



Town of Seabrook Planning Board Minutes

Tuesday, June 5, 2012
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Dennis Sweeney; Roger Frazee, Albert (Max) Abramson; Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Paul Himmer, Alternate; Paula Wood, Alternate, Robert Fowler; Michael Lowry, Alternate; Francis Chase, Alternate; Sue Foote, Alternate;

Hawkins opened the meeting at 6:35 PM.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:40PM.

HEARINGS/WORKSESSION

PROPOSED AMENDMENTS TO THE TOWN'S SUBDIVISION AND SITE PLAN REVIEW REGULATIONS THAT WOULD GOVERN DEVELOPMENT IN THE NEW SMITHTOWN ZONING DISTRICT THAT IS SITUATED IN THE VICINITY OF TOWN HALL.

Hawkins reminded that the Smithtown Village zoning had been approved by the voters. The Board would be reviewing the March 21, 2012 document to identify any changes that should be made. He noted that the standards were encouraged, but not required, and asked Morgan if that was his understanding. Morgan said it was. Hawkins said that in the first Smithtown Village application "colors" became an issue. He thought that color selections should be chosen from a pallet of colors approved by the Planning Board and available in that office. If any other color is chosen, it would have to be approved by the Planning Board. He asked for comments or problems with that approach. Morgan said in a matter like colors the Board needed to include its intent. He understood that the colors should reflect Seabrook's historical colors. Hawkins said the Board was trying to reflect the colors used in a typical New England village; he thought "Seabrook history" would be indefinable. Morgan said the regulations should define why applicants had to choose from certain colors to make it defensible. He understood that Seabrook was trying to recreate its appearance in the 19th Century, or at least something similar to it, i.e. more of a pedestrian environment than during the last 50 years.

Hawkins asked whether the Board would become involved in specifics e.g. allow checkered buildings or with racing cars on them even if they do meet the color scheme. Morgan felt the Board was trying to go back to the typical New England colors where zebra stripes or polka dots would not be seen. Hawkins summarized that applicants could choose from a typical New England pallet found in the Planning Board office, and any other colors would have to be approved by the Board. Hawkins asked for further comments. Abramson found in his readings that in California they don't make things too specific. Architectural or zoning codes use specific performance or better for buildings or architectural standards as a minimum type specification in the ordinance. Someone could go beyond that for something nicer. Morgan asked how that would translate for the color issue. Abramson said sometimes towns have 4 to 12 colors to choose from. Sometimes a color expert sets a range of choices within a color such as green. Morgan thought that was basically what Hawkins had proposed.



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Hawkins said there were a lot of colors and range. He liked leaving it open and not restricting the colors but make clear that super bright colors are not considered as traditional New England village colors. A lot of different colors and shades were used in old New England towns and they looked great. People ought to have the opportunity to use them, and thought the suggestion for a range within colors would work fine. These should be available, and then allow for someone wanting something different but great-looking that the Board would allow. He thought that some of the brochures collected for the board did just that. Abramson commented that some southern cities have form based codes where they specify as little as possible and just do then building placement, size and a little architectural standards i.e. the minimum number of rules to get the ball going. They don't want to restrict the architect's creativity too much, but only give an indication of the intent. Hawkins said Seabrook's approach is similar using pictures to show the New England look and feel, and allowing architects to come in with really creative ideas. Specifics would be there, for example, for signs and colors.

Hawkins asked for comments or changes to the "color" comments; there being none. Kravitz asked where this provision would be placed. Hawkins said at 8,122 (g) on page 4 as follows:

"(g) Applicants shall choose building colors from a typical New England pallet located in the Planning Board office; any other colors will have to be approved by the Board."

Hawkins identified item #8.132 (c) on page 5 as being inconsistent with provisions on page 1 in re allowing (or not allowing) single and said that the Board had to decide between them and be consistent. He thought the intent in the prior discussions in re Smithtown Village encouraged, but did not require, mixed use. He recommended changing "shall" to "should" to show that mixed-use was encouraged, but not required. He asked for the Board's view. Morgan agreed with Hawkins' proposed change, as did the Board by consensus. Hawkins asked for comments on the interior parking lots, noting that this would be on a smaller scale so the lots would also be smaller. Landscaping is a goal throughout. Hawkins recalled that Bette Thibodeau had safety concerns about parking in the back of buildings. Abramson described a European concept for "defensible" space i.e. there are enough windows looking down on lots. Dark areas are hiding spots. Hawkins agreed that is a concern to look at with applications. The Board doesn't know how the area will be redeveloped, but at times the back of a building will be facing the main road, and the entrances would be facing the rear – similar to the current West Marine development. Abramson cited figures 4 and 6 as being far corner areas or places that might be hidden by vegetation. He wondered if the number of windows should be prescribed for walls facing parking lots.

