



Town of Seabrook Planning Board Minutes

Tuesday, July 2, 2013

NOT OFFICIAL UNTIL APPROVED

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

Members Absent; Sue Foote, Alternate;

Hawkins opened the meeting 6:30PM.

MINUTES OF JUNE 4, 2013

MOTION:	Wood	to accept the Minutes of June 4, 2013 as written.
SECOND:	Sweeney	Approved: Unanimous

Hawkins asked for corrections or comments; there being none. The June 18, 2013 Minutes would be scheduled for July 16.

SECURITY REDUCTIONS, EXTENSIONS

Case #2002-37 Irene's Way

Attending: Paul Lepere

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

Hawkins said this item had been open for a while, and acknowledged a letter from Lepere. He asked Lepere for an update. Lepere said that on May 21, 2013 the Board voted, he thought unanimously, that Irene's Way should be approved as a town road. He left that meeting thinking that he had a town approved road; now he was not sure. The Board also said that Irene's way would be given to Jim Kerivan (Altus Engineers) for review. He asked for an understanding of the current status i.e. if Irene's Way was approved as a town road. Hawkins explained that the Planning Board requests a sign-off from department heads. Public Works Manager, John Starkey, had informed the Board that that he is not satisfied, and had listed items he wanted addressed. As the Board does not inspect or maintain roadways, historically, the Board's position was that when the department heads were satisfied, the Board would depend on that and act.

Lepere said that prior to May 21, department heads had written that they had no problems. Kerivan then went out to the site, which he had every right to do. Lepere referenced his response to Kerivan's letter in re the as-built plan. Lepere said that had been done months ago, and that Morgan had also reviewed it. Otherwise he would not have come to the Board for approval. Lepere said Kerivan referenced one driveway, even though it was built correctly, but there was a dissatisfied homeowner. On June 25th he met with the Mr Scott Moulton, the homeowner, and with Kerivan, John Starkey, and Joe Patterson of New England Paving. Lepere said they all agreed that the driveway could be adjusted correctly to resolve the problem, and that Moulton would hire New England Paving to put a binder in so that the problem with the swale would be alleviated. Lepere said that Moulton had submitted a letter to the Board saying he was confident that the problem could be resolved within the next couple of weeks.

Lepere went through the items in Kerivan's letter which called out minor roadside erosion, and that the swale area needs to be protected. He said that like lawns, swales and shoulders may require some seed or fertilizer. Lepere said the flaw is in the design; Starkey and Kerivan do not like open swales. There is ten percent security in place; he expects to return in the spring to



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repair the swales for the fifth time. If someone parked in the swale today, they would sink. Lepere said that a letter from Henry Boyd of Millennium Engineering certifying that the roadway monumentation is specific. He thought if the developer of a road had a checklist to follow, there would be fewer problems. For example, he'd been before the Board several times, and monumentation was not brought up until Kerivan's letter. Also, having the basins pumped would have been done three months ago. Lepere said it was done the last week, and that Kerivan had said it was acceptable.

Lepere said Kerivan's letter asked for a copy of the "termination and close" sent to Washington DC. He checked with several engineers who did not know what it was. After researching this matter, he sent a required letter to the EPA. Lepere thought the security was for one year. Lepere said the people living on Irene's Way want and deserve services. Janvrin reported that the Board of Selectmen was giving trash pick-up. Lepere asked if they were getting all services. Khan said just for the trash pick-up at this time. The Planning Board takes recommendations from the DPW department head. Khan said this was for trash pick-up; perhaps other services would be provided in the future. Lepere asked what he had to do for all services to be provided. Hawkins said a letter from the DPW Manager that said he was satisfied with the work that had been needed; that requirement had never changed. The Planning Board had thought that was pretty close, and gave a conditional approval.

