



## Town of Seabrook Planning Board Minutes

Tuesday, January 3, 2012  
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Jason Janvrin; Elizabeth Thibodeau; Dennis Sweeney; Robert Fowler; Aboul Khan, Ex-Officio; Francis Chase, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent: Paul Himmer, Alternate; Paula Wood, Alternate; Michael Lowry, Alternate;

### **MINUTES OF NOVEMBER 1, 2011**

Hawkins asked for comments re the Minutes of November 1, 2011; there being none.

<b>MOTION:</b>	Chase	<b>to accept the Minutes of November 1, 2011 as written.</b>
<b>SECOND:</b>	Janvrin	<b>Approved: Unanimous</b>

### **MINUTES OF DECEMBER 6, 2011**

Hawkins asked for comments re the minutes of December 6, 2011; there being none.

<b>MOTION:</b>	Chase	<b>to accept the Minutes of December 6, 2011 as written.</b>
<b>SECOND:</b>	Khan	<b>Approved: Unanimous</b>

### **MINUTES OF DECEMBER 20, 2011**

Janvrin noted that on pages 17, 18, and 19 CFO should be CEO

<b>MOTION:</b>	Janvrin	<b>to accept the Minutes of December 20, 2011 as corrected.</b>
<b>SECOND:</b>	Hawkins	<b>Approved: In favor: Abstained: Foote, Fowler</b>

### **CORRESPONDENCE**

Hawkins referenced a letter from Francis Chase concerning Case #11-29E – conditional approval for a business center for fax and internet uses at 14-16 New Zealand Road. He asked Garand to explain the issue. Garand said a building permit had been requested for 60 seats which called into question the number of parking spaces. Hawkins asked if the intensity of the use was the problem. Garand wanted clarification from the Board on this. Hawkins asked about the number of spaces. Garand said there were 59. Hawkins noted they had to service multiple uses. Chase said for the 5 residential units there would be 10 parking spaces, 4 on one side and 6 on the other. That would leave 49 spaces for the businesses. Hawkins asked how many spaces would be needed if this were a restaurant. Morgan said 20 for patrons and 4 for employees. Janvrin noted the business center was 2300 square feet. Foote commented that there would be 25 spaces for the 3 other business or retail units. Chase said there would be no on-street parking.

Garand said that Chase had done all he was asked to do; he wanted clarification for the future. Janvrin asked about the dumpster pad. Chase said that was in place. Morgan said the concern was that parking [for these units] should not be on the street. Hawkins noted that a restaurant



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would need one parking space for every 3 seats, and asked if the usage would be more intense that a restaurant ie could there be an overflow. Garand said Chase had addressed no on-street parking in a letter. Khan said there could be a traffic light at the corner of New Zealand Road within 18 months, and that would bring heavy traffic. Foote hoped the 60 seats would be filled, but did not think that would be the case. Garand said this is not a restaurant; they would have to return to the Board if they wanted a restaurant. Foote said they would not be serving food, but the use would be like a restaurant. She did not think parking would be a problem. Morgan said that the proposal had been approved; no action was necessary.

### **PUBLIC HEARINGS NEW CASE**

**Case #2011-35 – Proposal by Paul Lepere to amend a 2005 subdivision approval at 27-33 Weare Road so as to eliminate the requirement to construct sidewalks and granite curbs. The property is shown on Map 1 as Lots 18-11 & 18-12.**

Kravitz said the Applicant was out of town and had requested to continue Case #2011-35 to the January 17, 2012 meeting. Hawkins continued Case #2011-35 to January 17, 2012 at 6:30PM in Seabrook Town Hall.

### **ONGOING CASE**

**Case #2011-31.11-22 Proposal by NextEra Energy 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; December 20, 2011**

Kravitz said the Applicant had been apprised that the Board's sound consultant would meet with the Board on January 17, 2012. A continuance to that date was requested. He asked Board Members to be prepared to talk with the consultant about the specific concerns and what the Board is looking for in this initial meeting. Foote asked what the consultant had been told. Morgan said that the reports submitted by NextEra had been provided to him. Foote commented on the importance of considering the psychological noise factor e.g. baby crying, gun shots, explosions. Morgan said the consultant was well-versed about firing ranges, but commented that the Board could decide to say no. Hawkins said expert interpretation of the "report" jargon was needed for a decision that affects the neighborhood. Garand expressed concern about the background noise at differing locations, and thought the timeframes of the night firing should be called out. Khan recalled that at the original presentation in the Library, the Applicant cited the noise factor results at a Connecticut installation, indicating the results were successful and that the same contractor would achieve success for the NextEra facility. Khan asked to review the Minutes in the prior case.

