



# Town of Seabrook Planning Board Minutes

Tuesday, March 5, 2013

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Dennis Sweeney; Roger Frazee; Edward Hess Jr, Ex-Officio; Francis Chase, Alternate; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Robert Fowler, Sue Foote, Alternate; Paul Himmer, Alternate; Michael Lowry, Alternate;

Hawkins opened the meeting at 6:30PM, and designated Chase and Wood as voting alternates.

### **MINUTES OF FEBRUARY 19, 2013**

Hawkins asked for comments; there being none.

<b>MOTION:</b>	<b>Sweeney</b>	<b>to accept the Minutes of February 19, 2013 as written.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Hawkins, Sweeney, Janvrin, Frazee; Abstained: Chase, Wood; Hess;</b>

### **SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS**

#### **Case #2002-37 Irene's Way**

Attending: Paul Lepere, Hamptons Real Estate;

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Hawkins noted this request had been made previously. The checklist showed the sign-offs with a couple of open issues. He asked Morgan for comments. Lepere said he had worked with department heads. He referenced the as--built saying that Boyd had made the requested changes i.e. water shutoffs etc. He referenced Morgan's January 13, 2013 memorandum acknowledging that the DPW Manager wanted some shoulder work and grassed areas, which could be done in the springtime – the maintenance bond would cover that. The water and sewer superintendents had signed-off. Boyd and Morgan had talked about the Section 6.0 issue, which had been done. Lepere said the only other item was four or five missing monuments which could not be set in the wintertime, although the poles were in place. He thought the granite bounds could be set in a couple of weeks during the thaw. The \$39,000 security remained.

Lepere requested that the residents of Irene's Way receive deserved services, and that the security be reduced. Morgan asked when the monuments would be set. Boyd said the rods were in the ground but the monuments could not be set with the frost; he thought they could be set within a month. Morgan asked for the amount of the requested security reduction. Lepere wanted at least the return of all but the ten percent maintenance, but asked the Board to also consider that the binder course had been through three winters, and the finish coat had been through one winter. Morgan asked if Lepere wanted the Planning Board to recommend that the town accept the road. Lepere confirmed this. Hawkins explained that the Board would have to decide whether to release all or all but ten percent of the security, and also to decide if it would recommend to the Board of Selectmen that the town accept Irene's



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Way as a town road. [No services were currently provided.] Another consideration would be whether to approve the request with conditions i.e. setting the markers and the grass work. He asked for Morgan’s recommendation.

Morgan thought it could be a conditional approval as long as there were a date certain; however, there had been quite a long time to set the boundary markers. Boyd said they would not set markers until all of the final grading was done. By the time the grading was done, the deep freeze set in and not all the markers could be placed. Morgan added that the proposed deed needs a correction. Lepere noted that the proposed deed was submitted by Ganz Law on November 20, 2012; he did not know that changes were necessary. Morgan said that some information was missing in re Section 6, and that counsel also had trouble with that. It was Lepere’s responsibility to notify Ganz. Lepere will do that. Boyd said when the as-built was revised, he would straighten out that item. Hawkins advised that the plan pages all need to have the same revision date.

Scott Molton, residing at 10 Irene’s Way, said that seeding the swales was done late in the season and they are a mess; an extra foot of dirt was put in and the grass didn’t take. He thought it would take more than 5 pounds of grass seed. Also he understood why his driveway was cut-up, but it is continuing to sink. The area near the water pipe was cut up because the pipe was too low; it was resealed with tar that is starting to sink and water is getting underneath the end of the driveway which is on town property. He wanted that noted and taken care of. Lepere said this was the first he’d heard of this. He did not want to turn the road over to the town unless it was 100 percent correct. He asked that his request be tabled until a later date when he had the correct deed, and the monuments set; there was no reason for approval at this meeting. Why should the Board approve something that was not 100 percent correct. Hawkins said that would be fine with the Board, and asked if Lepere had a target date. Lepere said it would depend on the weather and getting the monuments set.

Chase asked if the security was ten percent of the original security, or the remainder. Morgan said it was ten percent of the beginning security amount.

### **Case 2004-19 Bergeron Way**

Hawkins referenced a letter from Altus Engineers indicating he had inspected the roadway on February 19, 2013 and discussed the project with the DPW Manager. Neither of them was aware of any incomplete or unacceptable road construction issues that would negate the acceptance of this road. He thought this was solely a request to recommend town acceptance of the road, and asked Morgan if there were any outstanding issues. Morgan wanted to know that the sewer, water and public works departments were satisfied, and they were. The consulting engineer had weighed in as well.

<b>MOTION:</b>	<b>Wood</b>	<b>to recommend to the Board of Selectmen that Bergeron Way be accepted as a town road.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Hawkins, Hess, Sweeney, Frazee, Wood, Chase</b> <b>Opposed: Janvrin</b>



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### **Case #2010-01 Atomic Fireworks, Steven Carbone - 287 Lafayette Road**

Attending: Steven Carbone;

Appearing for the Applicant: Mike Todd, Excel Construction; Wayne Morrill, Jones & Beach Engineers;

Hawkins said this case had been approved but not started. He referenced the letter from Carbone indicating that, by oversight, he had allowed his dates to expire, and asked that the Board allow an extension. The Contractor had submitted a list of construction management dates showing November 2013 as the occupancy target date for building completion, with some additional demolition work to go through May 2014. Hawkins asked for Morgan's recommendation in re extensions commenting this had been done in the past. Morgan said this could be done, noting that the Applicant had signaled his readiness to get moving. Janvrin noted a lot of activity on the site during the past year in removing trees and a lot of unwanted things on the site e.g. trailers. He questioned whether the 2010 security amount was sufficient for prices in 2013. Morgan said the Board could increase the amount, but thought that the 2010 figures were adequate to cover the town's interest.

Chase recalled that originally there had been discussion of the sidewalks, and asked the status. Morgan said this never had been resolved with the state. Hawkins said the Applicant had agreed to prepare a layer for the sidewalk that could be installed if the state changed its policy or the town accepted liability. He thought this was a good suggestion and the best that the Board could do until the town resolved the issue with state. Janvrin said the Applicant would provide loam and sod. Chase thought that Demoulas had put the sidewalk on their land and accepted the responsibility. Hawkins thought that Demoulas had more land to work with. In this situation the only passage way is to walk across the grass, which he thought was ok if it is level. He did not see another resolution without reconfiguring the building site etc. Chase asked if the \$4000 escrow would be returned in 6 years. Hawkins was not sure of the legal question, but he was sure the amount would be held for at least 6 years. Morgan will ask the Board attorney to comment.

