



Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Francis Chase, Aboul Khan, Ex-Officio; David Baxter, Alternate, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, engineering peer reviewer, TEC;

Members Absent: Sue Foote, Alternate; Paula Wood, Alternate, Roger Frazee, Michael Lowry, Ivan Eaton III,

Hawkins opened the meeting at 6:35 PM.

**MINUTES OF FEBRUARY 17, 2015**

Hawkins asked for comments on the February 17, 2015 Minutes: there being none.

<b>MOTION:</b>	<b>Khan</b>	<b>to approve the Minutes of February 17, 2015 as amended.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous [Chase – not present]</b>

**SECURITY REDUCTIONS, EXTENSIONS,**

**2014-16, 17 Istar Sea City Crossing Phase 2**

Attending: Jim Mitchell

Hawkins said Cases #2014-16 and 2014-17 were approved on October 10, 2014; the 180 day requirement to complete the conditions of approval would expire on April, 7, 2015. He asked Mitchell to explain the need for an extension. Mitchell said their intended tenant had walked; they were negotiating with other potential tenants, which would take time. The weather had also been an obstacle. Hawkins asked for a letter detailing which conditions of approval had been completed, and the status of those that were not done.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to grant the Case #2014-16 and #2014-17 request for an extension of the allowed time period to meet the Notice of Decision Conditions of Approval until October 7, 2015, conditioned on the Applicant submitting a letter updating the project progress no later than one week prior to the March 17, 2015 Planning Board Meeting.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous [Chase – not present]</b>



**Case #2013-06 Provident Holdings – Provident Bank parking lot**

Attending: Jim Mitchell, Provident Holdings;

Hawkins noted that the original approval was voted on May 7, 2013 and asked why there had been no activity. Mitchell was unaware that time had already elapsed, and said they wanted to do the overlay simultaneously for the Bank, Pizza Hut, and CVS. This would be scheduled for late summer - early fall. Hawkins asked if 6 months would be sufficient. Mitchell said it would provide a comfort level. Given the expiration, Janvrin favored re-filing. Khan commented that the Applicant had good intentions and recalled that they had been asked to put stop signs on the south side of the CVS to facilitate the normal traffic flow. Hawkins asked for Morgan's view. Morgan noted the difference in Board Member views, and recommended that the work be done quickly.

<b>MOTION:</b>	Hawkins	<b>to grant the Case #2013-06 request for an extension of the allowed time period to meet the Notice of Decision Conditions of Approval in re the Provident Bank work, until September 03, 2015, conditioned on (i) the Applicant submitting a letter updating the project schedule no later than one week prior to the March 17, 2015 Planning Board Meeting, and (ii) the stop signs requested at the March 3, 2015 Planning Board meeting are installed.</b>
<b>SECOND:</b>	Khan	<b>Approved: In favor: Hawkins, Khan, Baxter        Opposed: Janvrin        [Chase – not present]</b>

**CORRESPONDENCE/ANNOUNCEMENTS**

**Rockingham Planning Commission – Long Range Transportation Priorities**

Hawkins called attention to the letter and transportation priority listing received from the Rockingham Planning Commission requesting that the town confirm its intention that the Seabrook projects currently listed remain as long-range priorities. An additional proposal relating to increased traffic considerations along Route 107 had been submitted in 2014, largely in contemplation of a potential future gambling project at the Yankee Greyhound Racetrack. Hawkins commented that RPC knew that in that event this proposal might move up in the rankings, however, if the parcel were scheduled for the industrial and residential use recently described to the Board, the traffic concerns would not be as worrisome and a major project might not be needed. Hawkins said the Town Manager would communicate with the RPC to confirm that these projects belong on the long range regional priorities roster. He asked for any other project suggestions; there being none.

**Case #2012-18 Latium Gas Station, Tropic Star  
 Litigation Schedule**

**Hawkins commented that Case #2012-18 remained in litigation with a court hearing scheduled for April 16, 2015.**



**Hawkins called attention to the notice in the Board Packet for 4 Rockingham Economic Development Corporation CEDS planning sessions scheduled for March 5, March 12, and March 17 at various locations.** Kravitz added that the sessions are open to the public which is invited to participate.

**Hawkins announced that the next Rockingham Planning Commission meeting was scheduled for April 8, 2015**

#### **Town of Seabrook Website**

##### **Status of Transition to New Website**

Hawkins stated that the new Town Website could be accessed at [Seabrooknh.info](http://Seabrooknh.info), and asked Kravitz about the status. Kravitz said that the links for the Planning Board Agendas Minutes were in place, and the land use regulations should be accessible later in the week.

#### **PUBLIC HEARINGS NEW CASE**

##### **Case #2015-03 DCC Development Corporation to expand their parking lot at 130 Ledge Road, Tax Map 6, Lots 17-2 & 17-3.**

Attending: Michael Fecteau, DCC

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers,

Hawkins asked Morrill to describe this project. Morrill said this site has an existing building housing the courthouse and office space. They want permission to use an existing gravel space for additional parking. The space was originally approved for a 5,000 square foot building which is no longer intended. They would configure the gravel area for 24 parking spaces, and want to add a backdoor to the courthouse. Janvrin asked if this area would be used for court employees. Fecteau said this would not be specifically defined; it would be used for judges, prisoner vehicles, court staff, and some days for overflow parking. Janvrin asked if there would be walkway from that lot to the other parking area. Fecteau said now they shovel a path for an escape route in case of an emergency. He would propose that be shown on the plan; they would use a snow blower. Hawkins asked the location of the primary entrance and exit for this building. Fecteau said it was from Woodworkers Road, and there is access to the back of Sam's Club. There is cross-access and a drainage easement.

Morgan asked if there would be any alteration to the lighting or landscaping. Morrill said they were not proposing any light poles; they would leave as many trees as possible to shield the site from Batchelder Road, but were not proposing additional landscaping other than some grassed areas. Fecteau asked if they should have a wall pak over the doorway. Janvrin said one condition could be that any change in the outside lighting be compliant with the town ordinance in re light trespass; cut sheets should be submitted. Morrill will provide for illumination diagrams. Morgan asked how close the gravel area was to the wetlands. Morrill said there would be a 10 foot setback and that the drawings were supervised by Chris Albert, the Jones & Beach wetlands scientist. Khan recalled that there had been a snow storage limitation for the Sam's Club and asked for a similar restriction. Hawkins asked for other comments; there being none.



