



Town of Seabrook  
Planning Board Minutes  
Tuesday, January 6, 2015  
NOT OFFICIAL UNTIL APPROVED

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

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

Hawkins opened the meeting at 6:30 PM.

#### **MINUTES OF DECEMBER 16, 2014**

Hawkins noted that the motion on page 8 should be changed to approve from accept, and asked for other comments or questions in re the December 16, 2014, Minutes; there being none.

<b>MOTION:</b>	<b>Chase</b>	<b>to approve the Minutes of December 16, 2014 with typo corrected.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous Abstained: Lowry</b>

#### **PUBLIC HEARINGS**

Hawkins opened the Public Hearings at 6:35PM; because of the Warrant Articles deadline, they would be taken up first. [Secretary's Note: The full text of the recommended Warrant Articles can be accessed at the Planning Board Office and in the Town Report.]

#### **Proposed 2015 Zoning Map Update**

Hawkins explained that about a year ago the Board gained much improved mapping capability, and discovered that many zone boundaries actually split some properties into more than one zone. This caused the Board to decide to look at properties one by one to acknowledge what was on the ground by reviewing the zones, and updating the Town Map which had not been done for some time. The technology enabled zooming in so that issues could be heard one lot at a time. Because of a new state law, if there were less than 100 affected lots in one zone, the Board was required to mail the property owners individually alerting them that there would be proposed changes and providing the date of the public hearing. Hawkins emphasized that the subcommittee looking at the map had no intent to change property values, but rather to make the zoning more accurate and to the extent possible have the boundaries follow the lot lines. Chase noted that when a property was in two zones, the building permits had to be split, and a mortgage is problematic. Placing a lot in one zone should relieve that kind of flack from the mortgage company. Khan referenced a property on the north side of Route 286 near the sewer treatment plant where the zone line split the lot, and the owner had been unable to obtain a mortgage for some time. Other homeowners in that neighborhood had the same problem. The Board wanted to solve this problem, and was not creating a problem.

Morgan projected the map on the wall and showed how he could zoom in on a particular zone, area, or single lot. Hawkins said that this meeting was the last time that lines could be adjusted on the map. The revised draft map would be presented for a vote at the January 20, 2015 Planning Board meeting, at which time no changes could be made. A few people had already looked at their property in this manner. The Board would hear questions and was open to requested changes that they deemed legitimate appropriate. Morgan would project the parcel(s) under discussion for viewing on the back wall.



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Brian Halloran, 13 Mapleridge Road near the dog track, asked if the track would be discussed. Hawkins said not at this meeting. He showed how a zoning line had split Halloran's lot into industrial and rural zones. The zoning boundary was being moved so his lot would be in one zone. Halloran was satisfied with this change.

George Saltus, 50 Allison Drive, asked about the industrial zone. Morgan said to think of manufacturing. Saltus thought that the industrial zone was for business; he wanted no change to his property line. He used to be in residential-commercial Morgan said that 20 years ago commercial was allowed in residential. The use was adjusted had changed but not the zone. He wanted to keep his property as is. Morgan did not think this was an issue. Saltus said he had problems in registering his truck. He did not want that problem again, so he wanted no change. Janvrin thought the issue was that Saltus had a truck which he parked on a residential lot, and the town has said he could not do that. Janvrin said the problem was that his business was home based which required a business license, or a business license waiver. Saltus said he had such a waiver; Janvrin thought then it should not be a problem. Saltus said he was a 24 year resident. If the town gave him a written guarantee, he would not care. Zalewski thought that problem had been straightened out, and asked Saltus to talk with the Town Clerk's office.

Chase asked if Saltus thought his property was commercial. Saltus did not know but did not want any changes, because he had to work and did not want any grief. If he had something in writing, he would not care about a change. Chase said this would help with a mortgage. Saltus did not have a mortgage and did not want a change. Chase said some day someone would have a mortgage and the change would help. Saltus said at this time he was self employed and had to look out for his future; he paid his taxes. They tried not to register his truck. Morgan said the issue was with the Town Clerk. Chase said the Board was trying to help everybody. Saltus said that with industrial on his lot he had a little more than nothing. Janvrin said the Planning Board had no jurisdiction. Hawkins thought a request could be made. Khan said the Town Clerk was elected. Saltus said he was told the truck could be registered if the state was ok; they were but still the truck was not registered. Finally, he got help with the registration, but he did not ever again want such a problem. Hawkins said the change would stay unless there could be a writing from the Town Clerk; if not, the line would be put back as a minor adjustment.