Hawkins asked if an 18 month extension would work for the Applicant. Todd said it would. Kravitz said that Carbone had picked up his security packet for the cash security, and a separate document would cover the escrow. Carbone confirmed this. Hawkins asked for further comments; there being none.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to grant an extension of the Case #2010-01 Atomic Fireworks, Steven Carbone - 287 Lafayette Road Notice of Decision until September 5, 2014.</b>
<b>SECOND:</b>	<b>Wood</b>	<b>Approved: Unanimous</b>



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**Case #2012-18 – Proposal by Latium, Tropic Star Development, Scott Mitchell to remodel and expand a gasoline station, and to construct a convenience store, at 663 Lafayette Road, Tax Map 7, Lot 87. Among other pending issues the board will consider is the applicability of Section 14 of the Zoning Ordinance (abandonment) and the proposal’s compliance with Section 6 of the Zoning Ordinance, continued from continued from July 17, 2012, August 21, 2012, September 4, 2012, October 16, 2012, November 20, 2012;**

Hawkins called attention to the letter from Attorney Richard Uchida requesting an extension for Case #2012-18. This is a function of the fact that they were supposed to be in front of the Zoning Board of Adjustment in February; however the ZBA did not have a quorum. The ZBA case was put off to March 27, 2013. Accordingly, the request is for the Planning Board to extend Case #2012-18 to the end of April. Janvrin commented that the Board had felt it had the needed information, and that the administrative appeal was the hold-up. Kravitz reported that Uchida had requested to be heard at the second meeting in April. Hawkins asked for further comments; there being none.

<b>MOTION:</b>	<b>Hawkins</b>	<b>to extend Case 2012-18 to April 30, 2013, and to continue Case 2012-18 to April 16, 2013 at 6:30PM in Seabrook Town Hall.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

**ADMINISTRATIVE APPEAL OF Case #2012-18 – Zoning Board of Adjustment**  
Rescheduled for lack of a quorum. (See Above)

## **PUBLIC HEARINGS**

### **NEW CASES**

**Case #2013-03 Proposal by Patrick Carey to expand a real estate office at 240 Ocean Boulevard, Tax Map 16 Lot 87;**

Attending: Patrick Carey;

Appearing for the Applicant: Shannon Alther. TMS Architects Portsmouth;

This is a Beach residential location with commercial on the first floor and residential above. There is an 8 x 10-foot addition on the north side of the building that had a first floor office and entry to the second floor residential unit. He pointed out where there had been some water issues with the deck and the roof. Alther said after speaking with Morgan last year, a letter was presented to the Board. Subsequently, they went to the Beach District Zoning Board and received approval. Now they are asking the Planning Board for approval. The goal is to increase the commercial space on the first floor by about 67 feet, and maintain the second floor residential unit. Alther said part of the second floor would be removed and added to the first floor. An existing stairway that had been at or over the property line would be removed and added to the north side – outside of the setbacks. They are working within the existing zoning, but attempting to make the lot less nonconforming.



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Hawkins summarized that the stairway that had been built into the setback would be removed and put on the side of the building, and asked about the encroachment. Alther said that the new addition would be in line with the existing building; there would be no further encroachment. Hawkins asked if that had been approved by the beach ZBA. Alther said it had, noting that the property straddles the Beach and Seabrook districts. Hawkins asked for Morgan's comments. Morgan said one missing element was the specs for the new exterior light fixtures; they should be run by the Building Inspector for compliance with site plan regulations. Alther said they would be "dark sky" friendly. Janvrin asked how much of the lot was paved. Alther said there was some landscaping right by the building. Currently there was 76 percent open space; with the new addition the impervious area would be about 83 percent. Janvrin noted this was a preexisting, nonconforming lot. Chase asked if a door would be added. Alther said they would take away one existing door and use an existing slider on the second floor. Janvrin asked for the location of the second stairway. Alther said it was inside the building. Hawkins asked for comments or questions; there being none.

<b>MOTION:</b>	<b>Chase</b>	<b>to accept Case #2013-03 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Wood</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Janvrin</b>	<b>to approve Case #2013-03 – Patrick Carey to expand a real estate office at 240 Ocean Boulevard, Tax Map 21 lot 1-3, conditioned on (i) providing cut-sheets for the new lighting fixtures, and (ii) the CEO will assure the plan conforms to current regulations.</b>
<b>SECOND:</b>	<b>Wood</b>	<b>Approved: Unanimous</b>

**Case 2013-04 – Proposal by Furmer and Mary Souther for a condominium conversion at 222 – 224 South Main Street Tax Map 16 lot 87;**

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;

Boyd said that Attorney Mary Ganz was unable to attend; he had just seen Morgan's comments. He agreed that a note was needed stating that permanent markers would be set to delineate the wetland boundaries. Boyd said the plan showed a proposed duplex that would be condoed. There were four parking spaces to be provided in the front. The lot runs about 1200 feet deep into the woods off South Main Street. A survey done for Sue Foote about 15 years ago was an important factor. They also had done a survey for Stan Saracy on the other side of the lot. Most of the area parcels were preexisting and nonconforming with very little frontage. This lot had about 66 feet of frontage. Boyd noted that Morgan had questioned whether a variance would be needed to go from one single family dwelling. He pointed out an existing garage slab that was built six feet over the property line. The Applicant had removed the garage; the house is boarded up and will also be removed. Boyd said he could not find a prohibition in the zoning that would disallow a duplex. Technically the lot complies with the duplex requirement of 30,000-square feet and is almost 1.8 acres with 56,000 square feet of uplands. It does not have the requisite frontage for the zone, but had



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probably existed that way for 100 years. He did not think there was anything that would disqualify the proposal.

Boyd said that Morgan noted there were some boundary markers missing chose not to set markers in the south easterly portion because it is way out into the salt marsh, almost into Salisbury. He submitted a waiver request which Morgan had said he would support, and that otherwise it meets the requirements for condominium conversion. Hawkins asked if this was an expansion of use on a nonconforming lot, or if this was just going from one building to one building with the condominium form of ownership. If this were 2 buildings, he would perceive it as an increase in the intensity of the use in re the frontage. He asked if a single family home to a duplex would require a variance. Boyd said the lot would qualify for two structures because there is more than 45,000 square feet. The nonconformity was not in re the area. The frontage existed over time; he thought that by right they could put two structures. Boyd said he'd been informed that there had been a dwelling within the garage that had been removed. Technically. that would have been 2 units.