Hawkins said the Board was waiting for the letter saying that the items had been addressed. Last fall the talk was about grass seed; Lepere had been to the Board a couple of times since then. Starkey had brought additional issues related to the swales, and how he would like the Board to consider a different type of design in the future. This would not apply to Irene's Way. It sounded like Lepere was pretty close. The requirement was to hear from all departments that a road was ready to be a town road. Lepere said there had been a sign-off from the departments. Hawkins said that a letter had followed from the DPW Manager saying to wait because there are complaints from the residents to be addressed before the town takes over this road; he had provided a list. Lepere had said that certain things could not be done in the fall; he would do them in the spring. Lepere noted he had brought a bag of grass seed to one meeting. The Board wanted a writing from the DPW Manager saying that the road was ready for town acceptance. At that point the security reduction could also be addressed.

Hawkins agreed that the residents deserved to get some services, so the BOS had gone ahead on their own without the Planning Board's recommendation which was their prerogative. The Planning Board requires a letter from the DPW Manager that he is ready to take it on as a road. Lepere said the one open item was to put in one-inch of loam to meet the one-inch finish coat. He thought that would happen in the next couple of days. Lepere said he had placed four-yards of screened loam; it got washed away. He can address the swales when the rain stops. He had a lot of surprises and feels stuck, as do the residents.

Hawkins said the BOS had taken some of the pressure off with trash pickup; there is a little ways to go before the snow. The Planning Board's job was to get the project finished to the satisfaction of the department heads. The DPW Manager had the only open issue; he did not like the design, but it had been approved. Hawkins said it sounded like it satisfied that could be addressed the best way it could. Lepere reminded that he had withdrawn his request, to be sure things were corrected.

Lepere said that Kerivan's letter referenced a two-year security, and asked if the Board had agreed to one year. Janvrin asked if the DPW held the bond. Kravitz said the Board holds security, which is not a construction bond. Lepere said \$17,500 should be held for 12 months.



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Morgan asked for Lepere's estimate of how long it would take to satisfy the DPW Manager. Lepere said he would have to rely on Moulton to get his finish coat done, which he thought would be very soon. The swales would have been done if not for all of the rain that washed it away. Morgan asked when a written sign-off from the DPW Manager could be expected. Lepere asked if he would be responsible if Moulton did not finish his driveway. Morgan said Lepere would be responsible for what's in the public right-of-way. Lepere said that Starkey did not like the swale, even if it was built correctly. On June 25th everyone agreed that once the finish coat was in smoothly, everyone would be happy. He thought within the next 30 days.

Hawkins read the Planning Board's last vote in re Irene's Way: "to reduce the security for Case #2002-37, Irene's Way, to the maintenance amount of \$17,500 for a period of one year, and to recommend to the Board of Selectmen that Irene's Way be accepted as a town road conditioned on (i) the revised deed being acceptable to the town planner, and (ii) a letter from the Department of Public Works [Manager] and/or his assigned representative, Altus Engineering, stating no issues remain." Janvrin said if those two conditions were met, it would not be necessary to return to the Board. Morgan said the deed was fine. Chase asked if the swale could be paved and evened off. Lepere could do that, but it would mean two different companies. Moulton would put his finish coat on. Chase thought that the DPW Manager wanted the one-inch of loam to meet the hot-top. Lepere said a smooth surface without a seam would be better. This would be done within 30 days.

Lepere asked if he did not have to return to the Board once he had the letter. Hawkins said the Board had already taken a vote, based on receiving a letter from the DPW Manager. Janvrin said when that is in, a letter can go to the BOS recommending a town road. Khan commented that if the letter came into the BOS, it could act at its next meeting. Resident John Hirt understood that currently the street was not approved, but they would get trash collection starting on Friday. Other services such as snow plowing would come forth after the street is approved. He asked whether mail was a federal situation, and they would not get mail because the Post Office was cutting staff. Janvrin said that would be up to the Post Master. Lepere asked if the Board had heard about cutbacks. Janvrin thought some streets that were getting mail on both sides, now got it on one side. Lepere understood that the town had no control over the post office. Theodore Panopoulos said the post office needs an ok as a paved road from the town, and they could start delivery. He thought if the trash trucks could go down the road, so should the postal delivery. They should bring the mail boxes from the end of the road to in front of the houses.

