



Town of Seabrook Planning Board Minutes

Tuesday, June 21, 2011
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Jason Janvrin; Robert Fowler; Dennis Sweeney; Elizabeth Thibodeau, Robert Moore, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;
Attending: Julie La Branche, Senior Planner, Rockingham Planning Commission; Chris Keeley, Haas Summer Climate Fellow, Clean Air Cool Planet;
Members Absent; Paul Himmer, Alternate; Michael Lowry, Alternate;

Hawkins opened the public meeting at 6:40 PM

MINUTES OF MAY 3, 2011

Hawkins asked if there were questions or corrections; there being none.

MOTION:	Foote	to accept the Minutes of May 3, 2011 as written.
SECOND:	Moore	Approved: Unanimous

MINUTES OF MAY 17, 2011

Hawkins asked if there were questions or corrections; there being none.

MOTION:	Moore	to accept the Minutes of May 17, 2011 as written.
SECOND:	Thibodeau	Approved: Unanimous

MINUTES OF JUNE 7, 2011

Hawkins noted there was a blank space on page 2. Kravitz said it was not needed. Hawkins asked if there were other questions or corrections; there being none.

MOTION:	Foote	to accept the Minutes of June 7, 2011 with the blank space on page 3 eliminated.
SECOND:	Hawkins	Approved: In favor: Hawkins, Foote, Thibodeau, Janvrin, Fowler, Sweeney; Abstained: Moore

Hawkins announced that Scott Bogle of the Rockingham Planning Commission requested to reschedule the Safe Routes For School presentation because of a meeting conflict. Hawkins asked if there were any problems in rescheduling. Their presentation will be heard on July 19, 2011.

SECURITY REDUCTIONS

There being none;

CORRESPONDENCE/ANNOUNCEMENTS.

Hawkins called attention to a **Department of Environmental Services letter permitting minor changes to a previously issued DDR permit**, and asked if Morgan to let the Board know if he had comments or questions. Foote said this is part of the annual groundwater maintenance because this is technically a Brownfields site. Hawkins noted a change from 3 to 2 times



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annually, and wondered if the DES was doing this throughout the State. Foote thought the reduction might be because of budget issues and greatly reduced DES manpower.

Hawkins called attention to **Rockingham Planning Commission training for new Planning Board members** on Thursday, June 30 at 7 PM at the Town of Brentwoods Municipal Building. Anyone new to the Board or who feels like getting refresher training would want to attend. Foote said these sessions were well worth attending.

Hawkins called attention to letters drafted by Morgan to the Hampton Falls Planning Board and the NH Department of Transportation asking both to look at the level of traffic going in and out of the Poker Room on Route 1. The letters ask the State for consideration of the amount of traffic being produced by that operation and whether any contribution should be made to the Routes 1 and 107 infrastructure work. Hawkins said he would sign the letters and they would be sent out.

Case # 2004-49 – Almena Way

Hawkins asked for the status of the Almena Way as-built. Morgan said it looks fine, but the sewer line was not in the location approved. The original plan was amended in 2006 to allow the sewer to go from gravity to force main because of the pitch of the road. However, the original plan shows it on the north side; the as built shows it on the south side. Morgan thought this might be because the electric and gas were now on the north side. Hawkins asked if this was an issue that would affect the Board recommending that the Board of Selectmen consider accepting Almena Way as a town road. Morgan suggested asking the Sewer Superintendent if the sewer location is ok or not. Hawkins asked if Morgan wanted the recommendation to the BOS to be put on hold. Morgan said this could be subject to the Sewer Superintendent's ok, because he might not be aware of the changed location. Moore said there needs to be a plan for the sewer that explains where the other utilities are. Morgan thought the recommendation to accept could be conditioned on the sign-off of the Sewer Superintendent. Kravitz said the as-built had been forwarded to department heads for comment. Foote asked for their response. Kravitz said that was not in yet.

Hawkins wanted to make the recommendation to the BOS subject to knowing that the Sewer Superintendent being satisfied with the placement of the lines. Morgan agreed. Foote asked when the as-built was sent to the department heads. Kravitz said it had been sent the day before. Morgan said the as-built had just come into the Planning Board office. Foote wanted to amend the motion to include the other department heads. Hawkins said that everyone's signature had been previously obtained. Morgan said the water line isn't changed, and the DPW Manager sent a letter of satisfaction some months ago.

MOTION:	Hawkins	to recommend that the Board of Selectmen consider accepting Almena Way as a town road subject to the approval of the Sewer Superintendent on the location of the sewer line as shown on the as-built plans.
SECOND:	Foote	Approved: Unanimous

Hawkins referenced a **letter from Francis Chase requesting to be appointed as an alternate Planning Board Member.** Hawkins said that currently there are two alternates; Thibodeau had filled an open seat, so they are openings. He noted that Paula Woods had written requesting to



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be appointed an alternate, but that decision would be held up because of the state law that says two people from the same Planning Board cannot be on another board together – Hawkins and Woods are both on the Budget Committee. However, there is a bill to amend that restriction to apply only to land use boards and selectmen. He thought the Governor had signed the bill and that it would go into effect sometime in August. There is an opening for Chase; alternates have been needed. Janvrin wanted to move the appointment with an expiration date of March 2014. Morgan said when there is a vacancy on the Board for a regular member the term usually runs to the next town meeting; alternates serve three year terms from the date they are appointed. Janvrin asked who the current alternates were. Hawkins said Mike Lowry and Paul Himmer; he assumed they were still interested although they have not attended for a while. Kravitz asked about Garand. Hawkins said Garand's appointment must have expired – it was not ex-officio. Hawkins said there was room to take on another alternate.

MOTION:	Hawkins	to appoint Francis Chase as an Alternate Member of the Planning Board for the term expiring on June 20, 2014.
SECOND:	Thibodeau	Approved: Unanimous

Hawkins asked Kravitz to notify Chase.

PUBLIC HEARINGS

Hawkins opened the public hearings at 6:55PM.

NEW CASE

Case #2011-13E – Proposal by Yankee Greyhound Racing to host Cruise-In nights at the Seabrook Greyhound Park at 319 New Zealand Road (Route 107), Tax Map 2, Lots 40-1 & 41.

Attending: Karen Keelan, President, Yankee Greyhound Park;

Appearing for the Applicant: Barbara Farragher

Keelan said her father, Edward Keelan, had opened the park in 1973 and was the original owner. She had worked in the business for many years. They have conducted live greyhound racing, pari-mutuel simulcasting, and charity poker. In 2009 New Hampshire banned live greyhound racing which resulted in declining revenues and attendance. They have been looking for ways to make additional use of the property. Cruise-In is one good opportunity for an interesting type of alternative use, and they have received an approval from the Zoning Board of Adjustment. People bring their antique cars to a site, usually once a week. These autos are vintage, beautifully restored and displayed for adults and children to view. The cruise-ins are very popular and people go from event to event. Keelan said they are asking for an additional non-conforming use, and pointed out the race track, parking area, kennels, the charity poker area, and the proposed cruise-in event auto display areas, using an aerial photo and drawings. The property is 80 acres; no structural changes are being made. While the parking area used to be filled, the number of vehicles today is very small by comparison.