Hawkins asked Boyd whether going from one unit to two units with 65-foot frontage on a nonconforming lot required a variance. Boyd thought not if the prerequisite for multiple units within the zone was area, not frontage. For anything east of I-95 in a 2R zone with 45,000 square feet could have had a duplex and an independent single family dwelling i.e. three dwellings within 2 structures (with the requisite 100 feet frontage). He thought that frontage was not relevant to the increased use of the parcel as long as it had the adequate size to support the duplex. Hawkins noted that the Board had been very particular about frontage for some cases. The Board's obligation was to be consistent; if that can't be done the ordinance should be clarified. Boyd said that as a surveyor he was charged with having a good knowledge of land use law. In his opinion, in Seabrook zoning the density was dependent on the size of the lot, frontage was immaterial. At one time, 3 units would have been possible with the same frontage.

Chase said 100-foot frontage would be required for a new subdivision. This was an existing subdivision. He thought that a duplex could be erected on any lot over 45,000 square feet. Boyd explained that the only reason the Applicant was before the Board was to change the form of ownership. He thought that the Building Inspector could issue a building permit for a duplex. Hawkins referenced a letter from abutter, Sue Foote, questioning the methodology and the markings for wetlands. The abutter believes that the wetlands had not been defined on the lot starting at about the stone wall. Boyd believed the wetlands started further out, and emphasized his respect for Mark West, the wetlands scientist who sited the wetlands. When on the site in the winter, there was not enough snow cover to make West uncomfortable. Boyd noted that West was the only one qualified to state the location of the wetlands. Hawkins asked if there was a wetlands report. Boyd said generally not, unless West had been asked to generate a wetlands report. Soils cores might be done for designing drainage or percolation tests for septic systems. There have to be three indicators: the plants, the soils, and visible hydrology. He said that West did do soils cores.

Janvrin asked what the regulations say on delineation of wetlands. Morgan said they have to be delineated; West was a certified wetlands scientist. Janvrin asked if West would stamp the plan. Morgan thought West would do that. Boyd said West could stamp the mylar; generally preliminary plans are not stamped. Boyd thought Foote wanted to see where the man-made pond was. Hawkins thought Foote's questioned the markings because the land across from the pond was wetlands, and she thought the area in between would also be wetlands.



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Hawkins noted that professionals were hired to do this work, but the concerns of abutters needed to be addressed. Boyd also thought the wetlands line would be closer, but that is not what West found. He noted that one of the wetlands flags actually was positioned on Foote's property. Hawkins noted that West did a lot of work for the town, and that Foote called attention to her respect for the work he did for the Conservation Commission. She thought the map would be marked differently; Boyd agreed, saying that the structures could not be positioned until the wetlands work was done. However, they had kept the structures closer to the street for less pavement etc. He pointed out how extensive the wetlands area had to be for it to be out of compliance. Hawkins thought that Foote's concern with the markings was for future activity, not in re the buildings placement. Boyd commented that he did not have sitting for the pond that Foote had mentioned, because it was gone when the survey was done. He thought it was a small pond and, in any event, would have been beyond the 50-foot requirement.

Morgan noted that it was not so easy to delineate wetlands in mid-winter, and suggested that West could be asked to look again in the spring. Hess thought Foote was concerned with the frost; the field vegetation could be identified, and the wetlands could be reassessed in the spring when the frost was out of the ground. Boyd said he was present the day West dug, and there was no frost. Hess asked if there was a record that could be seen. Boyd said that West's stamp would be all the record needed. He thought West would be fine to go back, but he would have to ask if the Applicant would pay the cost. Morgan suggested inviting the abutters. Chase asked when the digging was done. Boyd said this winter; there was a heavy blanket of grass and some snow patches, but no frost. He did not think West or the Applicant would have a problem to come back. The issue was that the Applicant cannot get a loan, until the condo is approved. Hess asked about bringing in fill. Boyd said no change in grading was proposed so there would be no runoff; the lot is very tight and there is no basement. There is no increase in impervious area; the lot is 2 acres. An existing slab and an over the line septic tank will be taken out.

Morgan asked about the origin of the 1200 x 70 -foot lot. Boyd did not know, but commented that there were a lot of land-locked parcels in the area. The Foote land was very large. Sometimes parcels were carved up and given to children for their homes. Morgan asked if there were any practical benefit to [the narrow lot]. Boyd did not think so, and commented that in the 19<sup>th</sup> Century a lot of land was clear cut. Janvrin noted that many beach lots were also long and narrow – going into the salt marsh which was hayed, for example, the old Colonial Road. Boyd said this area did not quite reach the salt marsh, and was close to Salisbury. .

Hawkins reminded that this case was for a condominium conversion where the Board's interest was in making sure there were two water meters allowing individual shut off. The Board did not get involved in ownership issues. Boyd would prefer that there be only one line so that the town would have more authority to cut off at the street as other towns do. Seabrook was the only town requiring that. Wood asked the water bills would be paid. Chase said there would only be one bill. Hawkins said someone would tell the Selectmen they need water, and it would be turned back on. Hawkins asked Morgan for other comments. Morgan asked about stormwater runoff. Boyd said there was no appreciable impervious area or runoff changes. Hawkins asked if it were a gravel parking area. Boyd said that had not been specified, but probably would be paved in the future. Hawkins that would increase the runoff. Boyd said the driveway was shared; some pavement would be removed. Sometimes they park on the slab. The plan is for a reduction in sealed surface, and parking in front of the



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structure. Wood thought there was not much setback from the road. Boyd said it was about 40 feet.

Janvrin referred to Morgan's notation about having the wetlands permanently delineated. Morgan said that Boyd would do that, as well as have West reconfirm the area in the spring. Boyd said if the wetlands delineation was altered, they would locate new flags and inform the Board.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to accept Case #2013-04 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Wood</b>	<b>Approved: Unanimous</b>

Hawkins the condition to reassess the wetlands in the spring. Chase asked if that would be done by a letter if there were a change Morgan asked if the concern was that this would delay the Applicant. Chase said if there were any change, a new mylar would have to be recorded. Morgan asked Boyd if recording a later plan would be a problem. Boyd said it would not, but any additional plan would only be to record the wetlands change, not the condominium conversion certification. He could do a boundary survey, and there there could also be a structure. Morgan's point was that if a changed plan had to be recorded, there would be two plans on record. Boyd noted the thirty-day appeal period before any recording, and suggested having the second look at the wetlands before he produces the mylar. He did not favor recording two plans.