Hawkins said the Planning Board makes a recommendation to the BOS to adopt a road after the Board's requirements were met. The next step would be for the BOS to adopt the road at which time certain services would be provided. Panopoulos wanted the town to notify the post office. Chase said when the BOS makes a motion to accept the road, they could take it to the Post Master. Khan said it happens all the time that the Selectmen approve trash pick-up, but no other services until road approval. This situation was not any different. Hirt asked if the town would mow the swale grass. Khan said the town would only take care of the road; any kind of swale would be the responsibility of the homeowners.

Boyd said the problem was caused by the way the swales were built, although he understands that the DPW Manager was uncomfortable. The beauty of the country drainage was that it better met the new EPA regulations and for the homeowner to have the law. It would also give the town the defense of having drainage without having a system that would have to be maintained at a



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costly expense with limited highway crews. It would be implied that then homeowner would take care of the shallow swales as part of their lawn. Boyd said the town had the duty, if not the responsibility, to cut that lawn. If not maintained or was filled in, the DPW could demand the homeowner remove that so the stormwater could properly flow. Boyd said the road was not built properly, although it is ok now. Hawkins did not know of anywhere in town that the DPW was cutting that grass. Boyd said they did not. People are not supposed to park in swales. If there were curbing, cars would not jump the curb to park. With the country drainage they can park on the shoulder, not within the swale. Janvrin noted that town ordinance said tires should not be on the road.

CORRESPONDENCE

Cookie's Place – Round Rock Restaurant 12 Ocean Boulevard

Attending: Brendon Patenaude

Hawkins asked if someone represented Cookie's Place – Round Rock Restaurant. Patenaude said he and his wife are now owners of the business. They would like to serve liquor at tables on the existing patio in front of the restaurant. Hawkins asked if this had to do with a liquor license to allow them to serve outdoors. Janvrin thought that would be similar to the Firehouse and Castaways, Patenaude said they have applied for a permit with the Alcohol Commission, which has asked for a letter from the Planning Board. Wood asked if it would be an enclosed area. Patenaude said the patio existed when they took over the lease. Because they had a new liquor license, they needed a new letter. Hawkins said the tables had been there for years; it is an overhang area on sort of a sidewalk that could be roped off. Patenaude agreed. Janvrin asked if it could function as a smoking area for the bar.

Garand said there could be no smoking in a food area, and it had to be three feet from the building. There would be a door going into the restaurant area. He could not issue a permit because the area had appeared and had not been approved. The Alcohol commission wanted something from the Planning Board that they allowed the tables in the area. He asked for the number of seats under the overhang. Patenaude said 24. Chase asked if that was an increase. Khan asked about the table to the north with cars parked right in front, and whether patrons could get into the area from that spot. Patenaude said it would be roped off. Garand said the same seating was put on the outside of Sharon's Grille, the made a separation wall so people could not bring in alcoholic beverages from the outside. The first step would be to get the approval, and then see if the Beach building inspector wanted a more substantial separation would be needed. Patenaude said they would do whatever had to be done.

Janvrin said he did not know the seating, and asked how the parking regulations would apply. If jurisdiction was waived this would be a moot point, but he would be more comfortable hearing from abutters. Wood said there was an approved seating capacity for the restaurant, but the outside seating had never been approved. Abutters never had an opportunity to speak about this. She asked if it had gone through technical review. Garand said about seven years ago he brought the O'Keefe family in for a compliance hearing. At that point seating was also outside. The Board never came to a conclusion because there was never an application for the second floor on the building. Somehow they got the alcohol license without coming to the town. This is a formality. While there are some compliance issues for the site, he was not sure about holding the lessee to those issues. Chase asked if liquor had been served in the past. Patenaude said they had to provide the paperwork for a new license. Garand said the license would be to the new owners of the existing restaurant



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Hawkins asked for Garand’s recommendation. Garand said to waive jurisdiction as long as it meets the state’s conditions. The seating, capacity and parking could be looked at with the owner of the property in the future. Morgan agreed. Janvrin said he had tried to go around the property, but there was a camper in the back – it is a fire access and egress. There’s no parking in a fire lane. Garand said that would be a police issue. Patenaude said according to the building owner, people were coming in with their trash; he was trying to stop that. There being no other comments:

MOTION:	Khan	to waive jurisdiction concerning Cookie’s Place – Round Rock Restaurant, 12 Ocean Boulevard, provided the conditions of the Alcohol Commission were met.
SECOND:	Sweeney	Approved: Hawkins, Khan, Lowry, Chase, Sweeney, Frazee Opposed: Janvrin

Garand will send a letter to the liquor commission.