Keelan said they are trying to keep the park open and provide employment for the remaining employees. People would use the existing entrance and follow along the driveway to the area where the greyhounds were kept prior to the races. There is a concrete pavement area that had been used for patrons to stand to watch the races. She pointed out where the cruise-in cars would be lined up. They would offer a barbeque for those who would want it. Everything is self-



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contained. To begin with, it would be a free event to attract interest, usually once a week, from about 5PM to 8PM. The events she had attended were well-attended fun evenings. They want people to see what the property still has to offer. Keelan said the material in the board packet would show how they intend to operate. Usually the cars are so well-maintained and don't have oil leaks. However, trays would go underneath the cars, just in case, and would be disposed of under the EPA guidelines. The lighting surrounding the track, that was used for evening greyhound racing, was never a problem with the abutters according to the records she could find. They would have minimal use of that lighting just in the cruise-in area. There is plenty of parking. They hope for about 200 people for events and want to grow to see what happens.

Keelan asked for permission to do the cruise-ins. There is no intent to alter the structure of the buildings or the parking lot. they are just carving out an area where the cars can be displayed. If approved they would like to begin at the end of July and go through September for this year, and from May to September in 2012, possibly into October. The events are usually when the weather is nice.

Hawkins asked Morgan if any issues with the application had been satisfactorily resolved. Morgan said that one issue is traffic even if there isn't a lot of it. The Planning Board had discussed traffic on Route 107 and lawyers disagreed about the impact. He anticipated that some visitors to the Planning Board might ask about assessing exaction fees for the dog track. He recommended asking whether 50 additional vehicles per hour would occur, so it is on the record. If so, or not, it should be in the record. Foote thought this might be grandfathered to the pre-existing business. Morgan said it would be grandfathered if there had been big traffic during the last 12 months, but not after one year. Janvrin thought this meant that with a pre-existing non-conforming use it must continue and, if not continuing during the last 12 months it would fall under the new regulation. He did not see that their operation had ceased. Garand said because of the decline and change in the business it would be best to be clear on this item.

Janvrin recalled that when the poker room wanted to go to the fire association building, Garand had said it was an increase in the intensity of the use. Janvrin said this was not in the zoning ordinance, so he did not see why this case came to the Board. Moore said they never closed the doors. Garand agreed, but said it is an expansion and change of the exterior of a non-residential use which requires Planning Board approval. Janvrin said it is a pre-existing non-conforming use that was in existence prior to zoning in the town. Garand said that where racing was part of the pre-existing use; he thought it best to have a document addressing this. Janvrin agreed. Garand said where the Board is looking at traffic issues it should be clear with the reasons for the decision on the record. Janvrin asked what the peak traffic-flow into the site was 10 years ago. He did not think they would go above that figure. Keelan wished for that. Much of the attendance had declined significantly even prior to the state's ban, and that was one reason they could not win the argument against the ban; they could not prove the attendance. In 1973 there were 6000 people in the building; in 2005 there were 100. People said it wasn't a popular sport and cited other issues. They are trying to keep the business going for what they have left. Janvrin said he did not see an increase in the intensity of use, and thought a 20 year median would show they are nowhere near the peak. He understood that the Board was trying to set precedent for the exaction.

Hawkins said that Morgan's point was important. That is to have the reasons on the record. This proposal is for one day per week and in one season. Keelan said they had actually tried it not knowing they had to come for permission, because she had heard that in other areas it was going great. The first event was about 60 cars; the next week 80 cars – maybe up to 100. Some cars come in right at 5PM and saunter out; the in/out is gradual. When there was racing, there



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were a lot of cars at the opening and they stayed. Morgan asked if there would be less than 50 per hour. Keelan said “absolutely”. Garand said looking at an event that would take place over a 5 hour period with between 100 and 200 people, the number of cars over that period would be under the threshold. Thibodeau also thought there would be a lot less noise. Garand commented that moving the use from the inside of the building to the outside is a key factor. It is necessary to document the use because this is a non-conforming use to protect the applicant and the Board. Janvrin said to avoid litigation. Hawkins added that this is a seasonal use and about once a week. It will not have the same intensity that might be seen in some other kind of business. Foote noted it is a weekday night. Garand said they may be coming back with different types of entertainment to get the site working for 4 to 5 days per week so they can get more revenue. Janvrin commented there was plenty of room for a drive-in theater.

Hawkins noted that Morgan had found another abutter, and asked if all the abutters had been notified. Morgan said that Kravitz had done that. Hawkins asked if there would be any abutter issues if the Board acted at this meeting. Morgan said there would not, noting there were a large number of abutters. Janvrin asked about the ZBA decision. Garand said the stipulation was on the hours. Janvrin asked if it was from 5 to 8. Garand said the ZBA discussed the site and viewed it as a continued use. Thibodeau noted the decision was in the packet. Keelan emphasized that they are not going gangbusters; they want to proceed gradually and see what other things they can possibly use the track for. It was built with the intention of having up to four thousand people. It is a huge building and land area. They want to do things under the right rules, regulations and permissions to at least keep the place going. Garand noted there are multiple restaurants and sanitary facilities, so those have no issues. They want to keep people working and know the importance of revenue to the town. Janvrin noted that police are being used as a detail. Hawkins asked about the lighting. Keelan said it would only be used for cruise-in events. Currently they are not being used. Foote said they have a truly adequate woodland buffer. Garand said the residential area had a tree-line all the way around. It is a well-protected site. The cars will be parked with hoods open so there won't be a lot of “revving”. It will be for family enjoyment.

Moore said that historically they have hired a lot of Seabrook residents, and brings in tax revenue. They have given scholarships and are a good neighbor. Hawkins said as no abutter issues were raised, the first step would be to accept the application as administratively complete.