Foote asked if the shifts were from 6AM to 6PM, why couldn't 10PM be the cut off for firing, noting that on the Friday before Christmas at about 4PM she heard 5 gun big gunshot bangs even at the State Park. **Hawkins continued case #2011-31.11-22 to January 17, 2012 at 6:30PM in Seabrook Town Hall..**



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Hawkins opened the Public Hearings at 7PM.

### **PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS ,**

continued from December 20, 2011

**Julie LaBranche, 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.**

Hawkins read the proposed amendment and called attention to the new Smithtown Village map which now included the triangle area discussed at the last meeting. He urged members to get their questions answered as the vote would be taken at this meeting. LaBranche noted that some of the labels had been taken off the map for simplicity. Also the southern boundary was adjusted to the parcel lines and not the State line. The changes to the zoning text were "and/or" in Industrial Light on page Z-6; recognizing 8 districts (not 6) on page Z-13; and a minimum sign height of 6 feet on page Z-24. Hawkins asked for questions or comments. Chase asked about the boundary at Cains Brook. LaBranche said it would go to the upper edge of the water body.

Hawkins asked Foote to comment on the comprehensive process. Foote said the master Plan Steering Committee and the Planning Board worked long and hard to listen to the public at forums and Board meetings, and to become educated on options and possibilities. This is a good start in allowing the zoning in part of the Route 1 area to return to its historic character, and will require innovative thinking from owners and developers. The new zoning makes this possible and prevents a replication of the Route 1 area to the north. Khan said this had involved months of work, and expressed appreciation to the Steering Committee which did a good job. Chase asked how the public could be educated about the new [zoning]. Janvrin said this would be for the Town Meeting to resolve.

<b>MOTION:</b>	I Janvrin	<b>to accept an amendment to the Town's zoning ordinance as revised and discussed at the Planning Board hearing of January 3, 2012, namely a proposal to re-zone Smithtown, an area that is bounded on the east by the former Boston &amp; Maine Railroad, north by Cains Brook, and extending westerly from Route 1 approximately one quarter mile, and to forward to the Board of Selectmen for consideration at the Town Meeting.</b>
<b>SECOND:</b>	Foote	<b>Approved: In favor: Hawkins, Foote, Janvrin, Sweeney, Fowler, Khan; Opposed: Thibodeau</b>

LaBranche said the education process would include a two-sided fact sheet and a large poster for display in the Library, the Beach precinct, the Town Hall and the Recreation Center. A power point presentation would be on the Planning Board page of the website, and linked to the home page. Hawkins said a static presentation of the fact sheet and power point could be shown on Channel 22, one screen at a time. Perhaps there could be a video. LaBranche will check on this. Foote noted that the presentation at the deliberative session would be viewed on Channel 22. Khan asked if LaBranche would attend that session. Hawkins said that a board Member would



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make the presentation at the deliberative session, and can use charts to explain the whys and the benefits. Chase asked about mailings. Hawkins said not in this economy. Foote asked if the map could be included with the Warrant in the Town Report. LaBranche will provide posters, flyers, the map and the zoning documentation. Hawkins said the Steering Committee would meet once again and thanked LaBranche for her work. LaBranche commented that this is a bold step for the Board to make, and thanked Eric Small for making about 15 old photos available that show the old feeling of the community.

Hawkins said that all of the zoning items for the 2012 town warrant had been completed. Foote asked for clarification about the reference to "non-resident" in the home occupation amendment. Morgan said it referred to a non-household resident.

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

**REGULATIONS**, continued from December 20, 2011

**Tom Morgan, Town Planner**

Hawkins asked Morgan to lead this discussion, and read each proposed amendment in turn.