Morgan said it was not clear where the buildings are sited or in re the outside perimeter. It would be confusing to mix landscaping with parking in the rear. Abramson thought Thibodeau's comments were valid. He did not think trees would be vandalized, but out of sight parking would be vulnerable. Morgan thought West Marine was a good example. They did what the Planning Board asked and put the parking in the rear, and reluctantly put in the board's requested landscaping. He thought this would work fine and not be a dangerous place. Hawkins said much depends on lighting and how the building and the parking lot were set up. Trying to identify all the situations that may occur as properties get redeveloped will never have a solution. Abramson asked if he should find other examples. Morgan said a lot will be self-evident; e.g. parking in the back would not work for Demoulas south. Hawkins said if a main entrance is facing away from the street, that's where parking would be desirable; it's whether parking would be convenient or inconvenient. West Marine is facing inward, and that is where their parking is. Khan noted that in Smithtown Village the land sizes are smaller than in any other area of Route 1; those Applicants will not have much choice in locating the parking. It has to be whatever is fit for the land. The



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Board can't impose rules. Morgan reminded that these provisions would be in the site plan regulations and the Board could grant waivers if something did not make sense for a particular location.

Khan said that years ago he had to deal with a New York City Landmark Preservation Commission where it was necessary to get certain types of nails for a project. That is not what Seabrook is trying to do. Hawkins noted that Abramson's issue was for safety, and asked where this would be addressed, for example for lighting or building design. Any development needs to provide safety for the clients e.g. lighting and parking location. He asked if that was an appropriate standard to include. Morgan thought it was and should be included at the bottom of page 6 as ...f. "in all instances the Planning Board should consider safety." Abramson asked for reference to "defensible" space. Morgan said that would require a definition in the regulations. Abramson wanted it to be clear for future boards. Morgan said that is why the responsibility should be on the Planning Board, no matter who is on the Board.

Abramson noted that in figure 8 on page 7 the minimum set-back for Smithtown Village should be 15 feet. He also suggested setting ratios for height as to width on buildings. Hawkins said they struggled about setting "scale" standards. This might be ok when envisioning open space development, but redevelopment would have to be parcel by parcel. Only the scale for the footprint seemed advisable to stop the big-box type of development at the southern end of Route 1. Developers will develop their land for their needs. The height restrictions are similar to elsewhere in the town. Abramson said the standards could be changed later on. It was important to get the well-lit standard; he thought building height could be recommended to be at least $1/3^{\text{rd}}$ the distance from the center in the Route 1 area. Hawkins wanted to leave that concept until there was a better understanding of what that would accomplish, and did not think those who worked on creating the vision had that in mind. A New England village relationship, rather than a downtown like Hampton or Exeter, was the vision. Abramson said he had provided a form-based code video to Janvrin which expressed what he meant.

Hawkins said to leave height and width ratios for another time, as it required a lot of work to define. Morgan thought the Board had declared its vision in the zoning ordinance. It may not be as specific as Abramson was suggesting, but the intent of the language was similar. Morgan said a visual depiction would be needed for clarity. Hawkins asked if Abramson could put something together or bring an example for the Board to look at. Abramson said examples of different criteria were on formbasedcodes.org. He liked southern cities that specify the minimum and somehow this slows the traffic and people want to stop; it attracts a certain type of development. Morgan asked for municipal examples. Abramson named Nashville, Louisville, and Sarasota Springs as examples. Khan said that the Board had discussed pedestrian- and driver-friendly items, but needed to discuss developer and land-owner friendly items as well. He did not want to impose strict regulations that would make projects unbuildable. Hawkins said the intent was not to say how to develop, only that it was going to be at a smaller scale and a New England village look and feel. This is a guide to say how the town would like to see future development in this area. Khan noted that minutes from a year ago referenced this concept.

Hawkins pointed out that the page 8 Stormwater Operations & Maintenance Manual provision referenced a particular document and suggested this be changed to "latest version" because the town does not adopt this and it is always changing. He thought this would be of increasing importance in re the future requirements of an MS-4 town which are getting more and more restrictive. If it's not done correctly the town becomes responsible for the clean-up which can get very expensive – this would apply for every development. In re the photos of low impact stormwater management practices, Hawkins did not know the cost implications but said they



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showed small scale examples. Morgan commented that Julie LaBranche had good reason to for each depiction, but readers might not be so informed. He suggested she be asked to place captions under each photo.

Hawkins noted that signage had been previously discussed, but was incomplete. For example, height for signs with multiple businesses was to be 10 feet, but width had not been specified. The discussion re single business signs was 24 square feet per side, or 6 x 4 feet. He said a maximum of 10 feet high and 6 feet wide would not be an issue unless it was too close to the road. Hawkins said definition was needed for free standing individual business, multiple businesses and signs hanging from the building. (Examples on pages 11 and 12.) Hawkins asked if this agreed with what was covered elsewhere in zoning, and thought it had been included for the Town Meeting. . Morgan said it had been intended to express this in the zoning, but thought it had been inadvertently omitted for zone # 6 and would have to be addressed in the regulations. Hawkins thought it had been included. Morgan said guidance on the size of free standing single and multiple business signs as well as the hanging signs was called for.