<b>MOTION:</b>	<b>Chase</b>	<b>Case # 2013-04 Furmer and Mary Souther for a condominium conversion at 222 – 224 South Main Street Tax Map 16 lot 87, conditioned on reassessment of the wetlands delineation in the spring; if anything changes the plan would be updated accordingly.</b>
<b>SECOND:</b>	<b>Sweeney</b>	<b>Approved: Unanimous</b>

### **ONGOING CASES**

**Case 2013-01 Proposal by DDR Seabrook LLC and Provident Holdings LLC for lot-line adjustments in the vicinity of Provident Way and 700 Lafayette Road, Tax Map 8, Lots 49, 51-1, 55, 55-30, continued from February 19, 2013;**

Attending: Scott Mitchell

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

Hawkins recalled that at the last hearing Morrill had used a with color delineation. The Board also wanted comments from the Planning Board attorney as to whether there were any restrictions about making changes to the plan approved by the Court. He asked for Morgan's information. Morgan reported that the Board's Attorney said there was nothing in the Settlement Agreement or the Court decision that would get in the way of the lot-line decision. However, the Board and the Applicant should be cognizant that moving the lot lines could impact the condominium conversion documents recently approved, and that it might require



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making adjustments to the deed. Hawkins asked if there were other issues relating to other areas e.g. open areas. Morgan said there were not. This complies with zoning and is consistent with the Court decisions. Hawkins asked for questions or comments. Chase asked if the Board needed to be assured that the documents were changed. Hawkins said the condominium documents would deal with ownership issues, and asked what would affect the town as a result of the change. Janvrin recalled that the condominium documents indicated that this conveyance might occur at a later time.

Hawkins asked Morgan if there were anything not in the town's best interest if this proposal were approved. Morgan said that the town's interests were covered, but suggested as a courtesy reminding them about reviewing the condominium documents and the deed. Chase noted that this was not on town land. Hawkins said the question about run-offs had been answered, and the Board had been informed that they would return for adjustments to a parking lot. He did not think there were other issues. Morrill said in response to Kravitz's concern as to whether the Registry might question if any lines carried over, they had brought the plansheet to the Registry which did find some lines over text. A new mylar will be prepared. Hawkins asked for other comments or questions; there being none.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to approve Case #2013-01 DDR Seabrook LLC and Provident Holdings LLC for lot-line adjustments in the vicinity of Provident Way and 700 Lafayette Road, Tax Map 8, Lots 49, 51-1, 55, 55-30, conditioned on the final revision being entirely acceptable to the Town Planner.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous</b>

Hawkins wanted to update the Board on some of the proposals for the shopping center, and whether anything would mean coming back to the Planning Board. For example, they might want a subway type of restaurant inside of the super Walmart, and would they have to come back to the Planning Board e.g. re parking changes. He noted that the shopping center was approved before the regulation was changed to maximum parking, so almost any allocation in that lot would meet current requirements. Janvrin asked if it would meet the condominium requirements. Hawkins wondered if anything would have to return to the Board in re the tenant rent-up i.e. having outside sales, or oil change bays which were not in the original plan, or a change in stormwater runoff. Garand would have to make decisions about whether something was important enough to return to the Board for a hearing and notice to abutters. Wood said these things seem small, but can become big items, She was concerned about where bays might be placed, and whether abutters would be listening to overhead doors opening and closing tire jacks etc. She thought such items would at least require public hearing for the abutters.

Morgan had heard that part of the approved sound wall was in the Unitil easement, who wants it moved; this would warrant a return to the Board. Chase commented that parking was not addressed when the condominium conversion was approved, because parking was part of the whole project. Hawkins noted it was dealt with in their condo documents. Chase thought that parking was taken care of in the whole project. Hawkins noted there was a different parking standard for restaurants than for retail. If the parking requirement for a restaurant was greater, would there be enough. The regulations were changed for retail to be a maximum number of spaces. Chase assumed that parts of the center might be occupied by



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other restaurants. Hawkins said that the plan called for retail; there would have to be discussion about restaurants. Morgan commented that if the owner of a different retail store on Lafayette Road decided to change the use to a restaurant the building inspector would send it right to the Planning Board. Hawkins said this was an update, noting that the Board would not hesitate to use legal counsel for guidance in this matter. Hawkins asked how far along this project was in getting permits. Garand had not received plans, but was expecting them next week.

### **APPLICATION REVISION**

Hawkins asked if the Board wanted to include Expedited cases in the regular application (not in a separate application). The fee would be the same as the site plan \$300 + \$100 per 1,000 square feet. Since there is no building allowed in an expedited application, the site plan fee would be a flat \$300 except for something like landscaping or driveway changes. He asked if there would be a benefit to having a separate expedited application, or could we use the regular application. Wood said to use one form as the same information would be required. Hawkins said it would be important to have a reduced checklist, or some way to designate what was required for expedited. Wood suggested inserting another column designating expedited items on pages 5 & 6. Kravitz said that the main difference was that for a regular application a surveyor's plan was required. Hawkins said that was why a separate checklist without many items that would not apply was needed. Kravitz suggested notating a direction on the cover page to submit only the items designated for expedited on the inside pages. Chase said since so many items did not apply to expedited applications, why not keep a separate expedited form. Kravitz said that is the practice now.

Hawkins said the question is one or two forms. He liked using another column and using an asterisk for expedited items. Kravitz had captured the other items in the text. The charge for extensive review is yet to be defined. Kravitz said one goal was to make the application more clear. In terms of compliance she asked Garand if notices could say that applicants cannot get a building permit without paying the fees to date. She also wanted clarity as to when a plan would be signed. Hawkins said one issue was getting the Planning Board fees paid. He asked Garand if construction plans could be used prior to signing a plan. Garand said that is difficult because the elevations are on the siteplans. It should be one set of plans with all the conditions and signed. Janvrin said when construction was done, an as-built is submitted. Kravitz wanted to discuss whether any site plan pages or the as-builts should be recorded at another time. Sometimes the as-builts have serious changes. Hawkins said another trigger is when does an applicant get their security back; funds should not go back until all conditions are completed and there is an as-built. Janvrin asked if the application should say that significant changes need to come back to the Board. Kravitz said if it is a requisite, noting that the regulations now allow the Board to record site plan pages, but it is not clear whether the Board wants to do that.

Janvrin recalled the Demoulas south project and how many times they returned to the Board. Kravitz said that there was a request from Demoulas that they want to get some of their money back, and asking how to do this. Kravitz had responded that the information and the security reduction checklist were in the security packet. The first step would be to go to the department heads to see if they will sign off completely, or if they want some of the security held for their purposes. When all the signatures, including Garand, are on the checklist it is forwarded with a letter to the Planning Board requesting the amount they want reduced; the Planning Board decides. She thought that system worked well. Demoulas responded they



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would find the paperwork and get this started. Kravitz wanted to tighten the system as to when the Board's reimbursements are paid. For example, a partial Invoice went to McDonald's last week; there will be additional fees e.g. from the consulting engineers- it would not be fair to hold up a site permit for work to be done after the permit is issued. This could be tied to the occupancy if Garand is comfortable with that approach; they have had conversations about this.