Alan King, 32 Dwight Avenue. Hawkins identified the old boundary that cut across his lot, and said all that occurred was to move the zone to match his lot line. Janvrin said the lot was entirely in Zone 2R. King thought Dwight Avenue could be made commercial. Hawkins explained that the commercial zone was 500 feet from the Route 1 center line. Janvrin said King's property was not contiguous to commercial. Chase said the Board was not rezoning. Hawkins said the adjustments were to the closest line, which was a minor adjustment, and not rezoning. The Board had to consider the effect on abutters. Janvrin said King could not do commercial off Dwight Avenue, but he could get a home business permit.

Bruce Brown, Centennial Street, recalled a few proposed minor changes had resulted from his previous meeting with Morgan and Hawkins. Morgan agreed that 3 small changes should be done and projected each site in turn. Hawkins said they had acknowledged protecting the stream near Brown's apple orchard. Brown had shown that some of the area was usable uplands and asked for the adjusted line be put back. Hawkins agreed that the adjustment should be made to 2R. Additionally, Brown said his Route 286 property was mostly high ground and asked that it be retained in 2R rather than in conservation. Hawkins concurred that the entire lot should be in 2R, noting that any attempt to build would require NH Department of Environmental Services permits. The third of Brown's requests was to acknowledge the gravel area behind his restaurant had been used for parking. Brown's requested changes were agreed.



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Gordon Leedy, of VHB, said he represented the Yankee Greyhound Track and the Richmond Company in re the 75 acre area that was to be in the rural zone. He asked the Board to consider moving the kennel area into the industrial zone. Hawkins said the Board had no intent to make any zoning changes, only to make minor alignments to the property lines. Leedy wondered if they could be permitted a special exception. By consensus, the Board had no interest in that. Janvrin commented that not much had changed for the Yankee Greyhound or the NextEra properties. Janvrin recommended adjusting one lot line in a lot at the end of Farm Lane as requested by the owner, and called attention to the conservation area around the Beckman Woods, and pointed out where boundaries were bisecting houses.

Michael Ossing, of NextEra asked to be shown where there was shifting on that property. Janvrin responded where some rock area would become industrial; uplands were no longer in conservation. Ossing commented that the adjustments on the map were a nice job.

Heidi Perkins, of 151 Farm Lane pointed out her 3 acres of upland, with the balance of her property in the marsh area. Morgan said that some conservation area had been changed to uplands; all of the Border Winds area would be residential. Some adjustment would be made to follow the upland. Hawkins said to keep to the property line.

Hawkins called attention to the Cross Beach area, the town property in Zone 4, and the River Street area with changes to follow the lot lines. .

<b>MOTION:</b>	<b>Hawkins</b>	<b>to find the changes proposed in the draft zoning map at the January 6, 2015 Planning Board Meeting to be minor and immaterial.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

**Hawkins continued the Public Hearing for the Proposed Zoning Map Update to January 20, 2015 at 6:30 PM in Seabrook Town Hall.**

### **Proposed Impact Fee Ordinance**

Hawkins explained that the question of impact fees had been discussed from time to time during the last 10 years. At the Selectmen's request, this year a study committee was formed, and Bruce Mayberry, a consultant recognized for his impact fee experience, was hired to work with the committee. The committee determined that before going through the expense of structuring specific impact fees, an ordinance designed to see how the town would feel about an impact fee(s) be put to the voters as a Warrant Article. If approved by the Town Meeting, the time consuming process of collecting data and calculations could begin. Khan said the Selectmen supported going to the voters. Hawkins said the warrant language would have to be condensed for the ballot. If approved, the Board would have to have help, possibly Mayberry. He thought at the outset, the Board should create goals and timeframes. Chase asked where the needed funds would come from. Hawkins thought that although there was not now money in the budget for this process, the funds could be found for this exercise. Khan said it would be a request for seed funding – about \$25,000 -- to start the process would go to the BOS. Hawkins said if the process was efficient, the administrative costs should be self-funding out of impact fees.



<b>MOTION:</b>	Janvrin	<b>to recommend adding an Impact Fee Ordinance as Section 20 of the Zoning Ordinance as presented to the Planning Board on January 6, 2015 and to forward the proposed ordinance to the 2015 Town Meeting.</b>
<b>SECOND:</b>	Khan	<b>Approved: Unanimous</b>

Khan asked if Bruce Mayberry should be asked to attend the deliberative session. Hawkins said that would not be necessary. This had been discussed many times, and he thought that people pretty much knew enough about such fees.

**Proposed FEMA Ordinance Changes for Floodplain Compliance**

Hawkins noted that the proposed FEMA Ordinance Changes for Floodplain Compliance had been drafted by the NH Floodplain coordinator and recommended the revised wording be put in front of the voters. Janvrin said without this language in the ordinance no one in the floodplain area would get a loan. Chase said this was very important and wanted this put on Channel 22. Hawkins said this ordinance had to pass. Hawkins wanted a power point format.