MOTION:	Janvrin	to accept Case #2011-13E as administratively complete for jurisdiction and deliberation.
SECOND:	Thibodeau	Approved: Unanimous

Hawkins asked if there were other questions for the applicant, and asked Morgan if there were issues to discuss. Morgan said that the representation that traffic would be less than 50 per hour to be credible. Janvrin added less than an “increase” of 50 cars per hour looking at the last 3 years, and absolutely not when looking at 20 years. The question is where to draw the line. Morgan said that would be 12 months. Garand said this is currently an ongoing business that still has events and functions. Janvrin said they've had an existing non-conforming use that pre-exists zoning regulations. Garand said this proposal is a means to provide more work and keep the site going. Hawkins asked if there were abutters in attendance; there being none. Foote read the waivers requested for items not submitted, including the abutters names not be shown on the plan, no exhibits because no changes to the plan or the building, no sign or lighting detail, lighting because there are no changes. They will provide a signature line on the plans. If approved, setbacks, lot building and driveway dimensions as they are pre-existing and not being



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changed; just a different venue on the site. Hawkins agreed, indicating that many of the items were targeted at other types of plans and weren't necessary in this case. .

MOTION:	Foote	to grant all of the waivers identified above as requested for Case #2011-13E.
SECOND:	Janvrin	Approved: Unanimous

MOTION:	Janvrin	to approve Case #2011-13E Case #2011-13E – Proposal by Yankee Greyhound Racing to host Cruise-In nights at the Seabrook Greyhound Park at 319 New Zealand Road (Route 107), Tax Map 2, Lots 40-1 & 41.
SECOND:	Thibodeau	Approved: Unanimous

Garand said that the ZBA gave some guidelines but he did not think restricting the hours was appropriate as this was not an abutter issue. Foote said if that became an issue they would need to come back to the Planning Board. Foote believed in not limiting unless it becomes absolutely necessary. She thought this proposal was a good idea, and wished the Applicant all the luck in the world. Keelan thanked the Board on behalf of the employees and herself.

PROPOSED ADOPTION OF CHAPTERS OF THE SEABROOK MASTER PLAN PURSUANT TO NH RSA 674:1-4.

Hawkins said the board had been working to bring to an end the Master Plan rewrite. The Master Plan Steering Committee forwarded three chapters which were in the Board packet. The Board needed to go over the Economic Development Chapter which required a few corrections, and decide if it would accept it at this meeting. He noted that the chapters were very long and detailed, and asked for corrections or changes at this meeting, in particular in re the proposed action plans. The chapters reflect a lot of history; but the most important sections related to the plan for the future in terms of recommended action. He wanted the comments more related to the action plan sections at the end of the chapters, but if there were comments or changes on the body of a chapter they should be made.

Natural Resources Chapter

Action 1.4

Hawkins said Action 1.4 called for sitting benches and barrels for litter disposal at strategic locations on Seabrook Beach.. The Civic Association had done a good job of getting sponsors for benches in a number of places and the program is running effectively. There are many more people who want to sponsor benches than there are places to put them. However, he was bothered by putting barrels for litter disposal. For many years that beach has been a carry in/out and is pretty clean. Foote said there were barrels in the past. The problem is they get tipped over by dogs, cats, raccoons, seagulls, etc. Hawkins agreed that on the beach or at the end on Atlantic Avenue or at the ocean it is not a good idea. One place barrels should be considered is along Route 1A up towards the bridge. A lot of people park there and go onto the bay side. The Department of Public Works put barrels in the parking areas, even at the state end, and in front of the Coop, and it is much cleaner. If barrels were 50 – 100 feet apart in that area people would use them but won't put litter in their cars. From the COOP north to the bridge is a mess. Barrels up to the bridge on Seabrook property is a little more work but would make the area much better.



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Hawkins thought that collecting most of that trash would be a big improvement. Janvrin said part of the problem in the past was that on long holiday weekends employees were not there to pick up trash. He thought the town had a better handle on this now. Hawkins wanted Action 1.4 to be changed from having barrels on the beach to just along Route 1A. The language after "...sitting benches in strategic locations" ... should be removed.

Janvrin called attention to the paragraph that referenced placing dredged materials on Seabrook Beach, and hoped this meant on the ocean side. Foote said legally there is not a dredge disposal site within the harbor. There are 3 disposal sites – two south of the bridge and one north of the bridge. Anything that gets dredged from the harbor must go into one of those sites. It would take an act of Congress to put those materials elsewhere. Moore said it was difficult to change the dredging site to compensate for what the river was doing. There is enough sand from the rivers to choke Hampton and Seabrook harbor areas. Foote wanted the language referring to "spring and fall clean-up" to be rephrased to refer to the "beach" clean-up and not the garbage/appliance clean-up. Traditionally in the spring there is "earth day" in spring, and in early fall there is a beach walk and clean-up with Clean Planet, Blue Ocean Society and school children who are bused to participate in a beach walk and clean-up. The language should say "to continue to provide spring and fall beach cleaning. Hawkins asked about regarding programs, other than what Mother Nature does. Janvrin thought the DPW regarded after one of the big storms. Foote commented that the beach clean-up is also termed to be regarding by the Department of Environmental Services because it picks up the sand, sifts and rolls it several inches in one direction. Hawkins asked for other changes in Action 1.4.

Action 3.2

Hawkins asked if the Article number referring to the zoning ordinance in Action 3.2 had been changed. Morgan said this reference should be to "Section 14".

Summary Sheets

Morgan noted that the Steering Committee had wanted the responsibility for action items to be designated. Hawkins said that was on the summary sheet for all the actions. Kravitz said the next Steering Committee meetings would be July 7 with La Branche, and July 14 with Jack Mettee. [Secretary's note: meeting with La Branche rescheduled to July 21, 2011.] Hawkins asked for other comments for the Action Plan for the Natural Resources chapter. He noted that the Steering Committee will be going through the Action Plans again and trying to decide if they all are necessary and doable, as well as who is responsible in each case. There is a possibility that some changes would be made for the Planning Board to review, for example if something was not doable within a 10 year period, but he thought sticking with the proposed action plan would be appropriate for this meeting.

Foote said even if they thought that something couldn't be accomplished within 10 years, it would be useful to know where the town is headed. There could be new rules and regulations in 5 years or there could be a turn-around eg in the 1960s the federal government encouraged filling in the marshlands. Hawkins added that the committee's intent was to prioritize and keep in sight the work in the Action Plans, so not a lot of things had to be omitted. Foote said some items might not be addressed for 20 years, but there would be the opportunity of getting financial backing from some benevolent grant in the future, because the objective was in the Master Plan. This also would apply to some items in the Beach Management Plan. Hawkins said such financial backing could not be gotten if it were not in the Master Plan. Hawkins asked for other comments relating to Natural Resources; there being none.