<b>MOTION:</b>	<b>Khan</b>	<b>to accept Case #2015-03 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous [Chase – not present]</b>

<b>MOTION:</b>	<b>Janvrin</b>	<b>to approve Case #2015-03 DCC Development Corporation to expand their parking lot at 130 Ledge Road, Tax Map 6, Lots 17-2 &amp; 17-3 conditioned on: (i) depicting the walkway between the parking areas on the siteplan, (ii) any changes to the outside lighting be consistent with the town ordinance for light trespass; and (iii) the location for snow storage to be at least 100 feet from the wetlands and depicted on the siteplan.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous [Chase – not present]</b>

**ONGOING CASES**

**Case #2014-30 Proposal by David Benoit and Raven Realty Trust to construct a 3,557 square foot auction house at 892 Lafayette Road, Tax Map 7, Lot 92-1, continued from December 16, 2014, February 17, 2015;**  
 Attending: Alexis Benoit Garrant, Klia Vervendis Crisafulli, Crown Auctions;  
 Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering; Patti Visconti, RE;

Hawkins asked if there had been a Zoning Board of Adjustment decision. Boyd said the ZBA granted relief for the side setback. Boyd noted that at their previous hearing the Board had wanted to wait for the ZBA decision before hearing the rest of the proposal. At their February meeting the ZBA granted relief for the side setbacks. The Applicant was appreciative that the Planning Board had allowed the case to proceed to the Technical Review Committee. Boyd said the revised plans reflected the TRC recommendations. One question was what was the depth of the sewer. Due to the accumulated ice and sand, Boyd said it took considerable effort to enter the manholes; they found the depth to be 9 feet which was sufficient. Although the existing buildings active on the site were served by the existing sewer lines, there would be a new sewer tie in to the portion of the building for which they were seeking approval. Boyd said they had satisfied the Water Superintendent’s concern by making minor improvements in re the hydrant location. While all of the existing buildings were serviced by a 1 inch water line, a new 8 inch main line with the hydrant at the end and shutoffs for the new and existing buildings would be installed. There would also be a 1 inch domestic water line.

Boyd said they had not included sidewalks as there was a bituminous island at the edge of the pavement at Route 1 which is filled with sand. He commented that they ran into trouble at 920 Lafayette Road with the sidewalks - neither the state nor the town wanted to maintain it. The solution was to put the sidewalks on the private property. They did the same for the Applicant’s



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

site at grade without a curb. Also, Morgan had asked for a little bit more sidewalk for a 5 foot width, as well as adding some green space. Boyd explained that there was little greenery on the site other than the vegetative island, so they would add green space with some low shrubbery in an area near Route 1.

Boyd pointed out they had added another handicap space and shuffled the parking a bit. Because an auction house is a unique use, one issue raised at the TRC was whether there was enough parking. For retail use there were 25 spaces where 24 were required. The routine is for showings beginning about 2PM and the auction itself starting at 6PM. Crisafulli thought the need was for about 70 spaces by the time the auction takes place. Boyd presented a separate parking layout that shows land that Benoit's Raven Realty Trust owns adjacent to the site which could be used for parking for a total of 125 spaces i.e. 80 spaces off the site. There would also be a long term, perpetual parking agreement in re this land use that would be recorded at the Registry; it could not be an easement because that could not be done on property owned by the same entity. Morgan asked if the agreement would survive if there were a new owner. Boyd said if the property changed hands it would be burdened by the Agreement and would become a parking easement. Boyd said at the request of the Water Superintendent they would create a water easement in favor of the town covering 3 parcels reaching down to Eagle's Landing which he would also record at the Registry. Boyd said they had satisfied all of the concerns raised at the TRC.

Boyd said that Crisafulli had not been at the first Case #2014-30 hearing. She had appeared at the last hearing, but was asked to make her presentation about the nature of her business after the ZBA decision, and was in attendance at this meeting. He commented that a craft fair and farmer's market in the summer was another use being considered, and the Code Enforcement Officer had suggested she ask how the Planning Board would view this. Boyd thought this might require a permit from the Board of Selectmen. He asked Crisafulli to explain this use. Crisafulli said this was not likely to happen during 2015. The event(s) would be during the summer and possibly the fall – about two times a month or possible weekly. She described this as a vintage and artisan market as now being done in Boston where people bring handmade vintage and locally grown products to market. This would probably be done in conjunction with the Smokey Quarts distillery. Crisafulli said this was not directly related to her current request, but could be coming up in the future. She wanted to find out what they could do in advance to be ready for this use. Hawkins asked if this would be an indoor activity. Crisafulli said it would most likely be outdoors, depending on the weather. Hawkins at this point the parking was limited and asked where the cars would go at an outdoor event. Crisafulli said there was land to do this and wanted to know what the Board would want.

Boyd said that at this point Benoit controls all of the property. If they would be having an outdoor sales area, they would be taking up some parking spaces and could not restrict the flow. The applicant would be willing to come back to the Board for that portion of the use. It would not be right away, as the priority is to get the business up and running. They were looking for the Board's perspective. Morgan liked this idea, but said to avoid confusion they would have to give a clear definition, e.g. where would the booth area be. Boyd said it would be more graphic than engineering. Morgan said everyone should know the rules in advance. Boyd said they should see what ideas the Smokey Quartz people would have. He thought this would be great for the town. Khan said as Benoit owns some of the surrounding properties, perhaps they could show some more parking. Boyd suggested there might be valet parking which might not need to meet some of the aisle requirements.



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

Janvrin thought the area behind Smokey Quartz was gravel and not lined. Boyd said he had laid out the parking according to the regulations, but they could go much tighter – maybe 50 percent more cars. Janvrin suggested that if they could show outside sales by a drawing with balloons to show the use of areas. He did not have a problem and thought this an excellent idea. Perhaps this would be an expedited application. Boyd said the parties would need to consult; perhaps some parking could be shown in another area. Crisafulli wanted to consult with the Fire Department. Boyd asked if this would be a formal application. Hawkins said this might not need a full blown siteplan. It could be expedited and show what they intended to propose. Janvrin commented that code enforcement needed something enforceable. Boyd said they had wanted to begin that conversation to get some direction. Janvrin commented that if the ideas were approved at this meeting, they would expire in a year if not fulfilled. He suggested returning in at the end of the summer with a definitive proposal. Hawkins commented that there could be a temporary one year approval to see how it actually would work and if there were unforeseen problems, noting that they would not be building anything.

Boyd said the ZBA variance would be notated on the plan. Morgan asked for the calculation for pervious – impervious surface to be added to the plan. Boyd said he had not shown an improvement, but could show some added pervious surface. At this time it is completely black, some of which would be removed. Morgan asked for the precise existing and future open space percentage. Boyd said it was now 20 percent and would become slightly more; he will provide those calculations. Hawkins asked for Friberg's comments. Friberg said there were still a couple of open TRC items. The overall siteplan was requested and he would review that submission after this meeting. One item was to identify how people would get from one area to another e.g. sidewalks, crosswalks and/or the like as a safe means of access and egress from remote parking area to the intended use. Boyd did not see how that could occur, pointing out the gravel laydown area; perhaps a crosswalk could be painted. Friberg said with 105 parking spaces there would be a significant amount of traffic; no pedestrian control had been provided for people passing through parking spaces or crossing drive areas to the auction house. He saw the need for better pedestrian control of how pedestrians get from the parking areas to the buildings. Janvrin asked if Friberg would recommend cross-hatch paint adjacent to the parking spaces. Friberg said that would be one way.

