



**Town of Seabrook**  
**Planning Board Minutes**  
Tuesday, January 21, 2014  
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Dennis Sweeney; Roger Frazee; Francis Chase, Michael Lowry, Aboul Khan, Ex-Officio, Paula Wood, Alternate, David Baxter, Alternate, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;  
Members Absent; Sue Foote, Alternate;

Hawkins opened the meeting at 6:35 PM.

### **CORRESPONDENCE**

Hawkins referenced a letter **from Curtis Slayton, the Water Superintendent; describing the problem he had in re the condominium conversion for Case #2013-35.** After the approval, the Applicant was very perturbed upon learning the cost to install a meter for the second unit, which was a condition of approval. Slayton reminded that the utilities were to be depicted on the siteplan, and that the Planning Board did not follow procedures. Hawkins noted that one way to correct this was to offer a conditional approval with the applicant returning to the Board to show that the conditions had been met, but this could drag on for months. The Chair signs plans after all the conditions had been met to the satisfaction of the Town Planner. The building permit is not issued until there is a signed plan. Some expedited or condominium conversions do not fit that pattern. Hawkins asked for Morgan's view. Morgan advised deferring to the Water Superintendent. Wood asked for Garand's view. Garand said there was no way to bring an applicant back, so a case can be open for years.

Khan suggested that Morgan and Garand return with a recommendation. Janvrin thought the process for Case #2013-13 worked well, and asked how much time was involved. Morgan said there were meetings with the Applicant. Garand wanted to review current cases to bring them up to date. Hawkins wanted to focus on the 180 day deadline for fulfilling conditions.

Hawkins referenced **a communication from Demoulas asking why they had to come back to the Board to reopen vacant units in the Market Basket south plaza, subsequent to the approval for the site expansion.** John Matthews of Delta and Delta explained that Demoulas wanted to move ahead to rent up 4 units that had operated as retail dry goods stores in the past; there would be no change of use.

As retail was a permitted use for those units, he thought they should be able to bring in retail tenants without returning to the Board. Hawkins said the Board had not reviewed those units. Garand noted that Demoulas had returned to the Board after the approval with changes to LED lighting. He thought the 4 units comprised 40,000 to 50,000 square-feet. If a unit was vacant for more than one year, Garand said the Board should look at traffic. If the original approval had been in the 1970s, compliance with newer regulations should be looked at, i.e. bringing the space up to the current code. Hawkins did not see a reason for retail to come back to the Board, and wanted to follow the one-year vacancy ordinance. Garand said unless there was a serious change of use.

Hawkins asked if Morgan agreed on returning after one year, and did not think people had been required to come back in less than one year. Morgan agreed, noting that that's the way the regulations now read. Hawkins said that was being followed. Janvrin agreed to stick to the current ordinances in re the hours, dumpsters, lighting, compliance with ADA requirements, fire and health safety. This is easier for code enforcement to follow; it would be bad precedent not



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to, and would apply throughout the town. Wood considered that compliance should already be in place if the approval were less than a year. Janvrin commented that in the Demoulas application that has been submitted, they were asking for all 4 units.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to require a return to the Planning Board for any space that had been unoccupied for more than one year.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

Hawkins asked Kravitz to notify Demoulas of this decision. Kravitz commented that the Demoulas application had already been submitted to the Planning Board. Wood asked if the submitted application had been for four spaces. Hawkins said it had.

**PUBLIC HEARINGS**

**NORTH VILLAGE ZONING PROPOSAL.**

Hawkins said the Planning Board was considering three 2014 Warrant Articles: 1) the proposed North Village Zoning changes, 2) adding clarity to the conditional use permit criteria, and 3) prohibiting methadone clinics in the Town of Seabrook. If the Board did not vote at this meeting, it could not go on the 2014 warrant. Khan asked if there had been any changes since the last Planning Board meeting. Hawkins said a line was added to clarify that mixed use buildings of more than 5 dwelling units would be prohibited, except in Zone 6M (page 6), and the discrepant language in Zone 5 Harbor Beach District was corrected to show that restaurants with drive-up windows would not be permitted. Khan said if drive-up windows for restaurants were prohibited in that zone, how about banks. Hawkins said this applied only to restaurants, not banks or drug stores; the intent was to reduce the large traffic drivers in the area. Building footprints had been reduced, but redevelopment of a property would be allowed with the same size of the existing footprint, but not larger. Hawkins asked for further comments from the Board. Janvrin clarified that this change was reflected on the proposed map. [The proposed map, poster and zoning changes were distributed to attendees.]