**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.**

Hawkins said that the Board does not get sufficient feedback on project work progress. He wanted a written statement from a project engineer when a project was completed. This might be hard to enforce, but the Board needed to make the attempt. Chase raised the cost of this requirement, and felt it would be an expensive ordeal – possibly adding on as much as \$4000. Garand said such a statement should be submitted with the as-built. He noted that the Almena Way situation took a great deal of chasing down by the Planning Board office. This amendment would put the responsibility on the developer. Janvrin wanted to hold back some of the security until the as-built and letter were submitted. Foote said that if the developer has the professional engineer stay with the project, the cost to write the letter should be very little. It would be costly if the developer is no longer working with the engineering firm. Chase asked if one project caused a problem, would nine projects have to suffer. Hawkins asked how many cases remained open. Garand said a lot are not final; for example a deed might not match up. Janvrin called attention to a subdivision off Railroad Avenue where a drainage issue continues and there was no security. Foote said an as-built shows compliance so there should be a letter confirming the compliance and completion of the project. Garand said the owner and the developer should be able to resolve issues without a hearing before the Board.



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MOTION:	Foote	<p><b>to include the new language in Section 8.304 of the Subdivision Regulations as follows:</b></p> <p><b>Project Completion:</b> Upon project completion, the property owner shall provide a letter to the Planning Board <u>from a professional engineer certifying that the project is complete and in compliance with the approved plans indicating completion.</u> The Planning Board will initiate a final review of all project requirements, and if it is satisfactorily completed, will close the case.</p>
SECOND:	Thibodeau	<p><b>Approved: Unanimous</b></p>

**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.**

Foote noted that there are various methods to design the drainage. Janvrin asked if this would affect farmers. Foote said it would not. The worst polluters are the golf courses in the Seacoast area because of filtration that contains nitrogen and phosphorous. Janvrin asked if the NH Department of Environmental Services covers this. Morgan said the NHDES uses Alteration of Terrain numbers that address 5 acres or more. The Town can impose standards for a properly designed facility. Janvrin asked if this could have affected the Market Basket south project. Chase thought it could have been a positive impetus. Foote said that in the MS-4 towns if a developer does not correct problems in the design stage, the Town would have to pay for this. She called attention to the 2012 EPA Initiative expected in the fall. Underground leaching is a technique to use. Khan cited the increasing pressures from the federal government on the states and towns. Kravitz noted that the 2012 Initiative will have even stronger standards. Foote said these will now cover all towns and will be draconian.

Morgan supported the amendment because it will work well on large surfaces, although it will be harder on smaller areas. Janvrin asked if standards could be waived. Morgan said they could. Foote reminded that if waived, a town would be responsible. She thought this might be beneficial for cooperation between communities.

MOTION:		<p><b><i>to add the following to Section 8.040 of the Site Plan Review Regulations:</i></b></p> <p><b>Storm Water Discharge:</b> 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. <b><u>Stormwater infrastructure shall be designed to achieve 80% removal of total suspended solids, and 50% removal of both nitrogen and phosphorous.</u></b></p>
SECOND:		<p><b>Approved: Unanimous</b></p>



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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.

Foote said that wood chips can become part of the terrain.

MOTION:	Foote	<p><i>to 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:</i></p> <p><u>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.</u></p>
SECOND:	Janvrin	Approved: Unanimous

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.

Janvrin commented that there are tax incentives for LEED qualified projects. Foote agreed, but wanted only to encourage LEED qualification and not make it mandatory because the technology is ever changing and the national standards are constantly evolving. She noted that it does apply to all federal buildings in cities.

MOTION:	Janvrin	<p><i>to add a new paragraph to Section 8 of the Site Plan Review Regulations, as follows:</i></p> <p><u>8.180 LEED - The Planning Board encourages building designs that comply with LEED (Low Energy &amp; Environmental Design) standards.</u></p>
SECOND:	Foote	Approved: Unanimous

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

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



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MOTION:	Janvrin	<p><b><i>to add the following to the end of the first paragraph of Section 4 of the Site Plan Review Regulations:</i></b></p> <p><b><u>The meanings of terms in the Seabrook Zoning Ordinance and Subdivision Regulations apply also to these regulations.</u></b></p>
SECOND:	Khan	Approved: Unanimous

**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.**

Hawkins said that the Board had discussed getting a better definition of for the interior parking area. Janvrin asked if this applied just to the parking lot area. Hawkins said it applied to the perimeter around the parking lot and the interior roads. He thought the Board could be flexible, and asked if the definition worked. Foote thought it worked as best as possible.