Friberg said currently there was no delineation of how to get from Route 1 to the parking or the buildings. TEC recommended adding curbing, a grass strip, bumpers, or a sidewalk along the driveway to provide refuge for pedestrians. Janvrin asked if they were proposing stop bars at the point of entry to the Eagle's Landing area; this would allow wafer to still flow. Boyd said it was all graded front to back; they were not proposing changes other than striping. He thought Friberg was proposing a raised surface. They had not talked about a grass strip. Boyd asked about some crushed stone divider strips. Eventually there would probably be a town road requiring sidewalks etc at that time. In the meantime grass strips might work; they had no interest in curbing. Janvrin asked Friberg if zebra stripes to mark pedestrian areas would be ok, or was a physical barrier needed. It would be an improvement; a physical barrier would be better because with a layer of ice or snow there would be no delineation. The biggest thing is where cars are entering off of Route 1; there is nothing to delineate the parking or driveways. Janvrin asked if they would be overlaying the parking lot. Boyd said the whole parking area would be overlaid; a berm would change the drainage flow. They might be able to do some fencing along a grass strip along with painted crosswalks.

Friberg said according to a note on the plan the grades are not intended to change much but in ADA access areas the grades look to be too steep for the accessibility guidelines at almost 5 percent; it should not exceed 2 percent. Boyd will add spot grades. Friberg said the building



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

elevation thresholds would be important for the sidewalk accessibility. Friberg said another concern was that currently the primary entrance required passage over an adjacent lot; an access agreement was recommended similar to that for parking. He asked if there was anything preventing a new owner from installing a fence restricting access. Boyd thought that a similar document could be drafted by the attorney. Friberg said the regulations require proving any reduction in stormwater discharge proving that peak runoff would not be increased. He did not see new drainage infrastructure and was concerned that the 80 percent standard in Section 8.040 would not be met. He suggested providing for this, or asking for a waiver. Boyd said they could not meet that standard and would ask for a waiver.

Friberg said the next door dumpsters were open, and suggested it would be an attractive feature to enclose this site dumpster with screening. Boyd said there would be screening so that the dumpster could not be seen. Friberg noted building elevations were missing. Boyd showed a rendering of a Morton building and the façade, which he thought looked nice. Friberg asked about landscape architect stamp and meeting the lighting grid requirements. He suggested meeting the requirements or asking for a waiver. Boyd said there was a notation in re complying with the lighting requirements; he would provide the cut sheets, and ask for a waiver on the photometric grid and the landscape stamp. Janvrin recalled that he had previously asked for a liberty elm, and asked for the Applicant's response. Boyd said they did not think it would be appropriate in the front because the elms get pretty large, and the roots might split the sidewalk over time. Janvrin asked if the Applicant would consider replacing a fallen tree at the Town Hall with a Liberty elm. Boyd said he had not yet inquired but thought the Benoits would be happy to do this. Janvrin said a waiver would be needed with respect to no elm on this site, and to include the explanation that an elm would be planted on the Town Hall grounds. Boyd thought if that was notated on the plan, a waiver was probably not needed.

Friberg said that TEC had been asked to calculate the site security for the site which would be primarily for the onsite utilities work. TEC's estimate also contemplated that eventually this would become a town roadway; the security calculation was in the amount of \$80,000. Boyd pointed out that this was all private property, and thought the amount might not be warranted. Janvrin asked if the water line was a factor. Friberg said the vast majority of the security focused on the 8 inch water line with the new services and the hydrant. Morgan asked if at one time the roadway was to be dedicated to public use. Boyd said this would be a privately owned, public right-of-way. Morgan emphasized that it would be dedicated to public use. Janvrin asked how long it would take to install. Boyd said that Stanley Saracy was ready to do the installation, but probably would not be allowed to start before April 1, noting that the frost was deep now. Janvrin commented that in the past the Board had allowed applicants to proceed at their own risk prior to posting security, and wondered if this was a punch item that could be signed off by the Water Department with security posted later on. Boyd commented they would have to file an application and the department would be on site every day to look at parts.

Hawkins commented that site security is provided in the event the applicant does not fulfill the plan, and asked Friberg what the fall-back position for the town would be i.e. what would the town have to spend to put the property back in condition for a different type of application. He asked Friberg to look at his site security number from that perspective. Friberg said the TEC figure was to construct the new water main and the new services off it to the buildings. A worst case scenario would be if the water main is not nearly completed and/or there was a break in the water line, and the town had to replace the line. Janvrin asked if there was currently a fire hydrant at the end. Boyd said there was not – it was all new line. He could see posting security for getting into the [lying line???], stating that Benoit could have put in a 2 inch line to service this building, but expanded what would be necessary without any arm-twisting. He thought the security figure was



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

not quite right. Hawkins asked Morgan for clarification on a private access road to be used by the public. Morgan said the argument for security was in re how to protect the public interest in the worst case scenario. He thought Friberg had done that. If the question were how to make the building at the end of the street look beautiful, the view might be different. In this case the issue was fire safety which was a valid reason for security, and they were planning to bring a lot of people onto the property.

Crisafolli said it sounded like a lot of people, but in daily use it would be about 4 or 5 persons. The maximum capacity would only be reached on high auction days which might happen 2 or 3 times a year. They would generally operate only once or twice a month with a stream of 50 to 75 people coming to the site over the course of several hours. While it sounded like a lot, she thought it was not when compared to other retail locations. She commented that this would be her third location. Boyd said that Benoit thought he was spending a lot more money for the benefit of the town, and had never asked the town for any money for sewer work or pump stations given for A & B streets; others had made the town pay. He disagreed with Morgan that this project offers any harm to the town other than that it might cause a problem with the existing duct as in Lafayette Road. This is all on private property; he totally disagreed with that type of money for security.

Hawkins said if this case were to be approved at this meeting, the security would have to be a condition. He also thought it would be prudent to extend the discussion and be able to ask the water department what the town's real exposure was and see if there was consensus for TEC's number. If so, that would be that would be the number. If there was reason for a lesser number, there could be an adjustment. Hawkins was not comfortable enough at this point to set the definitive number, and also wanted to think more about the private property aspect. If the Applicant was looking for an approval at this meeting, the security should be the town's peer review engineer's figure of \$80,000. If they wanted to extend the discussion to the next meeting, March 17, 2015 to provide some time to hash this out, that would be fine. After a short time out, Boyd said the Applicant was comfortable with the \$80,000 security figure. Hawkins said a vote could be taken, and the discussion continued. Janvrin asked if the \$80,000 security could be set, subject to adjustment if determined by the Chair, the town planner, the town engineer, and the Water Superintendent. Hawkins said he had no problem with looking at an alternative, but for an approval at this meeting the figure should be the \$80,000. Khan asked about giving authority to the Chair to adjust the amount, and if there was disagreement come back to the full Board. Janvrin agreed that would be prudent.