There being no further comments from the Board, Hawkins asked for comments from those in attendance. Charlie Preston said his property at 851 Lafayette Road (corner of Dearborn) had been the first drive-through coffee shop in Seabrook. He asked for a definition, as his drive-through did not have food. He said the value of his 20 percent interest in that property would be reduced. He was serving traffic that was already there. A Dunkin Donuts at his location would not have left turns; Preston was sure an engineer would prove this. The committee worked hard to plan this out, but his nice building had been laid out for a drive-through; it represented his future. He noted that Laundromats, coffee shops, and even Town Fair Tire had moved around. According to Preston, the busy time would be between 5 and 8 AM; he thought that most traffic would go out on Route 107, which was safer than taking the left turns, as occurred with properties on the other side of the road. Preston said he built the drive-through at the Beach, and asked if that would be allowed now. Hawkins would have to check on this; River Street was now in the Harbor Commercial district. Preston believed these drive-throughs were safe to pull into and out of. He respectfully asked that that change not be sent to the Town Meeting.

Janvrin said the Board was not trying to disadvantage anyone along the Route 1 corridor. If the ordinance passed, relief from any provision would be an option available by applying to the Zoning Board of Adjustment for a variance. Henry Boyd Jr of Millennium Engineering said a hardship could be addressed by the Zoning Board of Adjustment. Although Preston had owned

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the property for many years, Boyd thought the solution was more the function of planning out the site, and where the building lies on the site, not a variance; He cited the differences in stacking between the Seabrook Dunkin Donuts and the Hampton store which had stacking out into the street. He thought the planning should not be just for the use; it should be site specific. Further, there was a difference between a locally oriented business, and a destination site like Cabbala's that generates traffic.

Jim Mitchell asked if special exceptions and conditional uses were allowed. Hawkins said they were allowed in all zones and could be a step in the process, just like going to the ZBA. Hawkins explained that the concept for these zoning adjustments began about a year and a half ago during the Master Plan updating. The Planning Board was told by neighbors and businesses that the traffic was a nightmare, and asked what it would do about it. The Board set about lowering the traffic intensity in the Route 1 corridor, in light of the DDR 400,000 square-foot shopping center that would open in June 2014, and the potential for another 168,000 square feet of retail space. The intersections were already at 100 percent. The town would not have 6 lanes; Hampton Falls would stay at 3 lanes. Somehow there needed to be a lessening of traffic intensity in the corridor. The Steering Committee interviewed neighbors and businesses, who said that the worst congestion came from big box stores, and the ins and outs of drive-through restaurants. There were options to deal with individual hardships.

Hawkins said this meeting was the deadline for the Planning Board to vote on sending the North Village zoning proposal to the Town Meeting. He thought that in return for taking away a few rights, the community was gaining the mixed use capability. Janvrin asked if restaurants with drive-throughs could be changed to a conditional use permit, provided it did not increase the traffic on roadways. Morgan said it was too late to make such a change for this Town Meeting. Wood thought this change, as well as Route 107 and signage issues, should be considered for 2015. Khan asked if this meant that no language could be changed at all. Morgan said only for typos and editorial changes, which could have been done through the last meeting, but not for a substantial changes. Wood noted that the Steering Committee would be doing similar work for Crowtown, so there would be zoning amendments next year. Maybe that would give the opportunity to see if there were other reasonable needs to address in the ordinance Janvrin added that the sign ordinance would be looked at as well.

Chase asked if drive-up windows in re smaller stores had been discussed. Hawkins said there had been lots of talk about the drive-throughs causing traffic disruption because of the slow down for the large amount of in and out traffic. Janvrin said he did not want to see this one item negating all of the work done during the past year. He wanted to see the townspeople vote, as there were hundreds of positive provisions. He would suggest the conditional use change next year. Khan wanted the minutes to show to the ZBA that a consensus of the Planning Board favored applying conditional use to drive-throughs next year. Janvrin thought the Board could supply a letter to this effect. Janvrin's view was that getting in and out with coffee was quick. Sweeney commented that the zoning changes in re restaurants should have covered the whole length of Route 1, not just one area. Wood said the Smithtown Village portion of Route 1 was looked at last year. Hawkins said the Board was addressing the areas with the biggest need. Baxter thought that the infrastructure after the widening of Route 1 south of Route 107 to 5 lanes would handle more traffic. Without that type of infrastructure, the traffic northbound from the SUNOCO could not be as efficient when squeezing down to 3 lanes. Sweeney's opinion was this should be tied into Zone 2 as well. Khan said the Board spent a lot of time and money on this issue and needed to move on.