Sheer Illusions 6 Smith Lane

Attending: Jessica Brown, owner

Hawkins asked if someone represented Sheer Illusions. Brown wanted to change the use of a retail space to move her beauty salon operation from the beach to an existing retail space. Garand said the business would relocate to the Appliance Warehouse building. Hawkins said this site plan had open issues. The Board had to decide if this would be an issue for the renter, or would it continue to deal with the owner. He thought they were close to resolving the nine issues, and asked Morgan to review the status. Morgan said he and Garand had examined the as-built plan as presented by Millennium Engineering; their report was scheduled for later on the Agenda. Hawkins thought it could be relevant to the Board’s decision. Morgan agreed. Hawkins said the issue for the Board would be whether it would hold the renter responsible for issues with the owner; he thought that did not seem right. Janvrin commented on the difficulty when that was tried at 920 Lafayette Road. Garand agreed. There was an empty unit in a sprinkled building, and Brown had been waiting for a few weeks. He needed some kind of approval or a waiver from the Board, so that Brown could move into the building even while the owner brings it into compliance.

Hawkins did not like the idea of holding up a small business because the owner had not completed his project. Khan commented that the issues were about nine years old; nothing had happened. Janvrin asked if this was a change of use. Garand said the change of use was minimal; the issue was the outstanding issues on the property. It is an allowed use in the zone. Brown said there would be four station, only two working regularly. Garand said six parking spaces would be needed. The original approval for that site allowed seven commercial uses. He needed to count the uses, but would not want to hold Brown up. Khan noted that Boyd had worked on this site for years. Boyd said when things were not done as approved, it causes



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issues. The big issue had been with the Department of Environmental Services. The approval that was outstanding was for the warehouse. However, they were then asked to adjust the plan to account for the seasonal sales and the like to bring the whole site into compliance.

Hawkins asked if the warehouse was on that site. Boyd said it was. He did not want to see Brown, a Seabrook person who employees other residents, not have that business on the site. Wood noted that the Board had waived the round Rock similar situation. Chase asked why Brown had come to the Board. Hawkins said it was because the site had issues, otherwise she could just move ahead. Garand said the majority of the work was compliant; loading doors, seasonal tent sales on the site, the dumpster location, and signage issues remained. Janvrin asked if they did not affect the Brown Space. Garand said this did not. Wood asked if more water usage than the previous carpet store should be looked at. Hawkins noted that Brown would pay for that usage.

MOTION:	Janvrin	to waive jurisdiction concerning the relocation of Sheer Illusions to 6 Smith Lane, Unit 9.
SECOND:	Sweeney	Approved: Unanimous

ZONING BOARD OF ADJUSTMENT, ADMINISTRATIVE APPEAL

Hawkins asked Kravitz if there had been any development. Kravitz was told that the ZBA took no action. Lowry said they did not grant the rehearing. Hawkins said that Case #2012-18 would be on the June 16 Agenda, and asked the Board to bring related materials.

PUBLIC HEARINGS

NEW CASES

Case #2013-12 – Proposal by Kevin Kurland and David Benoit to establish a distillery at 894 Lafayette Road, Tax Map 7, Lot 93-2

Attending: David Benoit, Kevin Kurland, Diedre Kurland, Frank Kurland;
Appearing for the Applicant: Henry Boyd, Jr, Millennium Engineering;