<b>MOTION:</b>	Janvrin	<b>to recommend adding the revised language to Section 23 of the Floodplain Zoning Ordinance as presented to the Planning Board on January 6, 2015 and to forward the proposed ordinance to the 2015 Town Meeting.</b>
<b>SECOND:</b>	Chase	<b>Approved: Unanimous</b>

**Proposed Aquifer Protection Overlay Zone**

Hawkins said the subcommittee split the aquifer protection work into 3 sections – a portion of which falls into zoning which would be discussed at this meeting. He recalled that at the last meeting Julie LaBranche of RPC and Rob Roseen presented the issues, and those then in attendance discussed this item. He wanted to take final public comments in re the zoning at this meeting. Gordon Leedy of VHB asked for a provision to be added allowing handling disposal of regulated substances to be handled if an SPCC was adopted in the siteplan. Leedy thought that some reference should be made in the zoning to avoid a general prohibition, even if enabled elsewhere. Morgan asked if the Board intended to add this language. Hawkins thought that change was recommended to go elsewhere. Morgan said the discussion was to add to Section 16.401 “unless an SPCC plan was accepted pursuant to Section 15 of the site plan regulations.” Janvrin agreed that that was the legislative intent. Hawkins thought this would be an insignificant change not requiring reposting. Morgan noted that this was agreed at the last meeting.

<b>MOTION:</b>	Janvrin	<b>to recommend adding the changes for Definitions and Section 16.401 of the Zoning Ordinance as presented and revised by the Planning Board on January 6, 2015 and forward the proposed ordinance to the 2015 Town Meeting.</b>
<b>SECOND:</b>	Khan	<b>Approved: Unanimous</b>



**Hawkins continued discussion of the proposed revisions to the siteplan and subdivision Regulations (Spill Prevention and Stormwater Management Standards) to January 20, 2015 at 6:30PM at Seabrook Town Hall.** Leedy when the proposed regulation revisions would be available. Hawkins said the expected LaBranche comments were being prepared and would be placed on the Planning Board Agenda at the first opportunity.

**Proposed Building Code Update**

Hawkins said this request for updating the Building Code to simplify enforcement was made by the Code Enforcement Officer, noting there had been a lengthy discussion at a prior meeting. Hawkins asked if the Building Code was part of the zoning ordinance. Morgan said it was a stand-alone ordinance requiring a Town Meeting vote.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to recommend amending Section 1.3 of the Building Code as presented to the Planning Board by the Building Inspector on January 6, 2015 and to forward the proposed ordinance to the 2015 Town Meeting.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Unanimous</b>

**Proposed Conditional Use Permits for drive-throughs in North Village Zone 6M.**

Hawkins explained that because of the increased traffic at the intersection of Routes 1 and 107, the footprints in Zone 6M had previously been reduced to 7,500 square feet on the west side of Route 1 and 20,000 square feet on the east side. At the time, one business person had asked for consideration of allowing drive-throughs in the North Village, which the Board did not recommend. Janvrin suggested this could be allowed as a conditional use permit provided there would be no increase in traffic. Khan said the Board could not go back to make a change, but could reconsider the question. Janvrin said with a change for a drive through with no seating, there could be relief from the Planning Board. Khan agreed.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to recommend revising the Use Chart in Section 6 of the Zoning Ordinance to allow restaurants with drive-throughs as a conditional use in the North Village Zone 6M as presented to the Planning Board on January 6, 2015 and forward to the Town Meeting.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Unanimous</b>

**Spill Protection and Stormwater proposed regulation changes**

Hawkins understood that the DPW Manager did not favor the pervious pavement provision. Kravitz added that this was because of the maintenance requirements. Hawkins said the proposed regulation would apply to private property to the maximum extent possible. The owner would have to do the maintenance; the purpose of pervious surface was to enhance recharge of the aquifer. He would contact the DPW Manager. **Hawkins continued the regulations discussion to January 20, 2015 at 6:30PM in Seabrook Town Hall.**



**OTHER BUSINESS**

**Khan called attention to the Special Board of Selectmen Meeting on Tuesday, January 13, 2015 in Town Hall.**

**Khan said that the Sidewalk Plowing Contract did not work out.** The Town Manager and the BOS suggested that if exaction money could be utilized, the DPW could do this. Hawkins wondered about an ordinance change in re using funds that were a donation in lieu of an exaction. Morgan said that state law was complex and he will contact legal counsel for an opinion. Chase thought that the Board could change the ordinance relating to exactions. Janvrin wondered if a donation could be earmarked. Hawkins thought such a use could be added to the regulation by the Planning Board. Zalewski wondered if an exaction could be waived by the Board. Hawkins thought the Board could have broadened the use of the 90 percent donation in lieu of exaction, but could not be responsible for renting equipment or hiring a contractor. Chase thought this could be an alternative solution. Khan said equipment could be rented. Janvrin wanted