Hawkins had no problem with continuing the discussion, but agreed with Morgan that there was a public safety issue. Even though this was on private property, he though further discussion would be warranted. Boyd said the Applicant would be ok with the \$80,000 security subject to further review. Khan said the Board could give authority to the chair to amend that number. Boyd agreed. Janvrin wanted the concurrence of the Chair, Town Planner, Town Engineer and the Water Superintendent. Boyd thought there was agreement that this was mostly for the water main. This was a consensus. Hawkins listed the conditions as follows: (i) open space to be recalculated and notated on the siteplan; (ii) adding grass strip fencing and pedestrian walkways; (iii) regarding to meet ADA accessibility guidelines; (iv) providing an entrance access agreement similar to the parking agreement; (v) providing written waivers for lighting and landscaping; (vi) notating building elevations; (vii) providing written waivers in re drainage discharge as required in section 8.040 of the regulations]]]]]; (viii) noting the plan that there will be a Liberty elm planted on the Town Hall grounds; (ix) providing site security in the amount of \$80,000 subject to adjustment by consensus of the Planning Board Chair, the Town Planner, the Town Engineer, and the Water Superintendent. Janvrin asked if the waivers could be granted at this meeting subject to the written submission describing the waiver request and the reasons therefore.



Town of Seabrook  
 Planning Board Minutes  
 Tuesday, March 3, 2015  
 NOT OFFICIAL UNTIL APPROVED

<b>MOTION:</b>	Janvrin	to grant the Case #2014-30 waiver request for the landscape architect's stamp – the written waiver request to be provided by March 10 <sup>th</sup> for presentation at the Planning Board meeting of March 17, 2015.
<b>SECOND:</b>	Khan	Approved: Unanimous [Chase – not present]

<b>MOTION:</b>	Janvrin	to grant the Case #2014-30 lighting waiver request provided that the light cut sheets are submitted – the written waiver request to be provided by March 10 <sup>th</sup> for presentation at the Planning Board meeting of March 17, 2015.
<b>SECOND:</b>	[[[Khan	Approved: Unanimous [Chase – not present]

<b>MOTION:</b>	Janvrin	to grant the Case #2014-30 waiver request in re the drainage discharge requirement of Section 8.xxx provided that the impervious surface percentage is notated on the siteplan – the written waiver request to be provided by March 10 <sup>th</sup> for presentation at the Planning Board meeting of March 17, 2015.
<b>SECOND:</b>	Khan	Approved: Unanimous [Chase – not present]

Hawkins asked for comments from those in attendance; there being none.

<b>MOTION:</b>	Khan	to approve Case #2014-30 Proposal by David Benoit and Raven Realty Trust to construct a 3,557 square foot auction house at 892 Lafayette Road, Tax Map 7, Lot 92-1 conditioned on: (i) open space to be recalculated and notated on the siteplan, (ii) adding grass strip fencing and pedestrian walkways, (iii) regarding to meet ADA accessibility guidelines, (iv) providing an entrance access agreement similar to the parking agreement, (v) providing written waivers for lighting and landscaping, (vi) notating building elevations, (vii) providing written waivers in re drainage discharge as required in section 8.040 of the regulations]]]] (viii) noting the plan that there will be a Liberty elm planted on the Town Hall grounds,
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		<b>(ix) providing site security in the amount of \$80,000 subject to adjustment by consensus of the Planning Board Chair, the Town Planner, the Town Engineer, and the Water Superintendent.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous [Chase – not present]</b>

**ONGOING CASES – UPDATES**

[At the request of Wayne Morrill, the Board agreed to hear Case 2014-10 in advance of the Waterstone Case #2013-15 which was expected to have a lengthy discussion.]

**Case \$2014-10 DDR, Outback Restaurant, Lafayette Road - Proposal to resolve sidewalk Issue;**

Attending: James Grafmeyer, Vice President, DDR;

Grafmeyer recalled that the Outback Restaurant proposal had been approved in June of 2014. At that time the Board wanted a sidewalk network included. While Outback is coming close to completing construction and seeking a temporary certificate of occupancy, it needs a signoff from the NH Department of Transportation for a portion of the sidewalk/driveway that traverses its right-of-way. The NHDOT will not consent unless the town agrees to a sidewalk maintenance agreement for the 12 foot section that sits between Route 1 and the DDR property. Grafmeyer recommended that the sidewalk agreement that the town previously signed with NHDOT be amended to include the town maintaining the 12-foot right-of-way section. Hawkins asked if the request came from NHDOT or DDR, because NHDOT makes the town sign separate agreement for every situation. Grafmeyer thought that an amendment would be the easiest resolution. He had called Kevin Russell of NHDOT District 6 to ask how they preferred this be handled. Russell told him there would be no problem to amend the agreement signed [in February ]].

Hawkins asked why a driveway permit was needed. Grafmeyer said it was because Outback was using a DDR driveway for access. Hawkins said there already was a driveway permit for that. Grafmeyer agreed, but said it had been issued prior to the Outback siteplan being approved. Russell's position was that the two outparcels [Outback and Provident Way] were not part of the original siteplan. A separate permit for the Provident Way parcel would not be needed because the traffic travels another way. Hawkins did not have a problem with the request, and asked if the revised language had been inserted. Grafmeyer provided an amended draft. Morgan asked if DDR still owned and intended to continue owning the Outback parcel Grafmeyer said DDR owned the site; Outback had a lease. Janvrin asked if the only reason for DDR's request was the 12 foot section. Grafmeyer said that the 12-foot section was in the NHDOT right-of-way. Janvrin asked if there was an agreement in re the Sunoco drive to Seabrook commons. Grafmeyer confirmed that was part of the siteplan approval.

Grafmeyer understood that a recommendation from the Planning Board to the Board of Selectmen was needed. Hawkins asked for the timeframe. Grafmeyer said that Outback would seek the TCO in a few weeks. Zalewski understood that Outback would delay that timeframe. Hawkins commented that there would be enough time to make the recommendation at this meeting, but that DDR wanted to get his legal paperwork done this week Grafmeyer said that



would be appreciated. Khan noted that the BOS was looking for a meeting at the end of the month. At this time that 12 foot section was not part of the sidewalk maintenance route, and commented that the town had been trying to buy a sidewalk plow for about a year. It would be beneficial if the developer would make a contribution toward the purchase of that equipment; this could be worked out with the Town Manager. Grafmeyer was open to discussing this with the Town Manager. Hawkins explained that the sidewalk maintenance agreement had already been approved and this was just a continuation of the paperwork. It would satisfy the NHDOT's need to have current documentation prior to issuing the driveway permit for the Outback parcel. He asked for further discussion; there being none.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to recommend that the Board of Selectmen sign an amended sidewalk maintenance agreement to include the 12-foot sidewalk section in the NHDOT right-of-way at the Outback Restaurant site as requested by DDR at the Planning Board meeting of March 3, 2015.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: In favor: Hawkins, Khan, Baxter      Opposed: Janvrin      [Chase – not present]</b>

Baxter recused himself from case #2013-15.

**Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives,** continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, August 5, 2014, August 19, 2014; September 2, 2014: September 16, 2014; October 7, 2014, October 21, 2014; November 18, 2014; December 16, 2014; January 20, 2015; February 17, 2015;  
 topics: Status Report; Request to change restaurant building and use locations (IHOP); letters from DDR and Provident Bank; NHDOT permit; Route 1 work schedule; Status of negotiations with NextEra Energy; provision of exaction, revision of 100 % off-site Improvements plan;

Attending: Arleigh Greene; Anton Melchionda; Douglas Richardson, Waterstone Retail;  
 Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jim Gove, GES Inc.

Hawkins asked for a Seabrook Commons status report, and understood that they had new requests. Morrill said that the exaction fee for Case #2013-15 \$830,920 had been delivered to the Town that day. The majority of the building construction had been completed, curbing, landscaping, was installed. The Phase 1 offsite work, including the Provident Way temporary driveway signal and the Route 1 and Provident Way intersection signals was in place. The shell of buildings 7, 8, and 9 was complete. The Goodwill store was almost complete internally. The new Bob's Furniture was almost complete. The Hobby Lobby was complete, ready with merchandise, and hoping to open at the end of this week. Hawkins asked about the lights. Richardson said the temporary signals were installed and approved by the NHDOT, subject to the Town of Seabrook ok. They needed the Planning Board approval for the Provident Way temporary signals so that Hobby Lobby can open. Hawkins asked about the Perkins Way signal. Morrill said that the Perkins signal was part of Phase 2 scheduled for the spring.



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

Hawkins said that for Phase 1 the request was for Hobby Lobby and Goodwill Stores to open; that did not include Bob's. Morrill said Bob's was part of Phase 2, but the shell was constructed. Hawkins thought that the Code Enforcement Officer had open issues in re Hobby Lobby and asked for Zalewski's view. Zalewski said the biggest issue was sidewalks; he would not issue a C of O without sidewalks and handicap ramps in place. He had been requested to do a final inspection of the building. Morrill said that JAMCO, the contractor, had created a heated surface for the sidewalks and was setting the curbing. Richardson said the curbing had been reset and the sidewalks would be poured the next day with proper ADA ramps in anticipation of opening. All of the sitework had been completed and striped. Hawkins said that the two Phase 1 businesses could open if the Provident Way work and the intersection of Route 1 and Route 107 was complete. He asked for the status and what still needed to be done.

Morrill said that Richardson had forwarded approvals from DDR, the Yellow Building, and Provident Bank. They've answered all of NextEra's right of entry questions and scheduled the work. Hawkins thought that the NextEra representative, Mike Ossing, had indicated that the paperwork would be through their lawyers this week. They were reluctant to give a final approval until the work was done, but did not see major issues. Greene said they were all in agreement. They wanted to do the work and the Board would force them to do the work. It would help if the Board could give some assurance to Ossing that the project was under the Board's jurisdiction for the work to be done. Hawkins said he told Ossing that the CofO would not be gotten until the work was done as agreed. Also that there would be C of O for the two Phase 1 businesses that could open; everything else depended on completion of work to be done in the spring. Greene said he confirmed this to Ossing, who was the head of licensing and was very busy, but he did not have the NextEra letter yet. Hawkins commented that that work could not be done until the spring.

Janvrin had concern about the lights at Provident Way. In traveling from Waterstone through that active green light signal to DDR he found that a tractor trailer did not stop at the red light nearly causing a bad accident. The Board had sent a letter to the Selectmen asking that they take immediate action to alert drivers that this regulation light was active. At the BOS meeting that Janvrin attended, they directed the police to put up temporary signage warning that the light was active. However, they wanted Waterstone to pay for or replace the warning signs in the town right-of-way that the light was in an active regulation mode so motorists could see them when approaching the light. Richardson asked if the signs were to be temporary road construction type of sign, or permanent "lights ahead" sign. Janvrin said they should be temporary like would be done with a new traffic pattern, and removed when the public was used to the new traffic pattern. Richardson said they would place temporary warning signs near the new Bob's and run it until April 14; the permanent mast arms would then visually show the lights. Janvrin noted that the cross connects were beneficial.

[Chase entered the meeting.]

Hawkins thought that Waterstone had agreed to maintain that light in the future, and asked if that was Waterstone's intention. Richardson said they had agreed to do that maintenance for the 1 year warranty. Hawkins asked who owned the light at the end of a year. Richardson said the signal owner would be the Town of Seabrook and maintained by the Public Works Department. Hawkins said the DPW Manager was not happy with that solution and thought that had been expressed during the TRC meeting. He asked Morgan if those discussions had taken place. Morgan's recollection was that the DPW Manager had spoken very strongly, but it was about the initial design of a round-about. Sometime after that the interested parties got together and came up with the signals presented at a Planning Board meeting. Richardson said they had had two



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

meetings with the DPW Manager and discussions with the NHDOT. Morgan thought that NextEra might be interested in helping out.

Khan said that the DPW Manager had proposed a 2015 signal light budget to the Budget Committee, which disagreed. Khan agreed to bring the Budget Committee's objection to the Planning Board and the developer, and proceed from there. The problem was that this was Seabrook's first traffic light. Richardson said this was not a signal that only operated for the Seabrook Crossing development; it operates for NextEra and DDR. It is on public way; Waterstone was providing the expense and for the short term maintenance, but not the long term maintenance. Also, under the conditions they would make any adjustments in 6 months. Waterstone was ok with that but did not think it should be maintaining a signal that benefits multiple owners over the long term. Hawkins asked Waterstone to give this more consideration and think outside the box on what could be done; the Board will think about this as well. He questioned the town maintaining that light when the benefit goes to 3 private property owners. They will be meeting with the Board and alternatives could be discussed.

Chase had been asked by the electric company to whom the meter would be billed. He was told that if the project had originally been designed with a signal, the meter would have been installed at their expense on their property. The suggestion was that an association absorb the cost of the light, which apparently was what some other communities had done.