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MOTION:	Janvrin	to accept the Master Plan Natural Resources Chapter with the changes in Action Items 1.4 and 3.2 as approved by the Planning Board on June 21, 2011.
SECOND:	Foote	Approved: Unanimous

Historic Resources Chapter

Heritage Commission

Hawkins noted that the Historic Resources was a smaller chapter, and that unfortunately the list of Seabrook historic resources was dwindling. Janvrin was happy that one goal in HR 1.1 was to establish a Heritage Commission which would be another land use board. Hawkins commented that if there is not a champion [for a goal] things don't get done. The Town had lost ground with the rapid development during the last 15 years. Identifying the historic resources that are left was certainly worthwhile. Foote fully supported a Heritage Commission which, like the Conservation Commission, comes under certain state guidelines and permissions to do certain things. A historic society is an entity in itself and doesn't have the legal venue to do some things that a commission can do. Janvrin explained that a Heritage Commission is a town committee whereas a Historic Society is a non-profit organization. Foote said a lot more residents needed to step up to the plate and join the commissions and committees. Usually it is the same 10-15 people who step forward. Residents need to look at what they would like for the town and donate their time to make it happen. Foote commented that the Rail Trail effort is superb, and noted that the ConComm had worked with the rail trail for 12-14 years before the right time and the right people emerged to work together.

Docks to be added.

Janvrin said that the background information on page 8 should include the Rocks Road Dock which the town still owns should be added to the inventory, although it can't be used presently because the Power Plan decommissioned it. Hawkins said this would be added as D-3 with a description for its location at the east end of Rocks Road. Janvrin commented that the Board of Selectmen can still allow access. Kravitz noted that docks were also referenced in the Natural Resources Chapter 2-8, and asked if the Rocks Road dock should also be listed there. Foote said that section referenced the watershed which would not include the Rocks Road dock. Foote said to add the town dock on River Street as D.4 and Cross Beach town dock as D-5.

Comprehensive Inventory

Hawkins said one action item for the Historic Resources Chapter is to prepare a comprehensive historic resources inventory. Items listed in this Chapter are a good start; more photographs are needed. He suggested that it would take volunteers to help with various action items eg getting existing and historical pictures of these locations. The town would not be asked to hire people to do this.

Foote noted the typo on page 5 - change to "Vedrani". Hawkins asked for other comments or corrections on the Historic Resources chapter, noting that there had been a list that went to 50 years or more. Thibodeau noted there were some structures over 100 years old. Foote said if the maps would not be sized at 11 x 17, they should be stretched out on the page. Hawkins said that could be done, but the intent was to have the books available on the website. Foote recommended that at least one book be printed to be put in the Library. Hawkins said some books would be printed and the maps would be dealt with. There were no other comments or corrections.



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MOTION:	Foote	to accept the Master Plan Historic Resources Chapter with the additions to the background section on page 8 and typos corrected as approved by the Planning Board on June 21, 2011.
SECOND:	Janvrin	Approved: Unanimous

Economic Development Chapter

Hawkins said there were a number of corrections and issues, and recommended holding the chapter until the next meeting after the corrections were made, unless the board wanted to take the time to go through item by item. Foote wanted to go through the chapter so it would not have to be reprinted for the Board.

Page 6-1

Hawkins said to insert the tax rate in paragraph 2. "Florida Light & Power" should be NextEra. Foote suggested removing the reference to Florida Power and Light and just referring to the "nuclear electrical generating facility known as the "Seabrook power plant" in case the name changes again. Kravitz said this would apply in several places. In the last paragraph inset the missing "of".

Page 6-11

Kravitz said the current reference under Seabrook Industrial Area is to the "former Seabrook Greyhound racing track" and doesn't recognize that "simulcasting" is currently a major activity. Janvrin asked for the official name of the applicant. Kravitz said the facility reference is to "Seabrook Greyhound Park". Janvrin recommended using that as the reference. Hawkins said to change "racing track" to "Park" and remove "former". Foote said to change "small" to "charitable" gaming operation, and remove "including a poker room". She thought that "small" was open to interpretation. Hawkins said to add "simulcasting" to the description of the operation.

In re the Waterfront Business paragraph, Hawkins asked if "With the drop in numbers (of ground fish)" was a correct statement. Foote said the ground fish were coming back. Kravitz said that was a major emphasis when the Federal Assessment Team visited Seabrook. Morgan said the reference should begin with "Due to the federal catch limitations..." Thibodeau said to insert "are" in the first line.

Page 6-12

Foote commented that the 2010 census figures on page 12 weren't available until a couple of months ago.

Hawkins questioned the "24 inch" outfall reference in the Sewer paragraph on page 12 and said that number should be checked.

Page 6-15

Hawkins said that in paragraph 1 on page 15, "have" should be "has". Janvrin said that under WI -FI the typo should be corrected to Recreation Center.



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Page 6-17

Hawkins said to spell out RPC in the carry-over paragraph. Kravitz said that paragraphs describing the Rockingham Planning Commission and the Coastal Economic Development Corporation should be added to economic development and business assistance listing. Hawkins agreed.

Page 6-16

Foote said the Economic Development Committee was created during one of the negotiations with Florida Power & Light for assessment of the power plant. She thought it was in 2006 when they were selling off the turbine 2 units and the power plant value was going down. That's what prompted them to donate \$25,000 to the Town to find new economic businesses to raise the tax base back up from what was being lost.

Action Plan – Administrative Items

Page 6-19

Hawkins said the goal should read “...fosters the growth of small businesses”.

Page 6-20

1.4

Remove “expansion” at the end of line 2.

Page 6-22

6.2

Hawkins said program should be programs

7.1

Janvrin explained that he was a licensed ham radio operator and said to change “install” to “encourage installation” as he did not think the town should have the responsibility for installing WI-FI, and “consistent with Federal Regulation” should be added at the end of that sentence. He explained that anything over 1 Watt needed a license. He wanted to avoid interference with licensed operators. Foote agreed that “encourage” was the right action.

Action Plan Discussion

Hawkins said the Steering Committee had discussed whether the town should try to steer economic development, or should it just wait for this to happen. Sitting back results in a lopsided retail area because of the location, and underperformance in the better paying industrial type jobs. Foote agreed this was partly based on location, but thought that the harm came when the town was really trying to promote small businesses into the Ledge Road area, and Pease began development at the same time. Private enterprise could not compete with the lucrative inducements that Pease offered to try to get all those lots built and leased. She thought they were about 70 percent occupied. Janvrin thought Pease was its own entity for planning and not part of a town. Morgan agreed that Pease was sucking up all the businesses. Hawkins said the question was whether to guide or watch. Attracting businesses to get higher paying jobs needs champions to effect a change. DDR scooped up the prime industrial land for retail which was hard on the town. Opportunities for businesses and the town location should be the focus.