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John Matthews of RMD, advising the Demoulas real estate interests, said he had attended the Planning Board workshop on September 19, 2013. Seabrook Plaza, 838 Lafayette Road, comprised about 16 acres. Their major objection was to the 20,000 square-foot maximum footprint. It was arbitrary. There should be provision for existing retail to be grandfathered by special exception, and incentives to keep large parcels intact. The 20,000 square foot maximum might lead to the subdivision of the larger parcels, and smaller projects with more curb-cuts could be unintended consequences. Matthews said the zoning needed to be more than a wish for a desired appearance in the district. It needed to be based on a sound economic foundation. Property owners would make rational decisions for development; if the zoning wasn't right they would look elsewhere. Matthews said this proposal would lead to disinvestment, economic stagnation, decreased value and tax decrease. He wanted the proposal shelved at this meeting, and did not think that items could acknowledge, but put off to the next year. .

Hawkins said that every bit of zoning puts limits on someone's property. The zoning is intended to accomplish a certain objective. He explained that if Matthews had examined the proposed zoning in detail, he would find that existing properties with more than 20,000 square feet would be allowed to redevelop on their property to the same size footprint, but not to expand that footprint. Multiple buildings on a property would also be allowed. In fact, the proposal was based on the information that Matthews gave at the business workshop, i.e. that it was not fair to take away the opportunity for a business in operation in an older facility that needed upgrading. The Steering Committee listened. Every business along Route 1 was invited to express their concerns. Hawkins referred Matthews to footnote 11 on page 8, which addressed redevelopment. Matthews acknowledged the value of footnotes, and asked if this would apply for the Ames store. Hawkins said it would. Matthews asked if this meant that they were grandfathered for their existing 125,000 square-foot footprint, and if redevelopment with more than one building. Hawkins said it could, and the square-footage could be moved around on the lot, subject to regulations.

Preston asked how this would apply if he and his neighbor wanted to combine and rebuild together. At this time, he had a half-acre surrounded completely by his neighbor; the only abutter was the 99 Restaurant. Hawkins commented that the Steering Committee liked the furniture store, next to Preston's building as an example for the small town New England style, and as the type of area to rebuild in the future - without flat roofs. The feeling was that this type of development would serve to calm traffic; 7,500 square feet was a good size for a small business. The idea was to discourage much larger stores. On the east side of Route 1, the buildings were already bigger and abutting an industrial zone, and light industrial use would be encouraged to bring good jobs. Preston asked how many buildings could be placed on 1.8 acres. Hawkins said multiple buildings would be allowed on a lot; there would be other requirements. He suggested that Preston consult with the Town Planner.

Janvrin reminded that the mixed use concept for Smithtown Village envisioned commercial activity on the first floor with up to 5 residential units above. This would be permitted. in the new zoning, and could apply to the Preston building. He thought that most of the wishes expressed by property owners were included. Hawkins said the Steering Committee was open to new ideas and knowledge, and was looking for talented participation as it addresses Route 107. Business participation was needed. It was not necessary to be a resident; Matthews would be welcome to serve. Hawkins asked for Morgan's view. Morgan said the board could either send the zoning proposal to Town Meeting, or not. The motion could cover each warrant separately, or all together. Under state law the time was up for warrant consideration on January 21, 2014.



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<b>MOTION:</b>	<b>Khan</b>	<b>to recommend that all three warrants as presented to the Planning Board on January 21, 2014 be forwarded to the Seabrook Board of Selectmen for inclusion in the 2014 Town Meeting Warrant.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Role call vote: Approved: In favor: Hawkins, Khan, Chase, Frazee, Lowry; Abstained: Janvrin, Sweeney;</b>

**NEW CASES**

**Case #2013-27 Adams Subdivision Case #2013-27 – Proposal by Edwin Adams for a 4-lot subdivision at 97 – 111 Folly Mill Road, Tax Map 9, Lot 205.**

Appearing for the Applicant: Barry Gier, Jones & Beach Engineering; Scott Mitchell, representing Mr Adams;

Geir said this application was for a 4.36 acre parcel with 3 existing homes located in the 2R zone. The proposal was to subdivide into 4 lots with 100 foot frontage, and a minimum of 45,000 square feet per lot, with two residential units serviced by town water and sewer. Hawkins asked for Morgan’s comments. Morgan said this case should go to the Technical Review Committee. Hawkins asked if anything should be addressed before the TRC. Janvrin asked if there were anything to prevent acceptance. Morgan recommended acceptance. Hawkins asked for further comments; there being none.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to accept Case #2013-27 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Sweeney</b>	<b>Approved: Unanimous</b>

Michael Boyd said he had lived on the property all of his life. He sees trees, but a little further he sees tires and other debris. He hoped the proposal would not be approved, but if it were he asked for a 6-foot stockade privacy fence and proper drainage. Trees would be cut down, and his dogs would be affected. His house was about 50 feet from the property line, and asked whether there would be houses or mobile homes. Hawkins said at this point it was a subdivision; the doors would be open for a number of different things. Boyd asked if they don’t take care of the property now, what would it be in 5 years. At this time he disposes of garbage from their property; he did not think anyone would want 8 houses in their back yard. If approved, he would like the privacy fence. Hawkins said it would be useful for Boyd to write to the Board with his request for the record.