Hawkins said the maximum height needed to be defined for a 4 x 6-foot free-standing individual sign. He suggested that the maximum height for a free-standing multiple business sign should be 10 feet by 6 feet wide, but that did not define how high from the ground to start. Morgan said the zoning ordinance states that signs cannot block the line of sight. (Page Z 30). Hawkins said that would depend on how high the sign is from the ground. Hawkins asked if the maximum of 4 x 4 feet in a hanging sign was too big. Morgan thought that was reasonable. Garand presented a copy of the dimensional table in the town Warrant depicting the signage dimensions. Hawkins said that would mean that the dimensions had already been defined, and asked for the numbers. Morgan said maximum height would be 15 feet; minimum height within 30 feet of street pavement would be 6 feet; minimum height for signs beyond 30 feet would be zero (Town Report page 9-A). Hawkins asked if the standards could recommend that 10 x 6 foot would be the maximum for a multiple business sign that is 5 feet off the ground. Morgan said the problem would be for an individual business that wanted the same dimensions. Hawkins said in 6 R it would be 4 x 4 feet. Hawkins asked if anything needed to be addressed in the site plan regulations; Morgan said it did not.

Hawkins said that size of signs had been addressed. Colors and lighting had not, and asked if that should be done. Morgan said to address that. Hawkins asked if the color selection should be from a pallet that is provided, or to come back to the Board for something different. Khan agreed on coming back to the Board for approval. Abramson commented that dealing in architectural standards would make the Planning Board meetings longer. He favored pre-indicating acceptable colors. Hawkins wanted it to be ok to pick from the pallet; if not on the pallet to come back to the Board for a yes or no, as it would be for buildings.

Hawkins recalled that in previous discussions the Board had said no back-lighting and that signs be lit from above. Window signs were not addressed as the discussion was about the main sign on the building. He asked for the Board's view. Abramson did not want to overly restrict the creativity or interesting landmarks. Morgan agreed, but thought the objective was not having lights looking up at the sky. Abramson did not understand this reasoning as most of the lights around public buildings and the Town Hall spotlight up. Morgan said the reason is that the skies are not as dark as they used to be; there is so much light going up in the sky. Abramson commented that so close to sea level there is more atmosphere and light pollution. Morgan said the Board can reduce light pollution by having lighting pointing down, noting that this had been Seabrook's policy for a number of years. Hawkins said shielded lighting had been forced on every development or applicant. Morgan said lighting should not bother neighbors or light up the sky.



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Janvrin asked if there was reason to separately call out items that are generally in the regulations. Morgan said that Section 9 of the site plan regulations states that signs must be fully shielded. Hawkins asked if the Board wanted something different in the village area than the bright neon or back-lit signs now allowed along Route 1. Janvrin said signs in Exeter look like wood and are lit from the side i.e. they don't shine down on pedestrians. He thought this was appropriate. Garand pointed out that LED reader boards are also allowed - they can change once per hour, and should be addressed. Abramson wanted a uniform standard that signs are off within an hour of closing, and to restrict skyward illumination above a level. Janvrin said that was already in site plan regulations, and did not see the need to duplicate existing regulations for Smithtown Village. Abramson said there still would be lighting for parking lots. Light pollution did not apply just to signs. There should be enough lighting for people to see in front, but not enough to light up the sky.

Hawkins felt reader boards and back-lit signs were a problem for a village feel. He thought Exeter had done well and that some of the examples probably came from there. The Board had to decide if it was going for the big glary commercial district and back-lit signs that exist on the rest of Route 1, or for something different that appropriately should be addressed in Smithtown Village standards. He thought the purpose was to try to create an area that was different from what exists, and wanted to see back-lit signs disallowed there. Abramson suggested having fewer, smaller lights on village buildings that just illuminate the walkway and don't broadcast. Hawkins said reader boards were not appropriate for the desired feel. Standards are set up just for the Smithtown village part of town. Sweeney asked if reader boards and back-lit signs could be eliminated in this area. Janvrin suggested that a suitable prohibition could be placed in the zoning in re certain types of signs that are permissible in other parts of the town. He thought further restrictions in re Smithtown Village were appropriate, as in a historical district. Morgan thought the Board wanted to prohibit digital displays and internally lit signs in the Smithtown Village. By consensus the Board agreed. Janvrin added that they be wood or look like wood and be lit externally.

Hawkins noted that the setback issue appears again in 8.151 Figure 12a. Abramson asked if this is recommended or required. Hawkins said that Smithtown Village can have various cross-sections, so this would not be required. Morgan said that the caption labels would be an example. Abramson asked if the Board would have any control over the land itself. Hawkins said it could on town streets; under the MOU with the NHDOT on state streets the town could have more input on the set-up. Hawkins thought the 8-foot minimum on sidewalks was excessive (page 15), and had been changed. Janvrin asked for the dimensions under ADA compliance. Abramson suggested stating that sidewalks must meet the ADA requirements. Janvrin agreed that should be at the minimum, and thought that meant that two wheelchairs could pass each other. Hawkins thought sidewalks were much narrower on Washington Street. Abramson asked if a property owner could be required to put a sidewalk on the other side of the street. Hawkins said it would be a function of how the area develops and whether the Planning Board would say sidewalk should be continuous on one side of the street. The Board would have to weigh in on each case. For example, it might want sidewalks on both sides of Route 1. Perhaps it should not cross back and forth on an internal roadway. Abramson said in the Smithtown Village it would only apply to sections of Walton and Folly Mill Roads. Also, a lot more people bicycle, and some avoid roads because there is no pathway and the sidewalks are not friendly to bikes.