Hawkins wanted a recommendation to be put to the Board about the trigger points, and what had to be accomplished when an occupancy permit is ready to be issued. Kravitz offered to do that with Garand, who commented that his office is so busy, and it was an ongoing battle. Conditions for each site were different; there are some approvals that were 10 years old. Things move forward the best way we can. Hawkins said there should be some standards to work to; exception could be made when necessary. Garand agreed. Chase thought the purpose of the discussion was to get things done. Hawkins said there were so many cases that never had an as-built. Garand said if no as-built was provided, the security wasn't released. Kravitz said that had to be stated in the regulations. Hawkins recalled conversation about having more boiler plate in the Notice of Decision stating the requirements for building and occupancy permits, and the return of security. Garand liked that idea because the applicants have to sign the NOD. Chase commented that when professionals are hired the Board wasn't paid until after the building permit. Garand said everything was signed off and the as-built comes in, before returning security and closing the case.

Chase asked if the fees could be taken out of the security. Hawkins said the security could not be touched, unless the Selectmen decide to use the money to finish a project, or it is returned to the applicant. Chase wanted to see the money come in as the case goes along. Hawkins said that was not the problem. The need was to be clear about what should be billed, and to cover the Board's cost. With a few exceptions, collections had been ok, although it is problematic with some individuals. Garand said in the past, applicants could work the security down by completing things step by step. A lot of small businesses and contractors don't have the money to put up hundreds of thousands of dollars; there needs to be some flexibility. The land is so expensive, and the costs go up. He thought a lot of boiler plate would put people out of business. Hawkins explained that he wanted to see standards about what had to be accomplished for a building or occupancy permit, or to get security back. Garand said that would be a perfect world, but many plans get extended and don't finish their work.

Hawkins said the follow-up is how to get people to finish their projects when that's not the Planning Board's function. The question was how to get applicants to finish a project that he doesn't have the money to finish. Garand said there was a two-year window, but 1999 projects were being continued. The zoning and every regulation had changed. He understood that it costs money to do a project, but the developer knew that before submitting an application. Hawkins asked if a project should be left incomplete. Garand said they could reapply to the Planning Board. Hawkins said when people were hurting because of economic times, he wanted to give them extensions to move forward. He had not seen too many approved projects where there were significant changes. A single landowner might have to take five or six years to finish a project. If nothing had significantly changed in their project, did the Board want to review it over again. Garand felt there were many old and open Planning Board files that get pushed aside. Hawkins said ultimately the problem is closing cases. Garand agreed. He noted that the Appliance Warehouse property is still being worked on and they want to bring in a new plan. There are issues with multiple sites e.g. Ledge Road



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where the subdivision property changed hands four times. Garand said they could not develop it because they weren't marketing correctly. It's an investment and the town is the banker.

Hawkins wanted to address these issues in a work session, and craft solutions. A question was whether to make it easy for a small landowner to develop property. He thought the answer was yes, but it could be stickier for large developers with professional service providers. Garand said to be consistent so that everyone is treated the same. The problem is trying to balance everything out without penalizing the small application. Hawkins said having no rules leads to a free-for-all with no standards as to when things should happen. The application is good for two years, but what had to be done to get a building or occupancy permit, or return of security. It was not clear. Garand said if nothing has happened on a site that is not substantial. An extension once or twice is one thing, but multiple extensions for nine years is extreme, for example on Ledge Road, London Lane, Appliance Warehouse, and 920 Lafayette Road that had approvals but just move on forever. Hawkins asked what Garand's guidance would be in re extensions. For projects over the two year period, Garand wanted a compliance hearing to ask how much longer they needed, the status of the wetlands applications, and about the drainage. If they cannot answer those questions, they need to build it or the application expires.

Hawkins thought the construction period was now five years under the revised RSAs. Garand confirmed this, saying if a project was unfinished after five years they should be able to answer the questions he posed. Aboul Khan asked if the town could legally impose a fee for extensions. Hawkins thought if that standard were built into the site plan regulations, the answer would be yes; it could not be arbitrary. They might have to reapply. Garand said if the conditions of approval including putting in the site security had not been done, why should the town extend the approval. Janvrin asked if the rule was to meet conditions within 189 days. Kravitz answered yes, but part of the problem was that the Board had not distinguished between conditions precedent, which can be short-term, and conditions subsequent. People are required to do some things that they cannot in 180 days. Garand thought there were minimum approved conditions to be met. Hawkins said those should be clearly defined by looking at a project from beginning to end and specifying the targets to be met – either a date certain, or 180 days, or prior to getting a building permit. The Board had not clearly defined this.

Garand said that was why the NOD was so important. He suggested that the applicant should sign on to the conditions at the approval hearing. The Board never mentions the \$5000 security; things are overlooked. If it was not stated in writing, how could it be enforced. Hawkins said the minutes with the conditions of approval could not be done in then meeting. Garand wanted a hand-written note, Kravitz disagreed. Hawkins wanted to check the tapes and get it right in the minutes. Conditions of approval should be typed out and put in front of the applicant for signing, noting that applicants do sign the NOD after [the Chair] signs it. Garand asked how many NODs had not been signed. Kravitz said not a whole lot. Garand said people come to his office to sign NODs that are three years old. He thought there needed to be a better job done on tracking approvals and the conditions of approval. Hawkins thought time should be spent on issues with open projects and closing cases. Janvrin said looking at the town reports, the security, and the dates of Planning Board approvals, some date back to 1999. It's a lot for the Treasurer to track. Garand added it was a lot for Kravitz or his office to track. People try to get things reaffirmed that had lapsed for years.



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Garand related that Bulbman Holdings on London Lane had a phased project, and came forward with a letter requesting an extension every time. Everything, including the security, was done as required. There are applicants that don't do anything. Wood said that definite guidelines were needed. Garand said it would be a lot easier for everyone. Wood asked for a workshop date to deal with this. Hawkins said generally workshops were done quarterly, but realistically three a year. New cases had to be accepted, but are generally continued or expedited. There are a multitude of items to address, including those that Morgan would present at this meeting. The items discussed at this meeting had been outstanding for so long, and should be addressed now. There are lists of projects, but not reference to when they are closed – is it when the money goes back to the applicant. Kravitz said not before that. Hawkins said all of the cases where security is held are still open. Janvrin thought West Marine was the first case in his tenure on the Board to get an approval, provide the security, do the work, and have money returned. Wood said there were a lot of things to work on, but agreed with Hawkins that these items were the first priority.