**CORRESPONDENCE AND ANNOUNCEMENTS**

**Case #14-10 Outback, DDR request to delay paving schedule**

Hawkins referenced a letter from Blooming Brands requesting a temporary occupancy permit until the finish pavement coat can be installed; the binder coat is installed. Hawkins asked Zalewski for his view. Zalewski was inclined toward a permanent occupancy permit which could be revoked if the pavement was not in place by a certain date. There would be no reduction in re the permit cost. Janvrin said to have the parking spaces striped (before opening). Zalewski said that handicap spaces or restricted areas would have to be marked.

<b>MOTION:</b>	Janvrin	<b>to waive jurisdiction to Building Inspector in re the Case #2014-10 – Outback, DDR request to the Planning Board to delay the paving schedule, provided the parking spaces, including the handicap spaces, were striped.</b>
<b>SECOND:</b>	Lowry	<b>Approved: Unanimous</b>

**Chase asked who would be responsible for maintaining the traffic signal on Provident Way.** Janvrin said it would be town property. Chase said there would be no round-about. He thought there should be some fee, and the Planning Board should be looking at this. Hawkins said it was an oversight at the time. In the future the Board could specify the use of exaction funds. Khan thought this should be in the regulations. Zalewski said the installer of the light thought that Waterstone would take care of it for at least a year until it was synchronized. Janvrin recalled that the NHDOT told him that DDR owned the Route 1 lights it installed until the NHDOT signed off after they could be coordinated. He thought the town should do the same thing; the electricity would be the main thing. Khan thought the developer should return to the Planning board to discuss a number of things. Hawkins said they were expected to return. Chase asked if the DPW Manager should be asked to come with a cost for maintenance. Khan wanted to be



ready when Waterstone came back to the Board. Hawkins thought Waterstone had stated it would review the minutes to see if there was a specific statement in re the Provident Way signal.

**Chase called attention to the intersection of Centennial and Farm Lane because it was a hazardous corner.** He suggested that colored bricks or hatchmarks would help the fire trucks to get through. Janvrin said the Police Department had put radar on those roadways. Khan will ask the Selectmen to look at this.

#### **Case #2010-24 33-35 Gove Road Trust – Jean Drive extension**

Hawkins referenced the letter from Jamco Construction requesting the return of security held for [Case #2010-24]. A round about was taken out and the neighbors were upset. He talked with the developer, but the neighbors did not seem to want to accept any adjustments. The conditions of approval require the developer to resurface the driveways to the house; the developer had not yet done that. Another request was to bury the pipe in a swale to the south side of that street; there was not enough pitch on the north side. The town could plant shrubbery to make it look better. In that event one neighbor wanted dirt put on the top which would defeat the purpose of the drainage system – it would drain away from the pipe, which the DPW Manager would not want. The neighbor would not agree. He thought the job was about done. The DPW Manager should be asked to make an estimate of the security amount that should be retained so that an amount could be released. Chase asked when the security was initiated. Kravitz said the case was #2010-24; Hawkins said it was a condition of approval; people did not want the bottom of their driveway to be new, and the rest old. He would speak one more time to the neighbors, and then write to the developer.

Janvrin asked if the usual checklist had been requested. Hawkins said the DPW Manager thought it a waste of time having people run around to the department heads waiting for a signature. He recommended that when a reduction request was received, an email be sent to Department Heads with the signoff sheet and asking it to be signed and returned with their comments within about a week. They thought it might actually be faster that way. The Water Superintendent also did not like people waiting in front of him to sign the checklist. He wanted time to think about the signoff. Chase commented that he had gotten signoff sheets signed before asking the Planning Board to return the security. Hawkins had agreed to try the above routine once for this project; it could be changed. Kravitz said both a request for the reduction and the department signoff were the current requisite. Kravitz was asked to communicate with the Department Heads. Kravitz noted that in re Case #2010-24 the funds being held by the town would have to be returned to the successor trustee, who had requested funds be returned.

#### **ONGOING CASES**

**Hawkins said Cases #2014-13 and #2013-15 would be continued to January 20, 2015 at 6:30PM at Seabrook Town Hall.**

Hawkins adjourned the meeting at 8:30 PM.

Respectfully Submitted  
Barbara Kravitz, Secretary  
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