Janvrin suggested the language in 8.161 (a) on page 15 state that "Sidewalks shall be constructed. It is recommended that they be constructed on private property...." Janvrin did not think it practical to require this, especially if it is along state property which the town would maintain. He recognized that the town wants sidewalks, but should not be requiring owners to



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maintain it on their land. It could be discussed, but should not become onerous. Morgan thought the objections that had been put to the NHDOT had been lost. Janvrin said this could be brought to Superior Court and then Supreme Court, which he did not want to do. Kravitz asked about the sidewalk width in (c). Hawkins suggested 5 feet, and asked about the ADA standard. Jim Lamp thought 5 feet reasonable; if needed, there could be a bypass for wheelchairs. He suggested not mandating ADA because not all sidewalks had to meet that standard. Janvrin agreed with a 5-foot standard as long as it met the ADA standard. In re 8.163 (b) re the rail trail, Hawkins suggested a minimum of 5 feet. Abramson asked for the definition of a trail width, if there was vegetation and the like. Hawkins called attention to Salisbury and Newburyport that are wide with the paved portion about 10 -12 feet. This provision referred to paths to get to the rail trail. Janvrin commented that there was a 22-foot connector from Walmart. By consensus this was agreed. Hawkins called attention to Table 2 in re public space standards on page 16, noting that "public space" was the equivalent of open space, and not parking lots. He questioned the ending of "less" which would create 100-foot swaths, and thought that should be changed to "greater". Morgan agreed. Hawkins liked the idea of captions and wanted them inserted to explain the photographic examples in figure 8 on page 18.

Hawkins Julie LaBranche of the Rockingham Planning Commission would be provided with the comments made at this meeting, and asked to update the March 21, 2012 revisions for the Board's review at a later meeting.

PROPOSAL BY THE PLANNING BOARD TO ADOPT AN ACCESS MANAGEMENT AGREEMENT WITH THE NH DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROMULGATING POLICIES GOVERNING ACCESS TO ROUTES 1, 286 & 107.

Hawkins explained that at the May 15, 2012 Planning Board meeting the draft MOU had been revised with the participation of Steven Ireland, Assistant District 6 Engineer, NH Department of Transportation. The changes agreed to at that meeting were represented in the draft that had been included in the Board Packet. Hawkins called out the few subsequent changes that had been received from Ireland earlier in the day. He felt that the document was about ready to send to the Board of Selectmen, which would be the authorizing body as the MOU is between the Town and the NHDOT. On page 2, "local" was changed to attached access management standards in paragraph Hawkins read a proposed language change in re consolidating driveways, for the Route 1 Appendix in # B (8) on page 5. Morgan was concerned that this language referencing "consolidated" needed to be clarified. Hawkins did not think that language was clear and wanted Ireland to change that. He thought that in the discussion with Ireland at the Planning Board meeting, the intent was to get fewer driveway cuts in a proposed situation than existed previously. He wanted to ask Ireland to make that clearer, and recommended that Morgan clarify that sentence with Ireland.

Morgan said it was well known that NHDOT's intent was to reduce the number of access points, basically forcing the property owner to consolidate them. NHDOT wanted to ask property owners to consider doing this and not make it absolutely mandatory. He felt the draft wording was confusing. He suggested new wording that would say "...for redevelopment consideration shall be given for consolidation to access roads..." Janvrin thought it was good that this had not been tied to a lot merger, because some are being consolidated, as with Demoulas south's 3 separate lots which he thought were consolidated but not merged. Hawkins said this was a change from the original "shall be consolidated". Morgan suggested that he contact Ireland offering a better way to say this. Janvrin thought this could streamline traffic on Route 1. Khan noted that Ireland had agreed that the 3 selectmen could sign for the Town. Hawkins said that message did not



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reach LaBranche; the 3 signatures would be added. Hawkins did not think the document needed to come back to the Planning Board Agenda.

MOTION:	Janvrin	to recommend that the Board of Selectmen approve the Memorandum of Understanding between the Town of Seabrook and the NH Department of Transportation, as revised by the Planning Board at its meeting of June 5, 2012.
SECOND:	Hawkins	Approved: Unanimous

Khan will make the Selectmen aware of the MOU, and recommend that the Planning Board be asked to present it at the BOS meeting of June 20, 2012. so residents can know about it Hawkins said it was important for the Selectmen to know that the Appendix comprising the Route 1 detail is included in this MOU, and that the MOU could be modified subsequently to add a relative appendix with standards for Route 286, Route 107, and/or Route 1A. Khan thought that would be much easier now that the Planning Board has gone through this process. Abramson wanted the NHDOT to be aware that people tell him that the most important issue is traffic safety for pedestrians. Hawkins will attend the BOS meeting to provide the background for the process, and respond to questions. Janvrin said he would also attend.