Hawkins asked Kravitz about the calendar. Kravitz said there was one case for April 2, Hawkins said those cases could be continued if needed. He wanted some time to put together a proposal to the Board. Chase asked if the discussion would be about specific issues. Hawkins said it would be about timing issues leading to closing a case; some are related to money, and some to permits. The objective would be to establish what the Board could control, and whether there should be a compliance hearing at the end of two years. That may add time for the Board, but some cases might get closed. Garand recalled one compliance hearing that dealt with 35 cases, 40 percent of those cases had to be heard again, even though the Board had voted for closure. There needs to be more accountability. Janvrin thought that Applicants with approvals had 24 months to make significantly start that project; if not, their approval would be gone, unless extended. Garand said they had 180 days to come into compliance with a conditional approval. From that date they have two years to do significant improvements. This needed to be firm. Hawkins said what happens when needs to be made clear.

Garand thought the Board was trying to improve the application form, but was not looking at the regulations that are in place. Hawkins thought it could be useful to set an annual meeting to review cases that fall beyond the two year compliance window. They can then be invited to return to the Board to state why their case should remain open. Once the Board was caught up, it would only have to deal with a year's worth of projects. Morgan said that had been tried, but it only works if they appear. Garand said if they did not appear, then the Board could make them, reapply. Janvrin asked if it would require a physical visit from Garand or from one of the Board to see that something had not been started. Garand said a lot of times no permits have been applied for and the site work had not started. The majority of the land in the town is wet; a wetlands permit may have expired and they have to reapply. The town should have the same policy. Plans from the late 1990's are still being worked on, when there are several subsequent cases for the same property that had not been closed, or never started.

Janvrin wanted to look at the cases for which the Treasurer holds security; administratively time is spent tracking money that is not the town's. Hawkins said they are sitting in individual bank accounts, and just on the Treasurer's balance sheet. Garand commented that the town is not in the business of being a bank for a contractor. Aboul Khan commented that the town would not go after cold cases. He suggested that the Town Planner bring to the work session about 7 models as to how other towns handle this to get ideas. Hawkins pointed out the



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situation across from the Town Hall where work had been done, but not according to the plans; that case cannot be closed. Garand said the engineer for that project wanted to bring plans to his office, but he told them to bring it to the Planning Board with a note explaining what had been changed and why. Hawkins said if someone had a proposal, the Board would have to decide whether or not to hear it. The hope is that the work is brought up to the standard of the approved plans; alternatively, a revision proposal can be brought to the Board to see if it would be acceptable. Janvrin said they can file an amendment to the application and pay the requisite fee. Hawkins said that submittal would have to be done in a professional manner. Garand commented that some cases can take up most of a file drawer because of revisions, even if the Board does not accept the revision. This makes it difficult to track.

Janvrin said one example is that Walmart had been placing cardboard bales behind the building during the past three years. He went through the file and did not see anything about storing that kind of stuff outside in the parking lot. The only restriction was no retail in the parking lot. Garand said there had been a court case that limited storage containers and the like. Kravitz had been working with the assessor to get sequential actions on the tax cards, which was the correct procedure. Hawkins said this issue would be addressed in the April 2, 2013 Board meeting.

### **TOWN PLANNER RE AMENDMENTS**

Tom Morgan

Morgan said at the end of a year he summarizes items that the Board has said it wanted to address. He referenced his listing, noting that some items have been there for a long time and others are more recent. It was up to the Board which items to address first. Janvrin asked if the Table of Uses would be updated in a warrant article. Morgan said it would for gas stations. Kravitz wondered if there were some items that could be quickly addressed. Morgan wanted to know the Board's priorities. Hawkins addressed Morgan's annotated list one by one.

**Off-Site Traffic Impacts** – Our formula was developed by VHB, and is focused primarily on the Exit 1 bridge. We could make the formula more user-friendly, and expand the focus beyond Exit 1. RSG's proposal would go a long way toward accomplishing this goal. The Board decided to seek David Saladino's assistance in drafting this regulation.

Hawkins wanted the traffic impact language to be more user friendly. The proposal from the Board's traffic engineer was still complicated; perhaps the Board should respond by identifying its priorities for the calculations. Hawkins wanted the roadway calculations to focus on the ins and outs without regard to where the vehicle is coming from or going to. The engineer had already done a ten-year analysis on what needs to be upgraded. He wanted to know why something was not working. Janvrin thought this was tied to future exactions. Hawkins said, for example, the Board could indicate that it wanted to see Route 1 north of Route 107 at 4 lanes sometime in the next 20 years, at an estimated cost of \$2,500,000. Therefore, as new projects come in, each would contribute a certain amount per increased number of trips. Janvrin said other roadways could be added for calculations. Hawkins said there is grant money to start a study of Route 107 and one factor would be to come up with



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the cost to redo the roadway, fix the bottlenecks, and estimate the total cost. New projects would make a contribution towards that work.

Janvrin wanted to look at sewer and water infrastructure. Hawkins said exactions for the roadway are one thing. Offsite improvements could be expanded. He thought the Board had been concerned that impact fees would eliminate exactions, but he did not think so. Impact fees could be for water, sewer, schools. Janvrin said that offsite improvements would be paid by a developer via exactions, not an impact fee. His concern was whether the sewer line could handle a large casino. If so, they would have to pay for infrastructure upgrades. Chase said for his subdivisions the Planning Board determined that the water main was put in for the future needs. He did not think that should have to be oversized. Hawkins thought if the road was dug up, the main should be built for future development to avoid digging up the road again. The Board would take the recommendation of the Water Department. Janvrin wanted to review the traffic engineer's list. Hawkins said a revised formula was also presented, but he did not think it was much different than in the regulations. Morgan said the problem is that the current regulations had been written by traffic engineers. Hawkins said then the engineers had to be hired to do the calculations. Morgan said the other problem was that the formula in the regulations was written in re the big shopping center and the Route 107 Bridge, which was no longer an issue.

Hawkins wanted the Board to discuss on April 2 how they would like the traffic impact section to work, and then ask the engineer to challenge that approach i.e. say whether it would work or not. It would be important for Route 107 in the short term, and might be important on Route 1. After the DDR project is done the Routes 107 and 1 intersection is a D. Any expansion would have to address the intersection. The state won't look at improvements unless there is a plan in place. Potential projects will add traffic to the intersection.

**Traffic Counters** – Require developers to fund the acquisition and installation of these devices. The board decided to ask RSG for assistance, and in particular, to ascertain the cost of these devices, to determine the options we have among available technology, and to seek advice as to an appropriate traffic threshold that would require a developer to fund the acquisition of these devices.