Wood noted the Board had been talking about restaurants and other traffic issues. This proposal would be an increase of 5 homes with likely 2 cars per house. The Board picks on businesses for bringing the traffic in; she asked about residential increases. Hawkins said two homes are allowed on 45,000 square-foot lots; this could be looked at in the future. Cases had to be looked at against the current ordinance, and follow the zoning until there was a vote to change it. The Board had the option and the responsibility to look down the road to define the direction in 20



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years, and recommend a zoning change if warranted. Wood thought this should be discussed in the future for consistency. She also wanted to preserve green space from residential, as well as business growth. Janvrin commented that this was in Zone 2R, not 6R.

**Hawkins scheduled Case #2013-27 for the Technical Review Committee on February 10, 2014 at 10 AM in Seabrook Town Hall. Case #2013-27 was continued to March 4, 2014 at 6:30PM in Seabrook Town Hall.**

**2013-28 Heirs of Charlotte Marshall, Rushbrook Case #2013-28 – Proposal by the Heirs of Charlotte Marshall, Rushbrook Real Estate Investments, LLC, and Michael Green for a 13-lot subdivision at 49 Rocks Road, Tax Map 7, Lots 104 & 104-1.**

Janvrin and Lowry recused themselves. Hawkins said that Wood and Baxter would be voting on this case.

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

Boyd explained that the Zoning Board of Adjustment had eventually granted a variance, originally denied, to allow residential use for the zone, lot sizes et al. Two lots comprise about 8 ½ acres, but were split by the Zone 3 and 2R. The parcel had no access, although it did abut the North Access Road. Boyd thought the Planning Board had wisely put the zone line around the parcel which was now in residential; there was no longer a hardship. The road would be about 836 feet and would service 13 lots, each of which complies with the requisite road frontage, upland area, 100 foot box size, et al; no waivers were requested on any lot.

Boyd addressed Morgan's memorandum: 1) Sheet 3, which was meant to be recorded, was very busy and would probably be split into 2 sheets because the setbacks required greater clarity in re the wetlands and the brook. Boyd said that would better meet the subdivision ordinance requirement for proper representation of the zoning box, wetlands, boundaries, building setbacks. 2) The bold dashed line near lots 4,5, &6 on Sheet 3 is hard to see, although it was a drainage line and there was a detail; on another sheet it would be more clear. 3) In re the constructive wetlands in the rear of lots 5 & 6, Boyd said they had tried to keep as much of the site intact without cutting into the large wetlands areas. They tried to preserve the beauty of the site to the northwest with significantly larger lots 6 & 8, and especially lot 7. 4) Boyd said they tried to create the drainage in one spot to conserve as much of the property as possible, and so that when the town takes over the road there would only be one area to deal with.

Boyd said that Garand had also wondered about the usable back yard area in lots 5 & 6. Boyd said the Greens like to push the houses back onto the lots for greater front setback. Boyd said that at this time they do not know the final placement of the houses and driveways, but the regulations require they be shown. The placement was for illustrative and conceptual purposes and could be moved as long as the meet the requirements of the building permit, setbacks, and zoning ordinance. Boyd said a house of any size could be placed anywhere on the site, as long as it complies. The most important thing was the drainage pattern. The houses could be moved back up to 25 feet – 30 feet for Lot 6 where the house shown was 36 feet deep x 56 feet long. If that structure was moved forward, there could be 50 feet from the back of that house to the row of shrubs; the 100 foot wide lot would continue, although not much could be done in that constructive wetlands area. Boyd commented that was the size of a residential lot in the Beach. 5) The engineer's stamp needs to be legible. 6) The wetlands scientist will stamp the final plans.