Hawkins asked specifically what Waterstone was asking from the Board [at this meeting]. Richardson said to satisfy Kevin Russell at the NHDOT, Waterstone was looking for an acceptance of the temporary signals so they could open the Hobby Lobby store. Hawkins asked for the signal schedule. Richardson said the mast was installed, the mast arms were coming on March 16 and would then be installed; the "guts" were coming on April 1, and would take a couple of weeks to install. Janvrin thought the wiring was in. Richardson confirmed the wiring, conduits, and pole bases were in. Janvrin asked if the wooden poles would then come down. Richardson said they would not come down until the poles were fully functioning. Chase asked if this was running on a generator. Richardson said it was; they were resolving the transformer and permanent power with Eversource (the new electric company name.) for use on April 15. Janvrin asked where this would be located. Richardson said on the southeast corner of the intersection. Chase asked if there was a backup. Richardson said that Severino construction would do this.

Hawkins did not have a problem going ahead with the Phase 1s, subject to a CofO by the Code Enforcement Officer who had issues including the sidewalks. He thought the request of the Board was to give the go ahead using the temporary light. Janvrin agreed, but wanted the temporary signs as a condition. Greene thought that a good idea. Chase asked about putting in a temporary line voltage. Richardson said the entire center was on 277 voltage and they were working with the NHDOT on a step-down transformer which had already been ordered. Zalewski said the only service available was the 277 voltage.

Morgan asked if Waterstone would be willing to meet with DDR and NextEra to come up with a long term framework for the Provident light maintenance. Janvrin referenced Chase's suggestion of forming an association for that purpose. Melchionda said on a best efforts basis he would commit to communicate with the principals of the other two parties in an attempt to return with a creative solution. They would be happy to contribute to that effort. Morgan estimated that Waterstone would account for 1/3 of the usage, and asked if they would be willing to 1/3 of the cost. Melchionda wanted to confer with the others. Hawkins said the Board would not rush them for a resolution, and anticipated a proposal would be brought back to the Board. The town wanted to figure out what benefit came to Seabrook from that light, noting that the rotary had no cost to



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
**NOT OFFICIAL UNTIL APPROVED**

the town. He asked that a best effort be made to come up with some alternatives. Greene asked if the town was considering a cost estimate. Hawkins said there was no figure; the town had no history with this. Greene said they would get some estimates. Melchionda said they would figure out the economics and return to the Board. Morgan commented that when NextEra said it was opposed to the round-about, they also said there were certain times when they had to control the signals – they should step up to the plate. Chase said the town bent over backwards to accept a round-about. Someone else was opposed. He thought the other parties should participate. Hawkins pointed out that there was time for more discussion and to figure out what could be done; it did not have to be settled at this meeting.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to approve the Case #2013-15 temporary signal on Provident Way conditioned on the Applicant providing temporary signage alerting motorists that these lights were active; such signage to be removed after the signal is permanently installed - expected to occur by the end of April.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: In favor: Hawkins, Khan, Chase Recused: Baxter</b>

Hawkins asked what other items the Applicant had for the Board. Morrill said that Waterstone wanted permission to relocate or move a restaurant that the Board had previously approved. The approved restaurant use in Building #8 would be turned into retail, and that restaurant use transferred to Building #3 4, which was 4,900 square feet, to be occupied by an IHOP restaurant. The request is for transferring the use on the property. Janvrin asked if this would be to a smaller area. Morrill said it was. Chase asked if this had to be done. Hawkins said it did because they were making a change to the siteplan. They would be moving a restaurant use to a different building, keeping the square footage under that which had been approved, and putting the restaurant into a smaller building already on the plan. Probably there was no problem, but they should come back to the Board. Morrill said there would be some small changes like sidewalks and a grease trap. Janvrin asked if there would be a change to the parking. Morrill said it would be the same number of spaces; since the building was smaller, they would probably be even more compliant. There would be a realignment so trucks could make deliveries. The landscaping would be improved.

Khan asked if there would be one entrance. Morrill pointed out the front entrance, also indicating the service entrance. He presented a rendering showing that the architectural would be different. Khan asked about the north side of the building. Morrill said it would not be a blank wall. Hawkins asked if there would be landscaping. Morrill said there would, and an underground detention area. Hawkins asked if Morgan or Friberg had comments; neither had comments. Zalewski asked if there had been a restaurant in Building #3,4, Morrill said it had not. The IHOP building would be Building #3. Bob's was #1 with a smaller building (now a pad site) as #2. Hobby Lobby was #4; Hawkins said that Building #5 was missing. Janvrin asked if a vote was needed, and wanted the sewer superintendent to be advised of the change. Kravitz said the new planset had been distributed, and comments requested. Hawkins asked if Morgan, Friberg or Zalewski wanted a Technical Review Committee meeting; all said no. Friberg noted the new grease trap; Zalewski wanted the IHOP building to be labeled #3 on all plans. Chase asked if a test pit was needed. Morrill said the grease trap ties into a manhole outside of the building.



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

<b>MOTION:</b>	<b>Janvrin</b>	<b>to waive jurisdiction for the Case #2013-15 request to transfer a restaurant use from Building #8 to Building #3 provide that the Sewer Superintendent receives notice and approves the location of a grease trap on the property.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: In favor: Hawkins, Khan, Chase Recused: Baxter</b>

Melchionda said that 100 percent of the items for which they had posted security had been completed for 5 or 6 months, and they were in the process of securing the signatures on the form for a security reduction, leaving 10 percent with the town. They intended to return to the next Planning Board meeting with the signatures and the request to reduce the security down to the 10 percent. Janvrin showed the check that the town had received from the Applicant in the amount of \$839,920 for improvements and widening along Route 1 to mitigate the commutes. He thought they should have some acknowledgement. Khan thanked the Applicant. Melchionda said that was provided to the Town of Seabrook as a final donation with regard to Route 1 mitigation, and was not to be returned.

Hawkins asked what Waterstone knew about where the state was with its part of the Route 1 work. Waterstone would have to do the work down to the Staples including a traffic light at Perkins Avenue. He asked if Waterstone had had conversation about the state moving along. Janvrin said that the last time the town had conversation, was when the appraiser viewed town files for Route 1 parcels. He asked if Waterstone had an inkling of where that stood. Melchionda did not know the state's timetable. Khan said that in the last couple of weeks the NHDOT had approached the property owners with their assessment report and dollar amount offers. Hawkins commented that was supposed to have happened in November – December 2014. Richardson said they were approved for the Route 1 layout, and had submitted 25 percent roadwork design to NHDOT; they were on for a spring start. Hawkins asked about the roadway opposite Perkins. Richardson said that would stay closed. Kravitz commented that Kevin Russell of NHDOT told her that they were waiting for the 100 percent designs. Richardson said those were underway.

Khan asked if there was an update to the Waterstone side of Route 1. Melchionda said all of their work was on schedule. All of their current work to accommodate Hobby Lobby and Goodwill will be done. They will return to the Board for the other stores. Janvrin asked if their completion date would be in August. Melchionda said it would be sooner than that. They did not want to be in the roadway much after Memorial Day. Hawkins asked for the timetable for the rest of the stores. Melchionda said they were hoping to return to the Board for the 5 additional CofOs early in June. At this time they were 75 percent leased with final commitments. Hawkins asked for other questions; there being none.