Hawkins thought these should be installed when then signals go in, they are not that expensive. Janvrin thought the only traffic station was in North Hampton; Seabrook wants something closer. Hawkins wanted permanent, not temporary, counters. The Rockingham Planning Commission would consolidate the data. Then the Board would not have to trust in the traffic studies skewed in favor of the developers. Wood commented that the numbers don't match what she sees on a daily basis.

**Road Standards** – In 2006, Fred Welch persuaded the Selectmen to adopt new standards for Town owned roads. Unfortunately, Mr. Welch's standards are inconsistent in many respects with those that the Planning Board had long required of developers. We should reconcile the contradictions and get everyone on the same page. I itemized the inconsistencies in a memorandum dated Nov. 30, 2006. Mr. Starkey and Mr. Kerivan should be consulted. The board indicated that it will schedule a work session to address these issues.



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Hawkins said that road standards had been on the list for a long time. He asked if a review was needed, or changes made. Janvrin asked whether the Planning Board or the Selectmen should make changes. Morgan suggested a joint meeting with Selectmen. A developer would build a roadway to the regulations standard. And the Selectmen could upgrade an adjacent roadway to a different standard. Janvrin added that the Planning Board goes by its standards when recommending a roadway, and that would not meet the Selectmen's standards. Hawkins asked why the difference. Janvrin said a previous town manager did not consult the Planning Board. Morgan said apparently it was cut and paste. Wood noted that when Selectmen accept a road, they use the Planning Board standards. Morgan added that when they fix a road they are using the different standards. She agreed that a joint meeting was a good idea. Morgan said that the Department of Public Works Manager and the engineering consultant should also participate. Hawkins suggested asking them to make the recommendation for the standard for the town, because he knew nothing about roads and did not want to make any decision with professional input. He thought the professionals could be asked to look at the two sets of standards and make a recommendation for the town.

Chase thought the Chair should write to them and ask for a recommendation for the town. Janvrin said to let the Selectmen know first. Hawkins said the Planning Board would like to deal with the issue of two sets of road standards, and thinks there should only be one. The recommendation is that the DPW Manager and the consulting engineer determine what the road standards should be and recommend it to the Boards. Hess said that usually the DPW Manager recommends to the Selectmen whether a road is ready to be accepted by the town, so they go by his standards. Morgan commented that a roadway would have been built by a developer to the Planning Board's standards

<b>MOTION:</b>	<b>Wood</b>	<b>to recommend to the Board of Selectmen that the DPW Manager and the consulting engineer examine the both the Planning Board and Selectmen standards and recommend a single standard to both Boards.</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: Unanimous</b>

**Wetlands Crossings** – It has been suggested that we increase roadway standards for those locations where wetlands are crossed. The board decided to address this at the above referenced work session on road standards.

Morgan said that Henry Boyd had made that suggestion but nothing was ever done. Janvrin thought it might have been in discussions about Austin Way and in Beckman Woods. Chase said it had nothing to do with those roadways. Morgan suggested this item be included in with the roads standards.

**Re-Zone Border Winds & London Lane area** – Some years ago, the Board of Adjustment allowed non-permitted uses in this area. The map should be revised to reflect the reality on the ground. This change would be incorporated into revisions to the Zoning Map

Hawkins said that Morgan's map project will recognize what's on the ground, so that if something is residential it shouldn't be called something else. The new zoning map needs to be completed, and would be digital. It would have to be approved by the voters. Janvrin



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suggested this be addressed by October to give enough time for Board review. Hawkins suggested that the mapping be addressed by the Board in segments, and put in front of the voters in the entirety. The focus is lot lines. Morgan suggested that sea level rise should also be considered. Civilization would be moving west. The Board should try to make that less painful. Janvrin wanted to wait for several studies now being conducted. Hawkins did not want this project to get so big that it cannot be done. He said if the adaptation studies can point to the places that are at risk, then the Board could address this. The approach seems to be to compare the cost of flooding, e.g. 15 times, to the cost of installing protection at individual lots. The biggest and soonest impact would be at the Sewer plant.

Hawkins said to look at the contribution of the Beach property to the tax base and put the value on how much of a loss that would be. He did not think protecting individual lots would be the priority. Protection had to be for areas; some would have to be abandoned. The calculations have been done over 50 years. It may be less costly to do protection beforehand. Large cities, like New York City would be getting generators out of the basements. There is talk about walls and dunes. The projects are so enormous, how could it get done all at once. Janvrin said changing the types of housing at the beach is a possibility. Hawkins thought that FEMA would set the new building standards, as they did in Rye. Janvrin thought the new flood maps would be out this year. Kravitz said Seabrook, Hampton Falls, and Hampton expect one more meeting on adaptation issues. Kravitz said that several people attended these meetings and have seen the mapping simulations. The third meeting should deal with outcomes and information on what steps other communities have taken; there is also a follow-on study. Wood said that once land is lost, it can't come back.

**Gambling** – It has been suggested that we adopt appropriate regulations pertaining to gambling so that we will be prepared in the event that this industry comes our way.

Janvrin said this would be addressed in the Route 107 subcommittee. Hawkins said the grant had just been received. Whatever the subcommittee recommends would come back to the Planning Board. Anyone who wants to volunteer for the subcommittee would be welcome. There are a few new members but there is a lot of work to do. Ideas are needed.

**Screening & Buffers:** Paul Garand has suggestions on this subject.

Hawkins said this had been done for the large lot landscaping. At some point, the Board should look at the smaller lots. Owners want to maximize the use of their property. The Board wants to make them look nice, so there should be some minimum level of standards. The neighbors have their desires, but the land owners should not be limited either.

**Master Plan Recommendations that Have Not Been Implemented** – The plan includes several recommendations for land use regulation amendments such as permitting multi-family housing, updating the definition of Best Management Practices in the Subdivision Regulations, strengthening the aquifer protection provisions, making the earth excavation provisions more consistent with RSA 155-E, allowing more flexible mixed use in commercial redevelopment in Zone 2, making the Town's regulations more consistent with those of the Beach Precinct, articulating the purpose of each zoning district, strengthening the stormwater management provisions, adopting Scenic Roads pursuant to RSA 231:57, requiring more pedestrian ways in commercial developments, increasing the extent of shoreland protection, and updating the Table of Uses (Section 5)



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in the Zoning Ordinance. To date, the Planning Board has made no decisions regarding these proposals.

Hawkins said he would put together the implementation list just of the Planning Board items. Smithtown, the North Village and the Route 107 area are already being addressed.

**Other Suggested Revisions:** During the past year, a number of other suggestions were made at Planning Board meetings, to wit:

1) Enact safeguards and procedures relative to Letters of Credit;

Hawkins thought this process was very sticky. Kravitz said this was working well. Janvrin said to take that item off the list.