NEW CASES

CASE #2012-14E – PROPOSAL BY FLAVOR SAVVY, LLC AND THE OH-NO REALTY TRUST TO ESTABLISH A SPECIALTY FOOD MANUFACTURING OPERATION AT 34 FOLLY MILL ROAD, TAX MAP 8, LOT 165.

Attending: Rebecca Fessenden.

Fessenden said this is a change of use for the same space that had been occupied by a payroll company. Hawkins asked what they manufacture. Fessenden said it was similar to a canning operation where heated ingredients are put into containers according to FDA and other standards. It is not a restaurant. The kitchen is locked down, with no one entering the building during production. Deliveries would be by truck during regular hours. Khan asked about the kind of food. Fessenden said it is mostly spices, for example, they provide the glaze for a ham, but not the ham itself. There is no oil or meat. The spice mixture – marinades, glazes, and toppings - would be shipped to a wholesaler. Khan asked if there are other products. Fessenden said that occasionally they do fudge sauces, jellies, or mustards, nothing perishable. The ingredients come in containers and are opened in the kitchen and poured into vats, pressure cooked, and put into containers to be shipped. Nothing goes into the drains.

Khan asked who many people they would hire. Fessenden said currently it would be about four employees. She did not see it going much higher as it is hard to get people to work in manufacturing. Janvrin asked how many parking spaces would be assigned to the company. Fessenden said they are looking for four spots; she would like to move the dumpster. They have very little trash, but about 90 percent of their waste if in the form of recyclables like cardboard. This would be transferred to the transfer station. Janvrin asked if a dumpster for the recyclables would be helpful. Fessenden understood that the transfer station wants the cardboard at this time. They have a contained area inside, between the boiler room and the existing offices, to stock the cardboard and similar recycling product, and liquids in barrels. Janvrin explained that Walmart bales their paper waste and leaves it in the parking lot where it is an eyesore and gets



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wet in the rain. He understood Flavor Savey would not store this outside. Fessenden said they would not. . Workers change clothes before entering the kitchen. There has to be a vapor lock in the kitchen and no cross-connects. Janvrin asked if that is why they want the fan. Fessenden said it was.

Hawkins asked for Garand's comments. Garand said that several years ago restrictions were placed on this industrial, con-conforming use in re parking, storage and limited truck activity, and asked if the owner had informed Fessenden about this. Fessenden had been informed. Garand said gates were supposed to be installed so truck drivers would be limited to certain hours. He asked what odors would be exhausted from the fan. Fessenden said it was not a restaurant; they don't cook food on a griddle Garand said there was a similar situation with Hannah Foods which does not cook food but there was a big issue with garlic odors, and asked also about noise. Janvrin asked about the hours of operation restrictions from 1997. Fessenden noted that she has three children and doesn't operate after hours. The production hours are mainly 8AM to 5PM and then shut down. If she's there earlier, it might be to let a truck into the dock. Morgan asked where they currently operate. Fessenden said they are at Dartmouth in Hanover.

Morgan asked if this is a second operation. Fessenden said they are moving to Seabrook which is closer to the food service providers in Massachusetts, noting that containers are 5 gallons. Morgan asked if they were close to residences in Hanover. Fessenden said they are on a small industrial road. It is not fenced in which is a safety issue. In Seabrook the property will be fenced with cameras; they follow various codes and international guidelines. Janvrin asked if this is in Zone 6R. Garand said it was but there would be grandfathered rights. Khan said there had been a serious problem with the neighbors and elderly housing for two or three years about odors at Hannah Foods. He asked for a description of the smell that the neighbors can expect. Fessenden said if anything, it would be a sweet smell like a ham glaze with honey and sugar. Khan asked if there is any smell problem or complaints at the current facility. Fessenden said the processed product goes right into containers that are covered so odors are not emitted. Steam that comes from opening a vat to add an ingredient is released and is filtered through a rotation fan system. If anything, it would be mild like ice cream because the product has to move along or be discarded. An occasional smell burst would be vented toward the wooded area. Frazee asked about the temperature. Fessenden said it might get to 110 degrees.

Janvrin asked if Garand was satisfied for enforcement purposes. Garand said if there were a complaint that was a nuisance, he would issue a notice of code violation. If there are no complaints, there would not be a problem. Fessenden did not worry about this. Khan asked about an existing wall-mounted fan and a proposed fan; it did not say anything about an exhaust system. Fessenden said the new fan would be louvered just like the existing fan except it will have duct work; filters are in the ceiling so the heat would be exhausted out through the ductwork. Garand said it is similar to a residential stove that exhausts into the air. The Applicant is proposing to contain this in vessels so it would be at a minimum. Hawkins said if there are odor complaints of any kind, the Applicant would have to mitigate it i.e. have a system that would not allow odors to intrude on the neighbors. Ultimately, another business put in a carbon filter system which seemed to take care of the complaints. If there are complaints, she would have to mitigate the odors if they bother the neighbors. Fessenden understood this. Morgan asked if it was anticipated that a neighbor standing at the property line could smell an odor. Fessenden said if a vat were opened, someone standing near the fan might have something for a moment; it would not be ongoing.