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7) Boyd said the streetlights were purposely left out in order to get feedback from the Board and neighbors to see if streetlights were desired; No one likes light pollution; if streetlights are desired, how many should there be and where should they be placed. He noted that the town eventually would have to maintain them and pay the light bill. R. Green commented that streetlights can be very ugly. 8) Morgan recalled the difficulties with lining up driveways in Beckman Woods. Boyd said that involved about 5 driveways in an otherwise beautiful subdivision. Boyd said they were working with the DPW Manager on a new design that eliminates the need for swales and culverts under driveways. This is a bituminous cape cod berm in which all of the drainage stays within the roadway via a curbing system and catch basins, and goes out to the constructive wetlands area. Morgan noted that was a big change from advocating cross-country swales. Boyd still favored this type of system, but because of potential issues and maintenance that the DPW wanted to avoid, they chose the cape cod system. Boyd suggested that what the DPW favored should become part of the regulations. 9) The stormwater analysis had been submitted; an alteration of terrain permit was not needed.

10) Boyd said the intent is to build out the entire 88,000 square-foot infrastructure. 11) He did not think the Conservation Commission would be interested. Morgan asked if they intended to confer with the ConComm. Boyd said it would depend on what they might want to say; he'd had no comments. Morgan said conferring meant going on the ConComm agenda. Boyd did not see the need for this, but they would do so if it was desired. Morgan noted that the subdivision regulations required a meeting; if the Applicant did not think this was necessary, a waiver should be requested. Boyd said they were not trying to avoid going to the ConComm, and would do so if this was preferred. Hawkins preferred that they follow the ordinance. Boyd said they would meet with the ConComm.

12) Boyd objected to extending the wetlands survey 25 feet offsite to someone else's private property. He thought the wetlands scientist would be the first to refuse. They have delineated up to the edge of the wetlands. One edge would end on the North Access Road; another on private property. They would ask for a waiver if necessary, but as a matter of policy, surveyors do not survey other people's private property. In New Hampshire they don't have a right of trespass. He did not think it fair to delineate other people's property, and would submit a waiver for that. Wood said this was in the subdivision regulations; Morgan said it had been on the books for ten years when the then chair pushed it forward and the Board agreed. Boyd said other items were of a technical nature for the TRC. They did meet with the Fire Chief; the Assessor did assign the lot numbers. He will add the ZBA stipulations to the plan. Boyd said there was sufficient sight distance; they had obtained a line-of-sight in excess of 300 feet. Where the streets join is 60 degrees; he will detail that on the plan.

Boyd showed the architect's computer rendering of how the site would look with houses and the road. He understood that the houses would be very similar to the style in Beckman Woods. Khan wanted comments on the style of drainage system from the TRC - that it would be "plow friendly" at the time the town might accept the road. The town should not have to fix broken pavement etc. Boyd noted that the DPW Manager had asked them to look at this new drainage system, so he thought it would be acceptable. Chase commented that other communities were moving to a "911 system" for numbering homes, which he thought might be looked at for this subdivision. He thought that meant that every 25 feet up a road the number would change making it easier to identify the specific location when help was needed. He thought fire departments were trying to institute this. Boyd said if the Assessor did not have a problem with this, they could look at it.

Wood said that Rocks Road had been notorious for traffic issues. The Board of Selectmen had gone so far as to make an agreement with the power plant for an entrance road to the transfer



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station, but it could only be used when the transfer station was open. It was nearly impossible to take a left onto Route 1 from the power station. The zoning might allow 13 homes on this property with at least 26 more cars. The DDR merge was now at the North Access Road. There was no way for Rocks Road people to get out on Route 1 now. She thought this was a safety issue, and asked how she could vote to put 26 more cars on that road when this was an ongoing issue. A light that had been funded never happened. A house is a house and money is money, but a value cannot be put on a human life. Wood had to object for that reason. Boyd did not see how a house made that situation any more dangerous. He did not see how denying an allowed use on land in family hands for 100 years would be fair. The Planning Board's job was to assist an applicant through the process. Wood asked if it was fair for her to put someone's life in danger, when everyone knows that trying to get out of Rocks Road at Route 1 was horrendously dangerous. She (not the Board) was asking how 26 cars could be put into that intersection that would be made more dangerous.

Boyd said that Beckman Woods had four times the number of houses as proposed in this application. As a Beckman Woods neighbor, he struggles to see someone coming out of that road; it happened infrequently. R. Green said this was not commercial property. Hawkins asked what opportunity there was to connect to the North Access Road. He thought the power plant would just say no, but wondered if there was a way to go through the driveway to the transfer station. Boyd said that NextEra said absolutely not. There was concern at the ZBA that they had not solicited an access agreement with the power plant. Boyd had had extensive experience negotiating the Hannah Foods and Seabrook transfer station access easements. The ZBA said they had not even tried to get an easement and the variance was denied. Then he wrote to NextEra, with a copy to the ZBA, asking for a letter saying that an access was denied. This was misunderstood by some who thought that meant access was not wanted.