Baxter resumed his seat.



## **2015 PROPOSED REVISIONS TO SITEPLAN AND SUBDIVISION REGULATIONS**

Attending for this discussion: Andrew Weesner, The Richmond Company; Gordon Leedy, VHB; Attorney Dana Bisbee of Devine Millnet, Jim Gove, GES, representing the Yankee Greyhound and or Richmond interests;

Hawkins explained that there were items left over from the discussions concerning Route 107, noting that the zoning part of that work was forwarded to the Town Meeting for next week's vote. The Site Plan and Subdivision proposals remain to be discussed. There is not a time pressure, but he did want to move this along. Hawkins noted that significant changes had been recommended to the original public notice, and were provided in the Board packet. He asked Morgan for guidance about revising the public notice and moving forward. He asked Friberg to look at the draft.

### **Section 7 of the Subdivision Regulations – Proposed Stormwater Management Standards (revised)**

Hawkins said that the Board's consultants Robert Roseen and Julie LaBranche had been present for the previous review, and agreed to make some adjustments to the original draft document based on that discussion. The changes to the current draft, shown in blue, were made by the Board's consultants; the changes shown in red were recommended by Gordon Leedy of VHB for further consideration. Roseen and LaBranche, who had been asked to provide some revised language in re the public comments, had not yet commented on the additional VHB changes, Hawkins would get their comments. He wanted the Board's discussion at this meeting to assure that the Members' comments, and Morgan's, would be duly considered. Hawkins understood that VHB agreed with the Roseen and LaBranche comments, except for the proposed language set forth in red.

[Secretary's Note – During the discussion a number of changes were made to the draft text language, some by consensus. Some items with greater discussion are notated in summary below. The Town Planner will restate Section 7 as revised at this meeting in the entirety, and provide that draft for the meeting of March 17, 2015].

Hawkins asked Friberg to comment freely.

7.010 Design Storm – Friberg agreed that designing infrastructure to a 50 year storm was overkill. The stormwater flow offsite should not exceed the pre-development rate for the 2, 10, and 50 year design storms. Hawkins noted that changes emerged from the desire to protect the aquifer. Chase was concerned about having to search for a specific year's data. Morgan and Friberg agreed that specifics were best viewed by way of reference to the current documents, and not through specificity in the regulations. Friberg wanted to preserve flexibility for the Board. Leedy noted that a Board was free to revise its regulations at any time.

7.020 Water Quality – stormwater infrastructure standards would be derived from the current state or federal manuals. Morgan commented that using "either or" would make things more complex and be subject to change. Hawkins thought that would allow the Applicant to solve a problem in different ways. Friberg would strike the reference to EPA; a practice adopted by NHDES probably passed the EPA threshold. Leedy did not favor referencing a document one did not control, and thought this was not needed. Morgan agreed. Friberg thought referencing where to look in a document was unnecessary. Bisbee favored the changes, suggesting that the Manual be specified. Hawkins said it should reference the current manual, so that the regulations did not



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

have to be changed every time the Manual changes. Bisbee said that would take this out of the Board's hands. Hawkins wanted something sustainable. The Board depends on its experts to define the specific standards. Janvrin said to insert "current".

7.04 Impervious Cover - removed

7.050 Low Impact Development – design of LID structures must utilize specifications in the current NH DES Stormwater Manual; requested alternatives must be satisfactory to the Planning Board.

7.080 Pervious Materials - Friberg suggested that low traffic parking areas might be specified to clarify that pervious material would not be encouraged in large parking lots (e.g.). Leedy related that Dover's mandate to use pervious pavement in parking areas over a certain size did not work for their client because the slope would not support it, causing reservoirs to collect. As an alternative, underground filtration detention units were substituted. The consensus was that "to the extent practicable" would give the Board sufficient flexibility to challenge developers to prove why pervious was impracticable, as well as to assure that ongoing maintenance. was realistic.

7.100 Redevelopment – Hawkins explained that this new language had been offered by Robert Roseen and Julie LaBranche at the Board's request following the previous meeting discussion. Chase asked why the differential for redevelopment stormwater management. Leedy thought the intent was to acknowledge that some sites intended for redevelopment were already built out with much impervious surface. It was appropriate to improve on a site that was already 60 percent impervious, but meeting the more strict greenfield standards would be deemed an impediment to redevelopment of challenged sites where volume control would be the impediment. There was agreement that "practicable" should be substituted for "possible", which would allow the Board to exercise some discretion rather than stick to a finite standard. Leedy thought the new language was basically suitable, and also tied the volume of aquifer recharge in the post development state to that existing pre development. This meant that the expectation would be for improvement - not perfection.

Hawkins asked for Friberg's view which was to agree with Leedy's statements and the intent of providing flexibility on sited presented to the Board. Sometimes a volume match would not be feasible at peak runoffs. He thought that meeting the stormwater standards to the maximum extent practicable was sufficient, and recommended removing references from outside documents. Chase asked why a reference to 40 percent existing impervious coverage would be included, when the standard for volume control would be to the maximum practicable. Morgan asked for Friberg's view, which was that someone had decided on that number. Leedy thought that Roseen might have come up with the 40 percent threshold. Chase thought that for all redevelopment the standard would be to the maximum extent practicable. Baxter thought that would make it easier for the smaller redevelopment projects. Friberg felt that the standard for all development projects should be to the maximum extent practicable to allow for the specific site conditions as understood by the Planning Board. Baxter summarized the discussion as removing the entire first paragraph, as well as the reference to 40 percent coverage in the second paragraph; practicable would be substituted for "possible", and shall for "must".

Sub- Paragraph A – indicates that treatment would apply to at least 50 percent of the existing impervious and 100 percent of the new impervious surface.

Sub-paragraph B – Friberg suggested removing paragraph B, referencing LID sites, as unnecessary, open to misinterpretation, and subject to Planning Board review. Agreed by consensus.



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

Leedy called attention to the final paragraph defining redevelopment, and suggested several clarifications in re not applying to internal or facade construction, or one or two family residences. Morgan suggested that this paragraph might be moved to the section with other definitions. Hawkins felt that this information was critical for applicants, and preferred that it remain with the stormwater regulations. By consensus, Morgan will rewrite, simplify, and clarify this paragraph.

Section 7 Table Jim Gove of GES suggested removing the table from Section 7 and referencing it by way of reference, because he was aware that the NHDES was considering impending changes that, if implemented, would require updating the numbers. This would be referenced in paragraph. 7.09. Leedy confirmed that all of the terms, except for volume control, were referenced in the NHDES Stormwater Manual. He recommended a separate paragraph on volume control. Hawkins was uncomfortable with removing the table. He wanted to be very clear about what the Board expected from the applicants, because it was too easy to omit items. Chase agreed, but asked how to keep up to date if the table numbers would change. Hawkins said there would have to be maintenance on some of the regulations, and thought Friberg would be up to date and alert the Board when changes should be made.