Boyd said this parcel came from a subdivision that the Planning Board approved in the early 1980s – id PSA 4348. Morgan asked about a couple of easements that Boyd had not depicted with enough detail. The site is unique having frontage for 4 parcels, known as Eagle’s Landing. The parcels are burdened by 25-foot easements to create the 50-foot right-of-way. The buildings have existed for about 35 years, even having industrial use with Halliburton for about 14 years. The Platinum Fence retail services left about a year ago. Kurland distributed a hand-out with pictures of the new craft distillery operation, which Boyd said were appearing throughout the state. Morgan had commented that a tax line had been improperly depicted. Boyd said this happened because the assessing department reference was to land behind Market Basked that Benoit bought from Dikter, but not this piece. He spoke with the Assessor and Mary Dow who did a good job researching all the records to find a lot line elimination plan from 1991 which merged two parcels. Boyd had fixed the plan, which meant a few more abutters, the power plant, 920 Lafayette Road, and T Park Realty, were notified, so their appearance before the Board was delayed.



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Boyd said that rather than use the larger scale, only a portion of the site was shown with the existing topography and the pump station. Also depicted was a municipal sewer easement and pump station for which Benoit donated the land. No new construction is proposed for the outside of the building, and not much inside except the space for the distillery and the kegs, and a 254 square-foot sales area. The parking area is depicted. Boyd said that the 20+ acres means that 98 percent of the parcel is open space. Benoit wants a good tenant in the town with an interesting business. Nothing is mentioned about landscaping, but there were existing rhododendrons and plantings. There is no new pavement proposed, although the parking spaces were delineated. They propose no lighting except for motion-sensitive night lighting and at the doorways. . They will utilize an existing roof sign. The parcel had commercial and some industrial use for almost 40 years. They are before the Board for going to a commercial use to a commercial and retail use, and also light industrial.

Morgan asked if there would be signage at Lafayette Road. Boyd thought that would take a variance. Garand had talked with Benoit about some condominium conversion on the site at one point. Garand asked if the convertible, withdrawable land was still in place from 1983. There was a road; what was approved was confusing. A plan called out a transfer at the time of the lot-line transfer for the gym. There was a hammerhead. Some of the parking was shown within the right-of-way. Boyd said there was one overflow space. Garand said that was non-compliant, and asked what standards were being used. Boyd said that space would be relocated, and asked what was non-compliance. Garand said the approved subdivision plan in 1983 was never finished. Boyd said the 25-foot right-of-way on either side was approved in 1983. Garand said a road, not just a right-of-way, was approved in 1983. Boyd said he had provided a 1984 plan with structures on it to Morgan. There had been rental property for almost 40 years. He did not understand why this would be brought up now. Garand wanted to assure that the Board was aware of the history before they made a decision. Boyd said this is just a change of use. If the new tenant were a fence company, they would not be before the Board.

Janvrin wanted to know why they would not need a variance for industrial. Boyd said that light industrial was allowed in the zone; the use fits the town definition of light industrial. Garand agreed with light industrial and thought the proposal was a good use. Janvrin asked if this area was in the Economic Development Zone. Garand said it was, but they did not meet the applicable number of employees. Boyd commented that he hoped this business would become a superstar so they would come back for a technical review, and an overall site review including parking and other impacts. Kurland wants to rent the space which had been vacant for more than a year, but rented for many prior years. Boyd noted that Halliburton had hydrochloric acid vats. Benoit said when Halliburton moved out, they had to remove all the tanks and provide a clean site, removing and replacing dirt. Kurland had met with the Fire Chief and the pre-treatment person in the sewer department. Benoit said that Smutty Nose was opening in Hampton. He wanted this business to take off and have use for the 17 acres. Some of the product would be mixing beer with alcohol, and Kurland had great ideas. Benoit wanted to see Seabrook on the label.

Boyd said they had gotten wetlands permits from the DES; drainage was in; and the road designed for a 10-lot industrial subdivision. This did not make sense in the economy. Benoit said it was all approved subject to wetlands crossings. It took him six years to resolve his personal situation, and the permits were lost. He reapplied and put in the crossings. The economy was so bad, he'd like to see industrial land; the ideal would be to go across the power plant land and up



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to the stop light. He abandoned it for personal reasons and the economy. Boyd said the subdivision lapsed; final plans were never submitted. Something substantial would have had to

be done. They just want an allowed use in this building. They could have asked for a waiver, but there was only an as-built plan from 1984 that did not show parking. Janvrin noted a property marker that had not been set. Boyd said the regulations require markers be set. Janvrin asked if this lot had the drainage from 920 Lafayette. Road. Boyd said that was on the next lot. Two of the buildings were rented now, and commented that Benoit had been a good taxpayer.