MOTION:	Chase	<p><b><i>to add the following definition to Section 2 of the Subdivision Regulations:</i></b></p> <p><b><u>Interior Parking Area: That area that lies within an imaginary perimeter envelope drawn around the outermost reaches of a parking lot.</u></b></p>
SECOND:	Hawkins	Approved: Unanimous

**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 a 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.**

Hawkins said there was no way for enforcement without adequate security [over time]. It needed to be stated in the regulations as well as the documents. Foote agreed, but pointed out that some banks refuse this language, which makes it hard if there is a banking relationship. Hawkins said this is a back-up in the ordinance to the security document which was changed. He had not noticed a difficulty.



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<b>MOTION:</b>	Janvrin	<p><i>to add the term “non-lapsing” to Section 8.101 of the Subdivision Regulations, so that it reads as follows:</i></p> <p>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 a <u>non-lapsing</u>, irrevocable letter of credit issued by a New Hampshire bank. Any such security shall be accompanied by a signed <i>Site Security Agreement</i>. 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.</p>
<b>SECOND:</b>	Sweeney	<b>Approved: Unanimous</b>

### 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.**

Hawkins said this language was needed because applicants were not bringing projects to conclusion; about six or seven applicants had to be chased in the last year. It is designed to prevent such issues.



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MOTION:		<p><i>to amend Section 8.103 of the Subdivision Regulations, as follows:</i></p> <p>Recording – <u>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.</u> 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.</p>
SECOND:		Approved: Unanimous

### 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:

- 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.

Foote recommended replacing wetlands with “water resources”.

MOTION:	Foote	<p><i>to amend Section 4.530 of the Subdivision Regulations, with minor adjustments, as follows:</i></p> <p>Water Resources - The extent of all wetlands, intermittent or perennial streams, ponds, <u>vernal pools</u>, or tidal creeks. If the subject property includes wetlands water resources:</p> <ul style="list-style-type: none"><li>• The plan shall include a delineation of said wetlands water resources as mapped by a qualified wetlands scientist</li><li>• Proximity to off-site wetlands water resources situated within 25 feet of the property line shall be indicated on the plan, and</li></ul>
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		<ul style="list-style-type: none"><li>The boundaries of all on-site wetlands water resources shall be marked on the ground by permanent monuments. The wetland water resources boundary markers shall be subject to approval by the Conservation Commission.</li></ul>
<b>SECOND:</b>	Fowler	<b>Approved: Unanimous</b>

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

**The applicant shall submit data on vehicle origin and destination.**

Morgan said this requirement concerned traffic studies. He explained that the DDR traffic study said the vehicles would be coming from Massachusetts and going back on Route 107. The Demoulas representative said the regulations did not require vehicle origination and destination. This information is important for the big developments. Chase asked if it should apply to a certain size project. Morgan noted the Board had required traffic studies for some of the smaller projects.

<b>MOTION:</b>	Chase	<i>to add the following to Section 10.020 of the Site Plan Review Regulations:</i> <b><u>The applicant shall submit data on vehicle origin and destination.</u></b>
<b>SECOND:</b>	Sweeney	<b>Approved: Unanimous</b>

**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.**

Hawkins said it appeared that there was not a consensus on this proposed amendment, and that it needed further discussion. The Case #2011-34 had received a [conditional] approval and would be returning for a final approval, and intended that the Board use that procedure in the future; he wondered if the amendment was needed. Foote said that by their nature, some conditions are of a longer duration ie traffic signals, or extended greenways. She recommended separating out the construction items. Hawkins had referred to items to be done before the building permit is issued to put the burden on the applicant and not the Building Inspector. E thought there would be less need to extend to one year. Garand commented that he, Hawkins and Kravitz had been discussing how to address compliance issues because as time passes the applicants do not push projects forward or return to the Board. This places too much burden on the Planning Board and the Building Department.