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Thibodeau said similar situations exist all the way along Route 1 to Florida. Foote said Seabrook was told by lots real estate agents that it did not have enough large parcels to do an industrial park with shared shipping and trucking as in other cities. Seabrook had Ledge Road and Stard Road which got chopped up into relatively smaller parcels, and would not be able to attract industrial businesses. It would get the condo job shops that would be very hard to reassemble into larger parcels. They were told that industry would pay better on the 128 belt, but Seabrook would get small businesses that would not produce 40 jobs. Even if a larger business opens, most local people don't have the training for those higher paying jobs. Hawkins said part of economic development is to prepare residents with adequate training and encourage business to hire them. Janvrin said there wasn't mention of the Chamber of Commerce, and thought an industry champion was needed for the Routes 1/107 area. Foote noted there had been many renditions of the Seabrook Business Association, and there had been many attempts to start a Seabrook chamber but they did not last. Moore said that Selectman Brendon Kelly attends the Seacoast Chamber meetings.

Foote said one problem is the many franchises where managers change in and out. Small business people cannot take the time out; they are too busy trying to keep their business going. Moore said the trade-based workforce was hurting. Janvrin asked about help from the State Department of Resources and Economic Development. Kravitz reported that at the federal Economic Assessment Team meetings the representatives of NH DRED and the Community Colleges said they want to work with Seabrook to attract business and offer training. Within the last week a call was received from DRED about an energy storage company interested in the XALOY building. NH wants to keep SustainX in the State. Kravitz said Morgan, Jeff Brown and herself attended a meeting in Town Hall with the Founder and CEO of the company, their civil engineers and two people from DRED. The Company is entering the commercialization stage, and says the XALOY building meets their needs provided they can raise part of the roof to fit the production prototype to prove out their technology. The CEO described financing of more than \$5 million from the US Department of energy and another approximately \$20 million from private venture capital sources. They want the Seabrook location and the building, and will employ a number of people. Internal construction is already underway, and they have submitted an application to the Planning Board; the hearing is scheduled for July 19.

Kravitz saw this as an example of cooperating with the State to keep business in NH and locating in Seabrook. She thought the relationship with DRED could be developed. Foote asked if DRED had been involved with the Poland Springs application. Kravitz said one of the DRED representatives told her they were involved. Foote said this industry helps with the tax base, but wouldn't be providing high paying jobs or job training. Poland Springs started with three shifts and are now down to leasing out half of the building to Nike for sneaker storage. She thought they had about eight people per shift and did not think they resided in Seabrook. Janvrin thought they would be leaving next year. Moore said that building was designed to be a completely automated warehouse with racks. He thought that once in the building they decided the operation was not economically feasible.

Hawkins asked the Board to think about Action 1.5 relating to forming a committee to study the potential for gambling, with a prime location in Seabrook. He thought this is something that could happen to Seabrook, or the Town could have a plan and guide it. Janvrin commented that previously the state said it would not allow gambling in a town that did not want it. He wanted to add "changing the zoning to authorize that use". He called attention to Rockingham Park in Salem, NH saying the zoning now would allow that use if the Legislature authorized it. Hawkins liked that recommendation because that means the Town, not the Planning Board, would have



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said yes to locating gambling in the town, or that it did not want it. [The reference to “former” would be removed and Racing Facility changed to “Park”.

Hawkins said he had the feeling that members did not like some of the action items in this chapter. However, if there is no commission or commerce board with responsibilities then things just happen as it has done for a long time. This isn't all terrible, but the question is whether the board thinks it would be better to try and direct or steer activities in a certain direction. Foote noted the EDC struggled for 4 years to keep it going and then fell out. There was no term end for the members. It was that a super business association or a chamber of commerce has the liberty to do a lot more than a town entity. A town advisory committee can do lots of studies and be advisory, but it cannot make this happen because it cannot use taxpayer dollars to actively promote selling the town, without taxpayers giving permission to raise taxes for that purpose. Thibodeau said it could be suggested on the March ballot. Foote agreed and said to fund this. She did not see how a town based entity like the Planning Board or a commission could do this. Foote thought this might work in cities under different rules and guidelines and where there are more people and businesses involved. With the EDC someone was always stopping activity saying it couldn't be done under the RSAs.

Janvrin asked if the EDC was empowered to approach the DRED about potential business for Seabrook. Foote said they talked with DRED, the Small Business Administration, and the Chamber of Commerce. Janvrin asked if an EDC could meet with a company and then the Planning Board and Selectmen could assist. Foote said that was not done. Janvrin thought that was what a chamber would do. Foote said a Chamber was a separate entity. It could not go into a town office and ask for special treatment. Hawkins recommended sending the Economic Development Chapter back to the Steering Committee and ask for a re-think with a little better support for some of the recommendations and/or change them to be more realistic and doable. Some of the history should be taken into account to encourage things that would be good for the town. These potential benefits should be acknowledged even if hard to accomplish. Hawkins emphasized that he did not want to take the position that Seabrook should not be doing these things that fill needs and would give benefits. How to do this would be more difficult. But false starts do not have to happen in the future. Foote said she was probably jaded by all the time she put into several different attempts that did well for the first few months or a year or two, but do not last. Janvrin said to let industry do this.

Hawkins said this certainly has a place in the Master Plan, but how to do things needs another look. He said there are towns that do this well and there are resources available. The pathway to attract smaller businesses that would provide jobs that pay better than retail needs to be figured out, although retail jobs are valued. He wanted to see a balance in the town. He tabled the Economic Development Chapter.

WORKSESSION

Adaptation Issues

Attending: Julie La Branche, Senior Planner, Rockingham Planning Commission; Chris Keeley, Haas Summer Climate Fellow, Clean Air Cool Planet;

Hawkins said that several people from the Board had seen the Adaptation Study presentation two years ago. He noted that Seabrook was the first community in the State to address this issue with the RPC's help. The question is what will be the impact of future climate change on the town's infrastructure and property owners. A fly-over using LIDAR mapping was completed to see what the impact would be for 50 and 100 years if there were , for example, a 5-foot



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increase in the sea level. Hawkins emphasized that it would not be just the Beach that would be impacted. It would be everywhere around the estuary including Seabrook schools. Foote said this could be a storm surge as well which would bring the flood waters up to the middle school parking lot on the east side, $\frac{3}{4}$ of the way up the banking where the elementary schools go out toward the ball fields. The buildings would not be impacted by a 3-foot storm surge, but the road going to/from and all the parking lots would be under water. This has to be considered because the school is the primary evacuation route. Hawkins said the Planning Board's job is to deal with the "what ifs", and to see if the regulations are in line with what could happen in 25 or 50 years. For example, should people be allowed to build 35-foot houses (now it is 30-foot) if they raise the living floor up a few feet. It would take a change in zoning to allow people to protect their property from future storm impact. He noted that during a storm the water already comes up to a few of the houses.