Wood asked if the Police Department had been contacted. Kurland said he was required to go to the fire Department and the Wastewater department for the EPA. He had not talked with the police. Benoit had talked with Chief Bitomske two weeks before, who had no problems except wanting to see a light pole with a motion sensor for at night because of what would be inside the building. Benoit said that Bitomske wanted a light that was like the 5 lights he put in the mobile park at a cost of \$30; they really light up the area. Garand said those lights were not compliant with the site plan regulations. Boyd agreed because those light were flood lights that spill over the lot-line. Garand said lighting on the perimeter of the building that shown down would be satisfactory. Janvrin thought the police chief would address the lighting when the building permits come up. Garand said that was not part of the review. Boyd said that Kurland would agree. Garand wanted four lights, one on each side, down lighting with box fixtures, no sagging lenses. Boyd said that Kurland wanted to be very discrete; but if the Police Chief wanted something, he would be ok. Kurland thought it would be easier just to have motion lights. Janvrin recommended including lighting sufficient for the area leading to retail at this time, rather than having to come back.

Garand asked about meeting ADA standards. Boyd said a note requires meeting accessibility standards, including for egress. Boyd said he would correct the plan for that. Garand said the building would have to meet the current standards, including two doors, emergency lighting, and sprinkler system. Benoit said it was a 40 year old building and under 6,500 square feet, [so sprinklers were not required. Boyd said they had to install a fire detection system. Kurland said also a full security system; it would be a bonded building and locked. Kurland said he was told a sprinkler system was not needed because it was a stand-alone block building.

Hawkins asked if Morgan was satisfied with the responses to his memorandum. If changes were needed he wanted them on this plan. Morgan said that Boyd had obtained a copy of his letter and the recommended changes were on the drawing he was using for the meeting. Morgan thought his items had been addressed, except for the issue of a sign at Lafayette Road. He thought a sign located there would be a benefit for delivery people who would be unfamiliar with the site. They might have to go up and down Lafayette Road to find it. Wood noted that there was a sign at 920 Lafayette listing all of the tenants. Benoit said there had been a wood sign showing the 4 businesses that rotted. Boyd said a sign that is off the site would need a variance. Garand said there were limits to the size of the roof sign. Boyd said this could be 32 square feet which he thought a good size. Janvrin asked about a sign along Railroad Avenue. Garand said that business had violations, and had moved out. Wood wanted the sign so as to avoid people looking for the site on her road, and asked if the Board could allow that. Morgan said a variance would be needed. Benoit thought that would not have to be done right now. Boyd said it could be applied for, and asked if the Planning Board would write a letter to the ZBA in support of that sign. Wood and Janvrin indicated they would.



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Janvrin asked if 4 businesses were on the premises without a sign. Benoit said currently there were 3, including the distillery. Many years ago he sold the Johnson Mathas building, and repurchased it two years ago. There was a sign then, which he could reestablish. He intended to

put up another building, and try to go into industrial land for 12 lots, or whatever conservation would allow. He felt that the town needs industrial development. Janvrin asked if they were aware of the town's economic revitalization zones. Benoit said he was. Some land should be given to the town because it borders the marsh for a half-mile, and is good hunting area. Janvrin had walked the land; his grandmother used to own property in the area. Benoit said if all of his land were put together it would be 42 acres, not counting the trailer parks. He thought that Kurland had all of his permits, and wanted to get started. Boyd noted that one parking space would be removed; there is more parking than needed.