Boyd said NextEra will not grant access. He commented that even though the transfer station access was granted to the town and was supposed to be open, it was closed at the end of the day; there are barriers as well. One would have to travel onto the transfer station road and then make a sharp turn onto the access road. He thought some people might go down Rocks Road during the day; he always exits onto the North Access Road. In any event, NextEra would insist on locking the gate. Hawkins wondered about moving the gate about 100 feet. Boyd said everything was at will, and when the power plans deemed an emergency, everything would be shut off – even for the existing Hannah Foods road. He commented that an industrial user would not spend \$14,000,000 to build a facility on an access road that could be shut. Boyd understood that it was difficult to turn left out of Rocks Road, but to state that 13 homes would create or compound a safety issue was not right. Residential use did not generate that much traffic. The owners had rights; 13 homes was not much.

Dorrie Ann Small, an abutter on Rocks Road, said the impact from Beckman Woods was a lot different than it would be on Rocks Road where 26 cars would be going out after 3 PM. Boyd said he goes by Beckman Road about 15 times daily, and rarely saw anyone; he assumed that most traveled on Railroad Avenue. Small said she would hear traffic from the proposed subdivision, and would have a harder time getting out of Rocks Road especially with the hotel, dollar store, and the tire store. She also asked what would happen to the value of her home. Boyd thought the value would rise. Small's house was 60 years old and she thought the value would come down. Theresa Thurlough, of Rocks Road, said she lost \$45,000 in value because of DDR, and thought this would happen again with a new subdivision. M. Green thought a commercial use might affect their property, but with a residential home of a higher value near their homes, the land value would go up.



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Khan said for the past few years access in re the North or South Access Roads, or Railroad Avenue was discussed without any outcome. He asked if there was a possibility of connecting this road with the DDR project behind McDonald's and west of the new Walmart, even if some property had to be purchased. Boyd did not think neighbors would want traffic from DDR on their street. Wood wondered about Dow's Lane. Boyd said that street ended at the transfer station, and then out through the woods toward the wetlands. Wood was reaching out because if she was looking at a house in the proposed subdivision, she would be deterred by the history of the land area. This was not a new concern. Boyd commented that when abutters are asked to weigh in on a problem, they do not necessarily show up. He referenced meetings where the NH Department of Transportation was begged for a signal at the intersection, and refused. He did not think that that should preclude the applicant from doing what they had a right to do.

Lowry asked if a lot merger was involved. Boyd said that would have to be done. Lowry thought the proposal was an over-impact on the dead end road. The transfer station was the other access point, but most people continue down Rocks Road. This would over burden the neighborhood. He also called attention to one lot on the cul-de-sac that looked like a pork chop, which the Planning and Zoning Boards wanted to get away from. It was not what the town was looking for. He thought this project was way too much on too little land. Boyd disagreed that there were pork chop lots, saying the lots had been specifically designed to meet the regulations. There were no bends in the first 75 feet off the road; they comply with the regulations, and don't need any waiver. Thurlough asked about drainage for the 13 homes, noting that 95 percent of Rocks Road drainage had been blocked with sand for years, even though a company had been hired to clean this out. There was a hole in front of her house that got bigger each year, and flowed across the street into the fallout which was overgrown. Boyd said there was a 24 inch town pipe that outlets onto this property; it did need to be maintained. He noted that the EPA now requires signs at the town outfalls.

Boyd said that none of the water flows towards Rocks Road. The challenge was that 800 feet away was only 6 inches higher. He pointed out the high points and low points to show that none of the drainage goes toward the Rocks Road area. There was a big ravine and eventually the water flows into a brook and through a big culvert under the high tension wires. There was a very large drainage capacity. Wood asked about snow storage. Boyd said there had been some talk about taking up some of the pavement; he would inquire about this at the TRC. Hawkins asked Morgan if the application was ready for TRC; Morgan said it was and recommended acceptance.

<b>MOTION:</b>	<b>Chase</b>	<b>to accept Case #2013-28 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous</b>

**Hawkins scheduled Case #2013-28 for the Technical Review Committee on February 10, 2014 at 10 AM in Seabrook Town Hall. Case #2013-28 was continued to March 4, 2014 at 6:30PM in Seabrook Town Hall.**



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**Case #2014-01.10-01 – Proposal by Steve Carbone to amend his prior site plan approval (Case #2010-01) for commercial development at 287 Lafayette Road, Tax Map 9 Lot 64.**

Janvrin and Lowry returned to their seats.