Hawkins said the Adaptation Study shows that the big problems would come from the harbor side, not necessarily the Beach side. Foote said a storm surge would fill the harbor and backflow to the basin so that all the houses on Seabrook Beach in the basin actually would get flooded by the harbor pouring in. This would affect Farm Lane, Causeway Street, South Main Street and Sections of Collins Street. Hawkins said it would affect the sewer and water systems themselves ie utilities. Foote said this would go to the Rail Trail. Janvrin said the dog track could be affected. Hawkins said the Board's job is to plan for protecting town assets ie the schools, sewer systems and the like. It's also to protect the tax base. Thirty-five percent of the residential tax base is out on the exposed beach island. Hawkins said that currently the solutions are not known, but it falls to the Planning Board to keep track of what other towns are doing, understand what the options are, and then to enact whatever ordinance changes can help to mitigate future problems. Hawkins commented that if five years ago when he was building his house someone had told him to think about this he might have done so.

Foote said stormwater management is a very big aspect of this because Seabrook is a coastal town. The DPW Manager will say when the tides go out all the culverts run perfectly; when it comes up there is backwater. Janvrin said with a storm surge there is the potential that the stormwater drainage is inundated with seawater exacerbating the flooding. Foote said in the two or three day Mothers Day Storm with the tide out the Cains Brook water system can handle the flow; when the tide comes in and backs it up Centennial Street goes, it backs up through the ponds, and then Route 1 goes under.

Hawkins explained that this is on the worksession agenda because it is the Planning Board's responsibility to keep bringing up this issue to make sure that it is aware of what is going on. There are some very aggressive cities that are dealing with this actively; Seabrook is kind of dealing with it inactively. He asked la Branche about a couple of Florida cities that are actively planning. The Board needs to watch what others are doing and try to learn from it. Seabrook is not a big enough community and does not have the local resources to take the leadership. But there is no reason not to stay abreast of the technology and the direction of the problem, as well as to see how people are addressing the possibility through ordinance. It is hard to look out 50 years, but on the other hand there is a responsibility to look ahead and do the planning as to what can and should be done. Foote said the potential life term is important. A 10 x 12-foot shed in the back yard is not a big deal. For a 56 house subdivision on the edge of the salt marsh she personally would prefer for the developer and contractor to pay for elevations to be 14 to 18 inches higher for the utilities so that the Town does not have to deal with raising that elevation. She reminded that the Board discussed this four years ago and was convinced it was an unnecessary expense for the developer to elevate the roadways. The houses are elevated, but the roads that the town will take over are not.



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Hawkins asked about the maximum height of buildings. Moore said the elevations are 35 foot uptown, 30 feet at the Beach, and 50 feet for industrial. Hawkins said going toward Salisbury there are a lot of homes built on stilts. Janvrin said the same is true in Plum Island. Foote said that is because of a new FEMA map in Massachusetts. When cases are submitted, The Planning Board should consider the life expectancy and who is responsible. She thought the board dropped the ball on sever projects during the last 5 years. Hawkins agreed, but said part of that is awareness. A few weeks ago La Branche and he talked with UNG professors who asked what the issues would be for a town like Seabrook to deal with a problem like this. When La Branche asked how many of them saw sea level rise as a real problem, nearly all raised their hands. La Branche then asked Hawkins what the answer would be from Seabrook residents. Hawkins thought it would be exactly the opposite.

Hawkins saw this as an issue of awareness – it may or may not happen. From a planning perspective people have to acknowledge the responsibility to plan for the “what if”, and that is the Planning Board’s job. Of that’s done correctly the ordinances would be adjusted at least for building the town’s infrastructure, and looking far enough down the road. Someone may not believe this will happen; If they are wrong it would have been a good investment to build infrastructure correctly. It would give individual applicants the option to take advantage of the ordinances. There is a certain investment in property the town owns, but the homeowners and other property owners are paying all the bills. There is a responsibility to each other not to lose a lot of value because the problem may not actually occur.

Janvrin asked if the simulations were for 5 feet. Foote had worked extensively with Theresa Walker of RPC. Four years ago there was very little data north of New York City. They used modeling from other places and used an Ogunquit-York Study; the LIDAR fly-over only covered ½ mile inland at a 6 inch resolution. Beyond that the margin was plus or minus 2 feet which isn’t applicable for a 3-foot storm surge. Since then there is much more awareness of the issue. UNH is working to get out new maps in the fall; there are frequent workshops for decision-makers. When the report was presented to the Board, RPC took the extreme conservative position with at a 3 – 5-foot storm surge. Information released since that time indicates that the timeframe is accelerating far faster than ever expected. Additional indications are that certain areas on the globe that will be impacted far more than other areas because of ocean currents, and geological circumstances. Because Seabrook sits at the bottom of the cuff of the gulf of Maine, the Portsmouth to Cape Ann area is going to probably experience some of the worst impact globally because the storm surge will drive it to the bottom of the cuff. The glaciers suppressed the earth’s crust and it is now going back to normal crust sublimation ie the crust is sinking. For example, New Jersey may only experience 18 -24 inches while the Seacoast may realize 3 – 10 feet.

Hawkins asked for La Branche’s comments, indicating that Seabrook would be looking to RPC in terms of the future preparation and even gathering information. La Branche said RPC was working with the Coastal Adaptation Work Group and the preliminary analysis would be in Seabrook and Portsmouth. The initial task would be a vulnerability assessment of loss and damage over time in areas that would be impacted. A framework would be developed and methodology for evaluating potential impact and identifying possible improvements. Keeley is involved in gathering the needed data over the summer. Hawkins asked who Keeley would be working with in Seabrook to help decide what information is good, where there gaps, etc. La Branche said while the majority of information is publically available, Keeley would be interviewing the Town Manager and other staff. Keeley said much of his focus is mapping out local initiatives and doing the legwork so the information is available when needed. Hawkins



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appreciated this, saying part of the problem is that individuals don't know where to look or what to do. Keeley said he would help to figure that out, so people would know where the information is if they need it. La Branche said the inventory of information would become available. RPC would be working on getting 2-year grants for the region and towns for adaptation planning, and identifying the best science, information, strategies and examples. La Branche said that Seabrook is known to be interested and participated as a pilot community. She noted that a couple of communities in Florida were taking action. The objective is to get communities involved. Hawkins said the Planning Board and the Conservation Commission would have to focus on opportunities for resolutions, take advantage of potential financial resources and grants, and keep the town on the list. Janvrin said the Office of Emergency management is also tracking this. Two years ago there was an emergency staff drill for a tsunami. Foote helped with the hazard mitigation plan making sure that a lot of the storm water and potential storm surge issues were addressed. La Branche said the RPC representative worked on broad based recommendations. RPC was also working on updating the mapping. Hawkins thought the mapping was critical to get people to "buy-in"; it's personal when you can pick up your lot and see what would happen in a neighborhood. It is just important to recognize that there is a risk potential for a person's home or school. La Branche asked that anyone with related information contact the RPC so their work could be as complete as possible.