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Foote thought projects should go away if conditions aren't met in 180 days. Garand said applicants are trying to get permits before they are ready to proceed, or come to the Planning Board in advance of getting a zoning variance. The Board should not sign plans until conditions are complete. Foote disagreed and thought the tools are in place, and that the Technical Review Committee should demand a better application. Applicants should return in six months to explain why they have not achieved completion of the conditions, or be subject to revocation [or expiration]. Garand said [the delays] are unfair to abutters. Hawkins suggested that this proposed amendment be tabled for future discussion. Garand commented that waivers mean allowing a slackening of effort. Hawkins said not to waive requirements, and noted the thoroughness of the Tripoli Pizza application submission. Foote said it was the best prepared that the Board had received. Hawkins tabled amending *Section 8.400 of the Subdivision Regulations, to a later date.*

L) n/a

***M) Remove the following from Section 4.200 of the Subdivision Regulations:  
“including a roadway.” Then amend the Planning Board application form accordingly.***

Morgan said Selectman Moore had pointed out that the language of this provision was confusing, as it did not account for a subdivision that did not add a roadway. Accordingly, Morgan said the fees should simply cover big or little subdivision situations.

<b>MOTION:</b>	Chase	<b><i>Remove the following from Section 4.200 of the Subdivision Regulations: “including a roadway.” Then amend the Planning Board application form accordingly.</i></b>
<b>SECOND:</b>	Sweeney	<b>Approved: Unanimous</b>

***N) Add the following to Section 3 of the Site Plan Review Regulations: “In those instances in which an applicant seeks to amend an approved site plan less than one year after Planning Board’s vote to approve, and in which the proposed amendment impacts less than 10% of the lot area, the applicant will pay one hundred percent (100%) of the Town’s expenses to review the plan, as determined by the Planning Board, and will submit an application fee in the amount of fifty percent (50%) of the original site plan application fee.”***

Janvrin asked how the fee structure worked. Hawkins said that all costs for the Board, outside professionals, and department heads should be billed; department heads should submit the number of hours spent on a case. Foote asked why the criteria would be 10 percent of the lot area. Morgan said if it were above 10 percent, an entirely new application would be required. Hawkins said the focus would be on the changes from the prior [approved] plan. Foote recommended the criteria should be to 10 percent of the “approved site plan impact area” rather than the lot area. Khan said the language should be clear.



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<b>MOTION:</b>	Chase	<b><i>to add the following to Section 3 of the Site Plan Review Regulations:</i></b> <b>In those instances in which an applicant seeks to amend an approved site plan less than one year after Planning Board's vote to approve, and in which the proposed amendment impacts less than 10% of the <del>lot area</del> approved site plan impact area, the applicant will pay one hundred percent (100%) of the Town's expenses to review the plan, as determined by the Planning Board, and will submit an application fee in the amount of fifty percent (50%) of the original site plan application fee.</b>
<b>SECOND:</b>	Foote	<b>Approved: Unanimous</b>

**O) Precede Section 10.025 of the Site Plan Review Regulations with the following: "For the purposes of this section,"**

Morgan said this item is intended to include "redevelopment" as well as new development, and to clarify that Garand enforces the requirement that when a premises has been vacant for one year, an expedited application would be required so that the Board would hear about the proposed changes. Foote said if it were vacant for two years the department heads should know how it would be changed. Garand said it is also a courtesy for abutters to have the information. Foote said the Planning board can bring the property up to standards and codes that may have changed. Khan thought it would work well for Garand to bring this kind of request to the Planning Board. Garand said it would trigger compliance, safety questions and hours of operation review. Foote said this should apply to one year vacancy or a change of use, and thought this was done in other towns. The Chair asked Morgan to return to the Board with an expanded description of the proposed site plan review regulation that would apply if a building were empty for more than one year or there were a change of use.

### OTHER BUSINESS

There being none.

Hawkins adjourned the meeting at 8:45 PM, indicating that any other agenda items would be continued to the next meeting. .

Respectfully submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board