Morgan explained that the Board wanted to have a clear position. Khan said a few years ago neighbors had a serious problem about the smell from a cigar store. The Board had them



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change the filtration system.. Fessenden said she would look to find those filters up front. Janvrin said they are carbon or activated charcoal Garand said the 8 to 5 hours would mean no shifts. Hawkins asked for other comments or questions. Abutter Elizabeth Tagg said there had been a big problem with the biodiesel odor and when transferring tanks of oil into tanks.

MOTION:	Janvrin	to accept Case #2012-14E as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved: Unanimous

Garand asked if there were to be impact from discharge into the sewer. Janvrin thought this had been addressed in Fessenden's letter. Hawkins said that a letter from the Sewer Department should be one stipulation indicating the Applicant's intent would be ok with the town's system. Janvrin wanted the hours of operation to be as 6AM to 6PM, as stated in the Zoning Board of Adjustment Case #1996 -013. Fessenden explained there would be an internal containment wall so any chlorine spillage would be neutralized. Hawkins said it was important for the sewer department to understand her process, if there was a need for identification if something goes wrong, and wanted a review letter from the department. Garand referred Fessenden to Tom Campbell. 474 8015. Hawkins read the conditions of the ZBA case: i.e. maximum of 4 trailers for loading and unloading, no outside storage of materials or debris, storage trailers to be removed permanently, and a chain link fence with gates surrounding the property. He noted that there were no trailers now, but thought the fencing was not there. Janvrin said if this was required in the Planning Board decision, the land owner would have to put the fencing in; enforceability for the CEO would be easier.

MOTION:	Janvrin	to approve Flavor Savvy, llc and the Oh-No Realty Trust to establish a specialty food manufacturing operation at 34 Folly Mill Road, tax map 8, lot 165, conditioned on: (i) satisfying the conditions for the property specified in the Zoning Board of Adjustment Case #96-013 approval - maximum of 4 trailers for loading and unloading, no outside storage of materials or debris, storage trailers to be removed permanently, and providing a chain link fence with gates surrounding the property. (ii) weekday hours from 6AM to 6PM; Saturday hours 6AM to noon; (iii) providing a letter from the Sewer Department indicating that it had reviewed and approved the procedures; and (iv) if odors are detected at the property line, the Applicant will do what is necessary to mitigate those odors.
SECOND:	Sweeney	Approved: In favor: Janvrin, Sweeney, Hawkins, Frazee, Khan; Abstained: Abramson



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MINUTES OF MAY 1, 2012

Hawkins noted names on page 1 and 3 were missing, and asked for other comments; there being none.

MOTION:	Janvrin	to accept the Minutes of May 1, 2012, with names of page 1 and 3 filled in.
SECOND:	Hawkins	Approved: In favor: Hawkins, Janvrin, Khan, Frazee Abstained: Sweeney, Abramson

MINUTES OF MAY 15, 2012

Hawkins asked for questions or comments; there being none.

MOTION:	Hawkins	to accept the Minutes of May 15, 2012, as written.
SECOND:	Abramson	Approved: In favor: Hawkins, Janvrin, Abramson, Khan; Abstained: Sweeney, Frazee;

OTHER BUSINESS

11-34.11-03 DEMOULAS SOUTH SITE LIGHTING CHANGE

Appearing for the Applicant: Jim Lamp, J & Co;

Hawkins referenced the letter requesting a lighting change on the site plan. Janvrin asked if they were replacing the pole light structures. Hawkins recalled the waiver on the height of the existing poles; the new poles would be 20 feet; the lights would be changed to LED throughout the site. Lamp said the other pole heights would remain the same as in the approved plan. Hawkins asked if the lighting span would change. Lamp said the candles will meet the "0" lot line requirement except at Route 1. At that property line it is .3 which is less than moonlight. They will build cut offs on the back side wallpak overspill. They will provide the Planning Board with the revised lighting plan including the poles at 20 feet. He asked that the Board approve changing of the poles and the lighting to LED. Hawkins asked for other comments or questions; there being none. Morgan noted the need for a waiver in re the lighting spillover at the public streets.