Attending: Steven Carbone

Appearing for the Applicant: Barry Gier, Jones & Beach Engineers; Mike Todd, Excel Construction Management:

Gier said the Planning Board previously approved the site for the 11,000 square-foot building. The Applicant wanted to modify that site plan to remove an area of porous pavement. Due to site limitations, the Applicant wanted to do additional treatment through an underground detention system, at the same time slightly increasing the size of the detention basin. Hawkins asked for Morgan's comments. Morgan said that he and Kravitz had struggled for the appropriate application fee, and wanted guidance from the Board. The Board had adopted a policy, prompted by Southgate Plaza returning repeatedly to the Board, in re applicants coming back to the Board within 12 months of the approval. The regulations were silent on what happens upon an applicant returning after 12 months; presumably they would have to pay the full fee as with a new application. Morgan wanted to be sure that was the Board's intent. Further, in order to calculate any fee, it was necessary to know how much of the site was being impacted; he could not find this on the plan.

Hawkins asked why the porous pavement needed to be removed. Gier said because of the amount of gravel required, construction would have to wait for warm ground i.e. June. The applicant needs to be ready for his flower sales season in April. Hawkins asked for Garand's comments. Garand believed the new proposal would work for the property. He suggested that the Board might send it out for engineering technical review. Hawkins thought that any underground treatment would need an engineering review. He did not know if the Board was ready to make a judgment as to whether the system would or would not work. Garand suggested a conditional approval as long as the engineer returns with an ok. Hawkins asked if there were a reason for this to go to TRC. Garand thought the need was for the DPW engineering review, and commented that Carbone's engineers were concerned that the plant sales would not work very well with the porous pavement that might be cleaned once a year. Accordingly, Jones & Beach had redesigned the drainage; the cost would be an additional \$20,000. It would work better for the site.

Khan asked where else in town there was system like this. Garand was not sure about this specific system, but there were systems that when installed correctly would work fine to accommodate the site. With plant sales, one plant dropped on the ground could plug up the drainage. Garand thought the focus had been on the fireworks, not the plant sales. He agreed with the intent of the proposed changes. He thought if the DPW Manager and the reviewing engineer were happy, it would work.

Hawkins recalled the earlier meeting discussion, and was reluctant to just hope it worked out. He preferred to accept the plan and have the review by the DPW Manager or his appointed engineering company. When the report was that this was a good design that would work in this area, the Board could take a vote. He did not see a lot of work for Board members, but did not want to just turn the approval over without the information. Garand thought that Altus Engineering was already working on this site for construction monitoring, so it could be pretty quick. Todd was concerned that the grades change, and said it would be really helpful if they could begin the initial grading and some other items that were impacted by the proposed



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changes from this new planset, prior to setting the chambers. Hawkins said if the Board gave a conditional approval at this meeting, they would have to return for a final approval. Todd said that would not be a problem. Hawkins asked if the system had already been designed, so that only the approval was needed. Todd and Carbone confirmed this. Hawkins said the Board would also need a letter from the engineering company as to approving the design detail and that it would work in this situation. Todd explained that about 28 inches of substrata needed to be removed, and a lot of the work had begun. They wanted to have the site ready for the new design. The big concern was getting the plant sales up for April 10.

Chase asked what would happen if the reviewing engineer said the design did not work. Todd said they would not touch the chamber areas for installation until the review was in and they had the approval. Carbone said there would be a lot of mud from the plants that would block the area. He did not want to pay more money, but this needed to get done right. Hawkins asked Morgan for other issues. Morgan reported that the Town Manager anticipates the town will resolve the sidewalk impasse on Route 1 in the near future. He recommended that the sidewalks area not be grassed as the town is moving slowly to resolve issue this with the state. Kravitz asked that Todd be in contact with her to coordinate that change. Chase asked if this was going to be loam and seed. Morgan thought that at this point, sidewalks should be constructed. Carbone commented that with grass there was an issue about how to connect to the next lot(s) and the ADA structures. Carbone agreed to the sidewalks. Janvrin asked if the Liberty Elm was supposed to be in the rear of the site. Carbone said the agreement was that he and Garand would agree on the site for the Liberty Elm.

