Planning Board’s representative will record all subdivision plans, and may record deeds and site plans, or portions thereof, as directed by the Planning Board. In the event that the Registry of Deeds declines to record a mylar, a \$100 surcharge shall be levied for each subsequent attempt by Planning Board staff to record the mylar.

I) Amend Section 4.530 of the Subdivision Regulations, as follows:

4.530 Water Resources - The extent of all wetlands, intermittent or perennial streams, ponds, vernal pools, or tidal creeks. If the subject property includes wetlands:



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

- The plan shall include a delineation of said wetlands as mapped by a qualified wetlands scientist
- Proximity to off-site wetlands situated within 25 feet of the property line shall be indicated on the plan, and
- The boundaries of all on-site wetlands shall be marked on the ground by permanent monuments. The wetland boundary markers shall be subject to approval by the Conservation Commission.

J) Add the following to Section 10.020 of the Site Plan Review Regulations:

The applicant shall submit data on vehicle origin and destination.

K) Amend Section 8.400 of the Subdivision Regulations, as follows:

8.400 Applicant's Failure to Comply

8.401 Expiration - Conditional approvals, consistent with NH RSA 676:41(I) shall expire ~~180 days~~ one year after the date of said conditional approval if all conditions are not met, and the plan shall expire at that time. The applicant may request an extension for up to an additional 180 days by written request stating specific reason(s) for the extension to the Planning Board not less than 30 days prior to the original expiration date. The intent is to prevent premature applications being submitted and approved to facilitate exclusion from any future regulation changes, rather than readiness to carry out a plan.

7:30 NEW CASES

Case #2011-33 – Proposal by Albert Erler, Trustee, 10 Granddaughter's Way Realty Trust, and Charles R. Eaton, III and Jean Eaton for a lot line adjustment at 10 Granddaughter's Way and 142 South Main Street, Tax Map 16, Lots 41 & 42-3.

Case #2011-34 – Proposal by Delta & Delta Realty Trust to amend a site plan approval granted on July 12, 2011 (Case #2011-3) for the expansion of the Southgate Plaza at 380 thru 458 Lafayette Road, Tax Map 9, Lots 1 & 2, and Map 8, Lot 111. The applicant proposes the addition of restaurant-style seating in front of Demoulas, and several other site plan modifications.



Town of Seabrook Planning Board

Agenda

**Tuesday, December 20, 2011 6:30 PM
Seabrook Town Hall 99 Lafayette Road
603 474 5605**

ONGOING CASES

Case #2011-31.10-22 – Proposal by NexrEra to amend its conditional approval of August 17, 2010 so that the stipulation (iv) reads as follows: Noise shall not be discernable at the Rocks Road residences closest to the firing range. Noise level along the existing transfer station road shall be limited to 15 dBA] above the measured background of 44 dBA. The indoor firing range in question is situated off Rocks Road and immediately east of the Town's Transfer Station, continued from November 15, 2011;.

- 8:30 MINUTES OF NOVEMBER 1, 2011 and December 6, 2011**
- 8:35 SECURITY REDUCTIONS; EXTENSIONS**
- 8:40 CORRESPONDENCE/ANNOUNCEMENTS**
- 8:45 OTHER BUSINESS**

**Donald Hawkins, Chair
Seabrook Planning Board**

Plans and documents pertaining to the above are available for public inspection in the Planning Board office in Seabrook Town Hall. Contact the Secretary to set a convenient time. Times for agenda items are subject to change.