2) Require GPS coordinates for detention ponds;

Hawkins wanted to get GPS wherever possible. For example, how much easier it would be if the Water Department had every shut-off spotted. Janvrin noted that the water, sewer, police and fire departments all had different GIS systems. Hawkins said that was a different issue, but similar. The Board's siteplans would benefit Janvrin asked if the digital requests were for a CAD program. Kravitz said there is no ability to use a CAD program, so PDFs were requested. Hawkins said the state does not allow digital plans; they force keeping paper plans. Garand said the CAD should be collected because someone may be able to use them in the future. Janvrin noted that the GIS data could be imported. Morgan noted that the engineers are all proficient in auto-CAD. Wood thought more information would help the town's systems. Hawkins said the department all chose different programs that do not talk to each other. Janvrin commented that was not good from an emergency management perspective.

3) Require a precise accounting of impervious surfaces;

Hawkins wanted the square-footage for the entire site – buildings, parking area, green space etc defined and put on the plans. The fee calculation is based on disturbed area. Morgan said it is in the Site Plan Regs.

4) Require a letter from utilities confirming that the application meets the utilities' technical standards;

Hawkins said the utility companies are hard to deal with. Morgan said applicants should be encouraged to communicate with the companies in advance. It would be in everybody's interest. Chase thought the Board should write to the utility companies asked them to cooperate. Kravitz asked if this could be put into the regulations Morgan said it could. Hawkins commented that the Board had leverage over the applicant, and none with the utilities. The applicant should get a letter from the utility that it agrees with what is on the plan. Underground wiring is a must, but the departments have to know where the wires are. Janvrin thought it unusual that in one case no one noticed until after the fact.

5) Clarify the board's intent that large projects will be subject to oversight by the Town's engineer, and at the developer's expense;

Hawkins thought this currently happened. Morgan said the Board had good success with the large developers. Hawkins noted that the application specifies that the applicant pays for this



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if the Board decides it's necessary. Garand said this should be noted in the notice of decision. Kravitz thought the notice of decision could be made more specific. Hawkins said it would be the same boiler plate as on the application. Morgan said some projects get engineering review and others don't. The standard had not been set forth. Hawkins thought it would depend on the scope of a project, which might not be known in advance. Janvrin suggested asking the engineer for suggestions. Morgan thought this was a policy decision. Historically, there was little oversight; the big projects came in. Hawkins asked where there have been problems when there was no engineer oversight. Garand said that contractors that do sub-standard work are hired for simple projects that are done poorly. In another situation the work is perfect. The town had to hold applicants and contractors to the expected work standard.

Hawkins said engineers were used more with the larger projects, and smaller projects tend to be the most trouble. Garand when saving money is the priority, they don't work to the standard; that is why it's so important to hold them to the notice of decision is so important. Chase said on one of his projects an engineer was brought in after the work was in progress. Morgan said that is why this important. Kravitz said until about a year ago the board would decide at the time of approval whether an engineer was needed, in which case a standard contract would be drawn with the Planning Board. Now the engineer is also doing work for the DPW Department. Garand asked if a large project would have \$25,000 in engineering costs, does the Planning board put a bid out for engineering review. Hawkins said the town was not required to take the low bid, but needed 3 bids. What happens if the Applicant did not want the Board's engineer, and if there was a list of licensed firms. What if there were a small project. He said that the state had a list of qualified firms; the Planning Board should have such a list and pick from it.

Wood asked if there would have to be a retainer. Garand said they would not. Chase said that Exeter had such a list. If the Board uses one firm, what happens if there is a disagreement with the Applicant, or there are multiple projects at the same time .. Chase thought there was an exam and a fee to get on the town list. Hawkins said it would be good to identify companies that could be used. Garand thought the Applicant could pick a firm they like or might have worked with before and thought they did good work. Hawkins said the engineer should see the town as its customer, and not developers that work all over the state. Kravitz clarified that the Board purpose is oversight, not doing the engineering. Garand thought that this work needed to go out to bid, e.g. DDR. Morgan reminded that this agenda item was land use regulations. The items that Garand had raised did not belong in the land use regulations. Hawkins thought this a useful discussion; there would be opportunities to continue.

### **HAMPSHIRE INN**

Hawkins said the letter did not come in until that day, so it would be considered at the next meeting when the Board would decide if it would sign it.

### **CHALLENGE GRANTS**

North Village – Rocks Road Neighborhood meeting on March 26,  
A letter is to go out, followed by personal visits by three committee members.



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Route 107 Challenge Grant - word was received this day that Seabrook has been awarded the grant.

### **PROCEDURES**

Garand spoke of the timing of receiving the Board Packets. There is so much work in his office that he had to work at home on building plans and reviewing Planning Board Plans. He asked if there were any way to give more time to look at applications. Hawkins appreciated that the folders did not wait until the day of the meetings. Garand asked for the day new documents could be submitted. Hawkins said the Tuesday before the meeting, which gives Kravitz one day to put the packets together. Garand felt that the Board was trying to squeeze everything into a time frame, and asked if the deadlines could be worked differently. He asked Morgan how it worked in other towns. Morgan thought Seabrook did a better job than most towns. Garand wanted to have enough time to review the packets and that the Members had enough time to review packets. Morgan said that Seabrook Planning Board gave a better review than most towns even with the restricted time. Chase asked if Garand could get some help. Garand said there was a recent audit that showed that the staffing was so under sized in every department.

Janvrin noted the Planning Board only had one person. Garand said a lot of new projects would be coming in and there was new zoning; it takes a lot of time to review applications and look at past approvals and other properties. It takes a lot of review time just to move things forward. Janvrin said the Board had statutory requirements in re timing. Garand was asking to push it to Monday for another day. Garand wanted to look at the application process so Kravitz would have more time and he would have more review time. There were vacation days and a meeting the next day; he spent Sunday reviewing plans. Hawkins was concerned about putting packets together too far in advance without the most up to date information. Garand said that is why a submission deadline was needed. Hawkins said that what comes in on the day of the meeting had been dramatically reduced. If the Board is reviewing something it might as well be up to date if it was important for that meeting activity. People could continually be sent home. Garand said if items were refused when they are late and the case continued, people would learn. Janvrin recalled an issue with the title block. Hawkins said the same individual recently brought one in correctly.

Chase asked if signage would be put on the agenda soon. Hawkins thought that the next work session would have an overload. Garand wanted to look at the 6R zoning with 50-foot depth and 50-foot frontage.

Hawkins adjourned the meeting at 9:45PM..

Respectfully submitted,

Barbara Kravitz, Secretary,  
Seabrook Planning Board