POTENTIAL AMENDMENTS TO LAND USE REGULATIONS

Stormwater Operations & Maintenance Methodology, continued from March 1, 2011, March 15, 2011, May 3, 2011, []

Hawkins asked Morgan if the language had been resolved with the DPW Manager. Morgan said the Board had agreed with the language and wanted most of the verbiage to be as an appendix. He was also asked to look for the best practices language. Morgan found the best collection of documentation was in the NHDES Stormwater Manual on-line, and recommended referencing this document, as the Board has done before, rather than including a lengthy text that might change. Foote noted that technology changes very fast. Hawkins asked if the Board should be ready to public notice the amendment and bring it to a vote at the next meeting. Morgan said it was. Hawkins said to post the public notice for the July 12, 2011 Planning Board meeting. Hawkins asked if the DPW Manager was ok with the new language, as he had written a lengthy critique. Morgan said the Board had considered all of his comments; the best management practices section was not ready at that time.

Parking

Hawkins said the Board had been asked to consider the potential for moving the parking regulations from the Zoning Ordinance to Siteplan Review. If done, it would allow the Planning Board flexibility to improve them as it decided what the best practices are over time, without going to back to Town Meeting. He asked if Morgan wanted the Board to decide what direction to take. Morgan said another reason to make such a change is that currently if someone wants to adjust the parking, it goes to the Zoning Board of Appeals. If the regulations are changed, such decisions would be with the Planning Board. Janvrin asked if this would be confined to parking on property, not on town roads. Hawkins said this would apply to the parking regulations currently in the Zoning ordinance [page 21]. A proposed change could be put to the town meeting. He said the Board should think about this and make a recommendation in December prior to the Town Meeting. Janvrin asked if this meant taking the regulation away from the Town Meeting and giving the power to the Planning Board. Ultimately the CEO would have to do the enforcing. Morgan said it was.



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Foote said zoning applies to virtually everything unless something was grandfathered prior to zoning. This should be in the siteplan regulations but she has found that people are much more respectful of zoning ordinance and more afraid of violating it. She feared that pulling it 100 percent out of zoning might cause a lot of parking lots to all of a sudden restriping or reformatting themselves. Janvrin said such changes would not have come before the Planning Board. Morgan said it would be a matter of how alert the CEO would be; he thought that The CFO would stop substantial changes to parking lots and send them to the Planning Board. Hawkins asked if there were other downsides to moving parking regulations to the siteplan regulations. Morgan was not aware of any; the CEO would send changes to the Planning Board. Janvrin said relief would then be with the Planning Board and not the ZBA. He asked if someone who did not like a Planning Board decision could then appeal to the ZBA. Morgan said their recourse would be to go to Superior Court. Hawkins asked if the Board was in favor of trying to make such a change at next year's Town Meeting. Janvrin said if someone breaks a zoning ordinance, they could be assessed a fine for each day...etc. He asked if the fine could be assessed if this were a siteplan regulation. Foote asked what "hammer" did the Board have [to assure compliance]. Morgan said the only time the siteplan regulations have effect is when someone wants siteplan approval.

Hawkins asked Garand for his view on the enforcement. Garand said compliance is required once an approval is gained from the Planning Board, Foote asked how successful could the Planning Board be with a small establishment on Route 1 for 25 years if they wanted all of a sudden to change their parking lot and they refused. How could the Board revoke a siteplan that probably never existed because they had been at that location for so long. Garand said it would be difficult for the Planning Board; at the same time a cease and desist notice of violation could be issued. Janvrin thought the Board of Selectmen had the ultimate authority to enforce zoning. He asked if the BOS had the ultimate authority to enforce siteplan regulations. Morgan asked historically, how many times the zoning parking regulations had been enforced. Moore [former CEO] said not very often, but there is more of a hammer in the zoning ordinance with the CFO. There is more leverage with the codes if someone who wants 10 more spaces goes into the wetlands. If someone won't comply, the Planning Board enters a lengthy process in the courts. Janvrin said if it is in the zoning, the CEO would go to the BOS. The appeal would be to the ZBA and then to the court. If it is a siteplan regulation, only appeal is to the court.

Foote supposed someone could come before the Planning Board and just say they will not comply. Janvrin thought in zoning the CEO could pull a business license and make it very difficult to not comply. Garand said license could always be pulled regardless of where it is in the code. Foote wondered if some of the regulation could be in zoning to be quickly and easily enforceable and still maintain its "fear factor" with people who don't want to break a zoning law. The bulk of the regulation ie dimensions or size and number of parking spaces, and some in site plan. Garand said some people just would not want to have their grandfathering or non-conforming property changed. He asked why rewrite something that wasn't really broken; everything cannot be reviewed. Garand said the Planning Board had the right to ask for a joint meeting with the ZBA. Janvrin thought keeping the decision process in town for two steps would be better; litigation was not a good situation. Otherwise the Planning Board would have to hire attorneys for a court case. Moore did not want to put more obstacles in front of citizens.

Morgan commented that the [parking issues] for the Demoulas south project tied up the Planning Board as well as the ZBA. More flexibility would have been helpful. Garand said that is when a joint meeting could have been called, and thought the Board should look at such a possibility. . Hawkins liked the idea of a joint meeting because the Planning Board's views and what was



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important in a particular situation, would be known to the ZBA. At least the Planning Board would have a voice in the process. Garand said both boards could voice their opinions across the table. Foote said Board members should think about this discussion and the ramifications, and bring it up again. Hawkins said it could be discussed again in a worksession; there was plenty of time to take action. Foote did not want to shut down the discussion because of the many views that had been expressed, and address it in September.

Standards for Expedited Applications

Potential for changing the existing procedures

Garand raised a recent situation that raised an important point re Expedited Applications. A company looking at the XALOY building wanted to raise the roof, although it would be the same drainage and roof line. The question was whether this would be an expedited or a full application because the building was being expanded by going up. He thought the regulation should be changed to "footprint" expansion. Hawkins thought that would allow the addition of one or two floors. Garand thought that would be a change in the intensity of use which would not fall under an expedited application. This is changing the existing building to allow for their process. Hawkins liked the wording the way it was which gives the responsibility to the building inspector and the town planner to make that decision and let the Board know their reasons. They are in the best position to make the recommendation. The Board could then decide if it agrees or disagrees ie whether it could get through in one hearing and not add a lot of cost, which was the intent of the expedited process. If the Board had strong reasons to disagree it could do so. Hawkins thought there already was a system in place for the Board to make a decision without changing the code

Potential for adding a Standards Section

Morgan explained that he had done substantial work setting the Board's requirements into an expedited section, noting that the Board was very particular about the exhibit details. However, any standards that an expedited applicant would be held to were not discussed. He noted that there were a great many standards for regular applications eg lighting, landscaping etc. He wanted to know if the Board wanted to address this, indicating that if expedited standards were discussed it would be a lengthy, in-depth discussion. Foote thought this should be done on a case-by-case basis with the potential for a waiver if the Board believes it is warranted. Janvrin wanted to leave the regulation as is, and asked if this would be more stringent. Morgan agreed it was. He noted that the typical expedited applicant is a small enterprise. Foote commented that they might ask for the lighting to be waived. Janvrin said they would have to justify this. Morgan said theoretically someone looking for a relatively small change could suddenly be looking at many pages of landscaping regulations. Moore said less is better; some ought to be taken off the books; the more regulations, the greater the cost.