Morgan asked about the fee for this application. Hawkins thought the intent was if the applicant was taking more than a year after the approval, the Board wanted them to return to make sure that there was up to date zoning and compliance. If under one year, it would be at a lesser rate. He thought the ordinance should be followed as is. Gier asked if that meant a whole new application fee. Hawkins said it would only be for the new impacted area being disturbed. Carbone commented that a lot of the hold-up was because of the sidewalk issue outside of their control. Hawkins thought that the fee for the relatively small impacted area would not be too large. This did involve another review involving department heads' time, a new file, minutes, notice et al. The Board intended to give a break if a change was asked for in less than a year, but more than one year would be as a full application. Fortunately in this case it would not be figured for the whole site. Chase asked if the plan showed the new pavement. Gier said it did.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to accept Case #2014-01 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Unanimous</b>

Todd asked if the Board permitted signing the plan once the engineering report was in and the Town Planner was satisfied. Hawkins said it did, provided the conditions had been met. Todd asked if it could happen by the next meeting, if all was ok. Hawkins pointed out that there was a 30 day hold [for appeals], and asked if there was a need to be quick. Todd said time was of the essence for the drainage. Hawkins said if the review was positive, they would know they could go ahead, but they had to come back to the Board for final approval – expected to be more of a formality. There must be a complete file before the case was done. Janvrin said to realize they were proceeding at their own risk. Hawkins said the Town Planner would review the final plan as always, but they could have a final review and a Planning Board decision after the feedback from the DPW and the engineer.



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<b>MOTION:</b>	Lowry	<p>to conditionally approve Case 2014-01.10-01 Steve Carbone to amend his prior site plan approval (Case #2010-01) for commercial development at 287 Lafayette Road, Tax Map 9 Lot 64, subject to the Applicant:</p> <ul style="list-style-type: none"> <li>(i) constructing the sidewalks as depicted on the original siteplan;</li> <li>(ii) providing the review and approval of the revised groundwater treatment system by the Department of Public Works Manager and his designated professional engineer;</li> <li>(iii) recalculating the fees in accordance with the siteplan review regulations, and adjusting the fee payment accordingly;</li> <li>(iv) submitting the revised siteplan to the satisfaction to the Town Planner in the entirety, and payment of outstanding invoices;</li> <li>(v) returning to the Planning Board for final approval after receiving the report of the DPW Manager and his appointed engineer;</li> </ul>
<b>SECOND:</b>	Khan	Approved: Unanimous

Hawkins continued **Case #2014-01** to the Planning Board on February 18, 2014 at 6:30PM at Seabrook Town Hall.

**ONGOING CASES**

**Case #2013-26 – Proposal by 11 New Zealand Road, LLC and Charles Mabardy to establish a convenience store and restaurant at 11 New Zealand Road, Tax Map 7, Lot 87. Michael Lowry recused himself.**

Appearing for the Applicant: Michael Lowry

Lowry asked for a continuance. **Hawkins continued Case #2013-26 to February 18, 2014 at 6:30PM at Seabrook Town Hall.**

**OTHER BUSINESS**  
**Deliberative Session**

**Janvrin requested that everyone attend the Deliberative Session on Tuesday, February 4, 2014 at 7 PM at the Seabrook Community Center.** Hawkins said posters and maps were being prepared. He would make the presentation. Board members would respond to questions, and asked that they be there at the opening of the meeting as the Planning Board warrants are heard early in the session.



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**SIGNAGE COMMITTEE**

Hawkins recalled that at the last Board meeting issues relating to signage issues were raised. Business owners have repeatedly asked for an ordinance review of the signage regulations including sandwich boards, blade, and the like. Chase said they want visibility and also to avoid non-conforming status. Hawkins commented that the Crowtown Grant subcommittee would primarily be concentrating on protecting the wells. He asked for volunteers for a Committee on signage; a committee chair would be needed. Chase volunteered to serve as the chair. Wood, Garand, Khan volunteered to serve on the subcommittee. Chase will contact Tom O'Hara who had previously expressed interest.

Garand said an ordinance should be structured so that small businesses could be conforming. Hawkins asked if lot size should be a factor. Garand said to look at frontage, and to see what other communities had done. Janvrin said constructing the ordinance should be a partnership with businesses. Garand wanted to invite businesses to serve on the subcommittee. He also thought it was time to look at Collins Street and Route 286 commercial potential for smaller lots, corner lots, and impact on residences. He also wanted to address zoning and to clarify maps. Hawkins said the objective was for a small group to look at this issue section by section in the whole town, and suggested a work session with Morgan, Garand and Bob Moore. Hawkins asked about the 286 issues. Garand said one issue was the farm stand and houses that were in the conservation zone, as is the sewer treatment plant. Morgan had been working on this to acknowledge lot lines and eliminate split zones.

Hawkins adjourned the meeting at 9:07 PM.

Respectfully Submitted

Barbara Kravitz. Secretary  
Seabrook Planning Board