MOTION:	Sweeney	to approve the request in re Cases 11-03 and 11-34.11-03 Demoulas Southgate Plaza for site lighting changes, conditioned on: (i) changing to the LED fixtures, (ii) leaving the pole placement locations and heights as depicted in the previous site plan approvals; and (iii) to grant a waiver to Section 9.04 of the Site Plan Regulations because the proposed lighting would enhance public safety along Lafayette and Boynton Roads and reduce energy consumption.
SECOND:	Frazee	Approved: In favor: Hawkins, Janvrin, Abramson, Sweeney, Frazee, Khan;



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Hawkins referenced a complaint from Helga and Glenn Kelly of 17 Boynton Lane. Lamp understood that their contractor was dewatering in that direction, and that Jim Kerivan, the Board's oversight consulting engineer, brought that to their attention in his field report and told them to cease that process causing any water runoff to 17 Boynton Lane. Lamp believed that the contractor had complied, and will verify this. Kravitz related that Kerivan said he was confident that this would be stopped, and would be checking it out.

Hawkins asked for other issues.

Khan asked about the tenant for the north stand-alone building. Lamp said they were talking with potential tenants, but as this time had no tenants for that retail space. Lamp said when they have signed up tenants, likely they will return to the Board for minor changes. He commented that lease-up had been difficult.

Khan expressed concern about the north side detention pond open area. Lamp will check the plantings, but was not convinced it warranted a guardrail as the plantings were quite heavy near the abutters. He preferred plantings and would beef up the plantings if necessary. He will look at the site; it is a big hole. Khan said the safety for people should be right. Lamp said personal safety, like a car physically going into the hole, was understandable. He will look at the density of the landscaping.

OTHER BUSINESS

Case #2012-05E LoanMax at 112 Lafayette Road;

Attending: Alicia Lastowski, Loanmax;

Appearing for the Applicant: Beau Bonin, contractor;

Hawkins asked if they were looking for a different type of sign on the building, and to explain what that would be. Lastowski said they would use channel block letters. Hawkins said the Board's issue was "backlighting". Bonin said the letters would be lit from within, and noted they were the first case in Smithtown Village. Hawkins asked if they would only be lit during business hours, when needed. Lastowski said that their previous sign (at a different Seabrook site) had fluorescent lighting. Now the light would shine on the letters for low level light illumination. Hawkins noted that at the last meeting the request was for a box that was lit inside by fluorescents. Now they propose letters lit from the inside with fluorescents, which is about the same thing. This was what had been discussed as not being allowed in Smithtown Village. Bonin said the original approval was for a flat sign, not a raised sign. Hawkins did not think the Board had a problem with a raised or not raised sign. The issue was that it was lit other than from the front.

Hawkins said the Board was struggling with what would be grandfathered in this case. The existing (pole) sign was accepted as grandfathered, but the (sign on the building) was new. The Board had laid out Smithtown Village standards and the townspeople had liked the idea and so voted. He had a problem going away from that in the very first case. A grandfathered sign where not much is being done to the property was one thing; a new sign that would violate the standards was another. He asked for the Board's view. Abramson said the Applicant had made



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a good faith effort; he did not agree with the design proposal, but overall this application is a tremendous improvement, even though it doesn't comply with the intent. Almost anything is better than the existing.

Morgan said this negotiation seems to be with a gentleman who is out of state, whereas usually the dialog is face-to-face; there isn't direct communication so it is difficult to have a discussion. Applicants usually appear before the Board; there seems to be an impasse. Lastowski said she had worked for Loanmax for 11 years and represented the company. She asked if channel letters with side lighting would be ok. Khan thought that lighting from the side, not from the inside, would be a compromise. Bonin said they would be moving to reduce light pollution, and thought there would be lighter with spotlights.

Janvrin noted that in 1830 (Smithtown) businesses did not backlight signs. Abramson thought that as a whole, the project is a vast improvement in the right general direction. Khan said the lighting in Smithtown Village had been discussed a lot, and they did not have to do everything; he thought side lighting would be a good compromise. Frazee asked how big the sign was. Hawkins said it would be bigger than the standard – 10 percent of the buildings face. Lastowski clarified that she was not committing to side or down lighting, and had asked what the Board would want. Sweeney said that they already have a lighted street sign (on the pole). He did not see the problem in having a sign that was down lit or from the side. Janvrin said the Board had stated its position and did not want to compromise from the intent of the ordinance. Abramson agreed. Hawkins summarized that the Board did not have a problem with the sign other than if it were internally lit or back lit. The sign can be used if lit from the top or the sides.

MOTION:	Hawkins	to agree to the sign design for the Case #2012-05E building as shown in the drawing presented to the Planning Board on June 5, 2012, but not to the proposed internal or back lit lighting for the sign; lighting from the top or sides would meet approval.
SECOND:	Sweeney	Approved: In favor: Hawkins, Sweeney, Frazee, Khan; Opposed: Janvrin, Abramson

Yankee Fisherman's CO-OP

Garand noted that the Planning Board had waived the YFC jurisdiction re the retail outlet in favor of his oversight. He has been doing inspections and this is coming along well. They want to install signage. The location is currently in the Conservation Zone. Janvrin thought they were put in Harbor Commercial. Hawkins agreed, but it had not been officially changed. Garand asked for a determination by the Board as to the current situation. Janvrin asked the intent with a sign. Garand said they wanted to put it at the front of the property. He was having them remove some of the chain link and barbed wire, and clean up the site. Garand asked if this should be considered the Harbor Commercial Zone on the map. Hawkins thought the signage was appropriate, but there would be a process because historically they were Conservation. Garand said if that is the case, they should not have been allowed to expand. Hawkins thought that when jurisdiction was waived for the building, that meant Selectmen would look at the signs as well. Janvrin asked if the boundary was 15 feet from the roadway. Hawkins said the Town Meeting would have to make the Harbor Commercial designation. Morgan said all that was waived was the site plan review, suggested YFC go to the Zoning Board of Adjustment.