General comments

Leedy commented that the structure of the current draft would have this regulation apply town wide, which would mean that the volume control criteria becomes even more subject to unintended consequences. For example, roughly half of the town discharges directly into the Atlantic Ocean, and volume control did affect ocean flooding. It was not clear what criteria the Board would use. Hawkins reminded that the origin of the revisions stemmed from discussion about protecting the aquifer district, and where this would fit in the town ordinances e.g. zoning or regulations. That did not mean that they should not apply to the rest of the town, if appropriate. At this point it is not clear what this is meant to apply to finally. Janvrin noted that the examples cited at this meeting were not in the APZ. Morgan commented that the town had had stormwater regulations for many years. Even if it was decided that this would not apply to the whole town, there still were provisions that did apply to the other part of town.

Janvrin said the subcommittee goals were targeted to reintroducing water recharge in to the aquifer, and doing the best they could to comply with the MS-4 requirements. The volume control concept emerged from discussion about runoff on abutter or town property, even as far as the watershed, e.g. if a substantial portion of impervious area was enlarged. Another factor was the varying capacity of different soils to accept new water. Janvrin thought applying these regs to the whole town was desirable. Hawkins agreed saying It was helpful for the rest of the town; the Board always has the option of granting waivers where compliance was not appropriate. Janvrin said an application could be denied if the situation was really bad. Hawkins noted that these are tougher standards, and asked for Friberg's view of applying this regulation to the town as a whole, when the original intent was limited to the aquifer protection zone. Friberg said that would probably increase the cost of development a little bit for a better project. Janvrin said that shifting some of the responsibility to the developer would benefit the town later on; this was an unfunded mandate re stormwaters and drainage.

Leedy agreed that stringent stormwater and water quality controls were the wave of the future. A lot of research had been done to see what the real impact of development was to the environment. If stringent volume control was the objective throughout the town, he suggested that the standard might be lowered a little. For example, if the runoff could not be increased for a 50 year storm, the ground might not be able to absorb that much water. He did not favor creating a regulation that would have to be constantly waived. Hawkins wanted someone to demonstrate



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

that they could not meet the 50 year storm standard, and explain the reasons why. He wanted them to meet the standard if they could. Pushing the runoff from a 50 year storm would not be good for the neighbor, nor for the town. People did not have the right to do this.

Leedy commented that the rate of runoff was already called out in these regulations as well in the NHDES regulations. One could talk about increased peak flow rate periods. Leedy said the issue was that using a lower intensity storm for the standard would still meet the NHDES levels and capture 90 percent of all of the rainfall on the site. The first inch would capture most of the unwanted material and could be treated. The issue was not only saying there had to be treatment, but the water would have to be kept on the site. If the site cannot hold the water, it had to go somewhere. Hawkins asked that the applicant demonstrate to the Board that it could not meet the ordinance and give the reasons why the Board should consider the proposed alternatives. He did not think it appropriate to say that no one had to consider the 50 year storm. Janvrin noted that the town had seen four 50 year storms in the last 10 years. Hawkins wanted to follow a Friberg view of asking an applicant to demonstrate why they cannot meet a standard; then the Board could deal with that. Janvrin said this must be in writing with the quantification showing why the waiver would be necessary.

Baxter commented that his Advanced Auto property met the 50 year storm standard because it had been designed that way to meet the regulations. Some changes had to be made to the plan design compliant. If the cost for that had been \$500,000, they could not have gone forward and would have had to go to the Board for a waiver. He favored leaving the revised language in place so developers would not have the lack of it as an excuse. Hawkins asked if Morgan knew what changes were needed to revise the current draft. Morgan asked for Leedy's recommended changes in a digital form Leedy will send that the next day. Bisbee noted that both siteplan and subdivision revisions were on the agenda, and asked if the changes would appear in both documents. Janvrin said they would not, but the connection would appear by way of reference. Bisbee suggested that waiver language appear in both. Morgan said it would. Hawkins asked if this would have to be re-noticed. Morgan said this had been noticed and all of the discussion had been in public and on Cable. Continuing the discussion was the step to take. Hawkins asked if there was any point at which re-noticing would be required before sending anything out to the newspaper. Morgan said only if the item had not been continued.

**Hawkins continued discussion of Section 7 of the Revised Subdivision Regulations – Proposed Stormwater Management Standards as revised at the Planning Board meeting of March 3, 2015 to March 17, 2015 at 6:30 PM in Seabrook Town Hall.**

**Proposed Spill Protection Control and Countermeasures - Revised Draft Language**

Leedy asked to comment based on his read of the related proposed 2015 Zoning Warrant Article as stated in the 2014 Town Report. In the Aquifer Protection Overlay Section 16.401 it provides that storing regulated substances in containers greater than 5 gallons was prohibited. Leedy thought that during the Board's relevant discussion on December 16, 2014, it had agreed to add something to the effect of "unless adopted in the SPCC plan". Hawkins said that issue would be discussed at the next meeting; the zoning language was settled. The question should be whether there was a way to address that issue in the spill prevention regulation. Leedy doubted that. Hawkins said if that was so, it would have to wait a year. Leedy believed that the language he stated above had been included in the decision to send the Article for a Town Meeting vote. Bisbee thought that the prohibited use section stated 5 gallons with no exceptions. That would be it unless there was some other reference. Janvrin said relief would be to go to the Zoning Board



Town of Seabrook  
Planning Board Minutes  
Tuesday, March 3, 2015  
NOT OFFICIAL UNTIL APPROVED

of Adjustment. Hawkins said it might have to wait for a year. There can be problems with unintended consequences. The Board did not mind making corrections but, unfortunately, in zoning it would be a year later. Leedy said the unfortunate part was that this had been discussed. Hawkins remembered the discussion, but did not remember the placement. He thought this could be handled later. If it was in re zoning he would have said it needed to be dealt with then.

Hawkins continued discussion of the **Proposed Spill Protection Control and Countermeasures - Revised Draft Language to March 17, 2015 at 6:30PM in Seabrook Town Hall.**

Janvrin said the town reports were now in the Town Hall, at the Library and the Post Office. Kravitz said copies were available on the table outside the conference room.

**OTHER BUSINESS**  
**Formation of Route 1 Subcommittee**

Baxter called attention to the agenda item re a potential Route 1 subcommittee. Hawkins said that would best be taken up at the next meeting.

Hawkins adjourned the meeting at 10:10 PM.

Respectfully Submitted  
Barbara Kravitz, Secretary  
Seabrook Planning Board