Hawkins said an applicant could say items on the submission listing don't apply and ask for a waiver. He thought this appropriate, and noted that the Board could decide that some checklist items did not apply for a particular case, even if the applicant had not submitted a waiver letter. Such an application should not be deemed incomplete if items are not needed. Foote said sometimes the Board will want to look at certain detail eg the setback from a brook. Janvrin asked what would the case worksheets show in the last year eg was one item waived every time. There should be a periodic look at whether all of the requirements are needed. Hawkins thought this had so much to do with what the individual applicant. Foote said that is why the Town Planner and CEO look at an application first. Janvrin preferred to keep the application as is. Morgan said there is no urgency; he wanted the Board to be aware of the relevant



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contradiction in the regulations.

Kravitz said that drawings and overheads are now presented as part of expedited applications. Morgan and she had discussed the requirement for a title block and Planning Board signature. She asked if these submissions should just be marked approved. Hawkins said applicants can bring in Google maps with the line drawn on it. He liked the idea of marking the approval and the date to identify the document the CEO would be using in his review, not necessarily with the Chair's signature. Hawkins said the Chair could sign with the approval date. He noted that the purpose of an expedited process is to minimize the engineering costs, if any.

Capital Improvement Program

Hawkins said the CIP is due to the Town Manager; there would not be a lot of changes. However, conversation was needed about Route 1 north of Route 107 if Demoulas north is resubmitted. He thought this was covered under the DDR \$10 million widening of Route 1. When that plan is available, the Board would have to decide if there are other things to do on Route 1. The Board needs to assure that the things it thinks should be done are in the CIP. He thought the Route 1 north, the Bridge, and the Exit 1 ramps are in the CIP. It isn't clear if Rocks Road signal needs to be done given the intended design for the connection to the North Access Road. Janvrin wanted to know when the funds in escrow for Rocks Road would have to be returned, and if they could be used elsewhere. Kravitz said in about a year. Foote said the funds would have to be returned unless the contributor agreed to have them applied elsewhere.

Hawkins asked whether the Folly Mill Bridge over I-95 should remain in the CIP. Foote said it should as a possibility. Hawkins asked whether the "improve Route 107" referenced only the widening or if it included the Route 1/107 intersection. Foote thought that envisioned all the way to Route 150, and thought there was definitely a need toward the west out to Route 150. Moore said there can be a solid wall of traffic coming out of Kingston to Seabrook or going to Route I-95. Hawkins read the paragraph with a priority of 5 for improving Route 107 and lining the roadway on both sides with the appropriate curbing, acceleration and deceleration lanes, street lights and other improvements funded by NHDOT and developers of large tracts along Route 107. Hawkins said this would be for the future.

Janvrin, who is active on the Rail Trail Committee which is a separate committee, said their plan is for doing the work in four phases: 1) Railroad Avenue to the Library, 2) Library to Cains Pond watershed, 3) to Route 286/Collins Street, 4) to the Salisbury line. \$500,000 is a realistic figure for Phase 1. He asked that another \$500,000 be added. Hawkins asked where the funding is coming from in FY2012. Janvrin said they have applied for transportation enhancement funds from the government, and would also apply for grants from "big box" companies. No tax dollars would be used. Hawkins said that as this is imminent, the description in the CIP should be modified and updated, and offered to work with Janvrin on the text. The Town Manager has requested that the requests be very limited, but as there are no tax dollars being requested this should be less important as to the Rail Trail.

OTHER BUSINESS

Punch List for Access Management Plan

Hawkins explained that the Master Plan Steering Committee is trying to draft an Access Management Agreement with the NHDOT so that the town can have more input into how driveways are created. The DDR driveway was not where the Planning Board wanted it to be,



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but the State granted it because there was not a vehicle for the Board to get more involved in that process. The document being drafted would allow for greater cooperation. The Rockingham Planning Commission is helping with the drafting and has asked for the Board's wish list for what it would like to include. Hawkins said the NHDOT has signed these documents with other towns. The objective is to tell the State what Seabrook wants so they do not suddenly approve a configuration that the town does not want. For example, five curb-cuts for Demoulas north were claimed as grandfathered. Janvrin said that this has to come from the NHDOT and be part of this agreement. The points so far are:

- (i) no right in/out
- (ii) connecting parking lots
- (iii) no level of service below D
- (iv) no raised medians on Route 1
- (v) limited access points ie no grandfathering
- (vi) no wider than five lanes at any point
- (vii) north and south ends of Route 1 in Seabrook should be kept at three lanes in keeping with creating more of a village atmosphere; if a project merited this the Board could say so.
- (viii) sidewalks, at least one side
- (ix) bushes should be trimmed back
- (x) the state to maintain what they own

Hawkins said this work is part of the contract with RPC for the Route 1 Villages. He noted that Hampton Falls had refused five lanes. Morgan said it is easy figuring out where to narrow to five lanes in the south, but asked how the Board would do the narrowing in the north. Hawkins said in thinking about the Seabrook ends, he meant where the Demoulas north ends – not to the Hampton Falls border, and south of Home Depot. Janvrin recalled that they said this was negotiated with the NHDOT for the driveway access partly because they were giving an easement on their frontage so that the 99 would not have to move their building. Moore said the light was suggested for Dearborn Street. Hawkins said there are other narrowing issues to deal with. He thought no area was as bad as the narrowing neck south of Route 107 now. Janvrin said the state had to maintain the sidewalks it owned [on their rights-of-ways and would be very adamant about this with the BOS. He cited areas near Home Depot with trees that make him walk in the roadway. He thought Exeter had an agreement with the state to maintain its sidewalks; he wanted the same for the route 1 Corridor with no excuses. He emphasized that the town has no authority to do otherwise. Foote said the state should stop taking federal money if they are not going to comply with the roadway regulations.

Hawkins asked if there were other items to discuss; there being none.

Hawkins reminded that **the next meeting would be on July 12, 2011 at 6:30PM in Seabrook Town Hall**, and adjourned the meeting at 9:50 PM.

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board