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Zoning Map for Seabrook

Garand asked if the new map had been public noticed. Morgan said it had not. noted the pier is referenced. Hawkins asked if this could be proposed as a draft usage. Morgan said it could be temporarily amended in advance of the Town Meeting but it was too soon to do that. He thought the courts would not be favorable if the changes were made to soon after the 2012 Town Meeting. Hawkins wanted to accept the new map as a draft version for use (see below). Morgan said there was a lot to do before sending the map to Town Meeting.

Hawkins said a current map was needed, and asked what would change in a new map other than Smithtown Village which was approved. This is only a map to depict what had been done. Garand said the Board had discussed parcel boundary changes in re the Beach and Route 286, and making the map a lot more definitive. Hawkins said that work was not yet on the map; he found one error so far. He thought the adjusted map (RPC) could be used for Smithtown Village. Garand called attention to how the Beach Precinct and the Harbor Commercial boundaries were depicted. Morgan said there was a lot to do; the (RPC) map was an approximation. Hawkins said there were Beach Residential, Conservation and Beach Commercial. Garand thought there was a large area that should be Conservation – the dunes owned by the Town. Hawkins pointed to an area that had been laid out as residential; a small part of River Street had to be clarified. An objective (undone) was to outline the properties along Route 1 A that are buildable, and changing the rest to conservation.

Garand said the map that is on line and currently being used is wrong. Hawkins noted the changes to make from the [2002] existing map to get to what is currently approved by Town Meeting: 500 feet along Route 1, and Smithtown Village. Hawkins asked if the new map was more correct; Morgan, Kravitz and Garand said it was. He thought the new map should be accepted and adjustments made in the next couple of meetings so there is a tool to use. Garand agreed, saying the existing map makes it difficult for developers. Hawkins recommended adopting the new version and go back to make the little changes that need to be made. That would give something that had been approved by Town Meeting.

Hawkins said that subsequently, the lot-line boundary changes could be tackled. Morgan said this could begin after Labor Day; when the Board was satisfied, a new zoning map could go to the Town Meeting. The temporary version could be addressed and used now. Janvrin wanted this public noticed. Abramson said a lot of maps are copied as black and white. The current thinking is to have different shades for each zone. Kravitz said the color can be reproduced. Hawkins wanted to adopt the current versions of new map for use until such time as a new final zoning map is put before the Town Meeting and approved. Morgan recommended adopting the new version for use as the most accurate until the final version is adopted by the Town Meeting.

MOTION:	Abramson	to accept the new map of Seabrook as depicted by the Rockingham Planning Commission for use as the most current version available for planning purposes.
SECOND:	Sweeney	Approved: Unanimous

SECURITY REDUCTIONS; EXTENSIONS

There being none.



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CORRESPONDENCE/ANNOUNCEMENTS

Hawkins called attention to the **MS-4 memorandum** in the packet, indicating that the DPW Manager and the engineers would be watching for the new EPA requirements and provide guidance

Hawkins called attention to the article on sea level rise issues and the potential impact in Seabrook in the Board Packet describing work on the adaptation issues, and called attention to the **meeting dealing with the issues surrounding potential sea level rise on June 28, 2012 at the Hampton Falls Town Hall at 6 pm.** Janvrin asked if this is about the LIDAR photography. Hampton said the simulations show the variable impacts on the vulnerable areas. The meeting would also focus on potential solutions over time as well as the costs. Janvrin commented that Seabrook Beach would have a 1 ½ foot storm level surge from the last storm – an astronomical high tide that comes as far as the fresh water. Hawkins noted it was unusual but not the worst they have seen. Kravitz noted that Sue Foote had provided the article. Hawkins thought this could be posted on the Planning board website for informational purposes.

Hawkins recommended **eliminating the Planning Board meeting scheduled for July 3 as it is the Monday before the Fourth of July holiday.** Janvrin commented that the previous year two meetings were held back to back which was too rushed. Hawkins noted there was a big agenda last year; it was lighter (at this point) this year.

MOTION:	Janvrin	to eliminate the Planning Board meeting scheduled for July 3, 2012 because that day would become part of the Fourth of July weekend.
SECOND:	Hawkins	Approved: Unanimous

Hawkins asked for other business; there being none.

Hawkins adjourned the meeting at 9:20PM.

Respectfully submitted,

Barbara Kravitz, Secretary
Seabrook Planning Board