Khan liked that Kurland would be opening this business and remarked that he was a Seabrook resident. Khan wanted to understand how much experience Kurland had, and asked if there would be any odor. He noted the previous "garlic" situation with Hannah Foods. Kurland said instead of bottling beer, he would distill out alcohol. There is a smell like baking bread during the fermentation process. It would be internal, and was not pervasive. The grain-based mask had a very light odor. In visiting distilleries all over the country, he had not heard neighbors complain about smells. The North Hampton Sea Hag distillery makes rum by fermenting molasses; Kurland would be making vodka from a grain mask. Distilleries are a booming industry. 30 years ago it was wineries; 10 years ago it was breweries; now it was micro distilleries. His business would use organic products sourced mostly organic corn mostly from New Hampshire. This year he would use a New York source; next year he would be signing contracts for grain with Mount Washington Valley growers and source locally wherever possible.

Kurland said the industry experience was for fast growth – as many as eight or more tanks in 5 years. The distilleries are good neighbors; water usage and waste would be monitored. Khan wanted to view an existing distillery operation. Kurland said there were none in New Hampshire, there are grain-based distilleries in Portland, ME, Gloucester and Boston, MA. He visited many distilleries east of the Mississippi, and did not find problems. Garand asked what sized trucks would come on to the site. Kurland said up to 18 wheelers. Garand asked for the size of the dumpster; Kurland had not yet looked at this. Garand said to show the hours for dumpster pickup and depict the concrete pad with fencing as required. The Planning Board should have all of the information to rely on if there were problems. Boyd wondered if the dumpster could be indoors, otherwise a substantial concrete pad and fencing would have to be built. Kurland said there would be paper waste; farmers would want the organic waste. Boyd cautioned about having a dumpster that had not been approved. Janvrin recommended depicting it on the plan. Benoit said they would show the dumpster, even if they did not use it.

Janvrin asked about the hours of operation for the retail, noting that the processing is 24 hours. Kurland said state law allows him to do a half-ounce sample, and to sell his product only from the retail store. He will also distribute through the state liquor system. Kurland said this would be a nice establishment; it would not be a bar. There would be a tasting room, and t-shirts, coasters and the like for marketing and branding purposes. Eventually there would be tours through the building and distillation classes with a fee. Boyd asked if a parking permit would be needed for a one-day class. Hawkins asked how often he would hold classes. Kurland said once or twice a month. Boyd did not want a compliance problem. Wood said there was an assembly permit from the Selectmen. Khan said when that time comes, to contact the town; he did not see a problem. Kurland said the first product would be vodka, and flavored vodka, then several types of gin. It



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would take 6 months to a year to produce aged whiskey ready for sale. Hawkins asked if Garand had other issues; Garand said he had brought all of the issues to the Board.

Hawkins asked about a condominium, and what exist currently. Boyd said at one point the parcel extended further. There were a series of lot-line adjustments to create the south and north sections at 920 Lafayette Road. Benoit said this was not ever condominium property. Years ago he expected to buy property from the owner of Ames, but it was sold to Demoulas. This created a land-locked parcel which was hooked to the proposal property so that something could be done with it. Boyd thought that was a mistake; Benoit said that made the taxes were greater. Boyd said he never found condominium references, but there were a series of lot-line adjustments. Benoit commented that the four buildings had been sold, and he bought them back. Janvrin asked if they were separate lots. Benoit said the only merger was the 18 acre area in the back which was attached to southeasterly lot in the four-building area.

Khan asked for the number of parking spaces. Boyd said there were ten - one would be eliminated and a new space would be identified. Based on the square-footage, only 2 spaces were required, but he included handicap spaces as well as other spaces. Khan asked how they would accommodate 10-15 people taking classes. Boyd pointed to a gravel/grass area that could accommodate 40 cars. Khan asked if that area was shown on the plan. Boyd said it was not, but could be identified as additional event parking are if needed. Benoit said that 15 wheelers with tanks drove across it, so the land was packed down. Khan asked for the number of employees in the production and retail facility. Kurland said as a small business, they would move back and forth. At the outset, employees would be his wife, father-in-law, step-father and himself, as needed. Within a year he hoped to hire two or three persons. Hawkins asked for questions from Board members and then abutters; there being none.

Kurland thought the steps for him would be to apply for a state license, and the town business permit. Garand said to submit the request to his office. It would be circulated to department heads, and then to selectmen for public notice and approval. Hawkins asked which departments would want input into this application. Garand said mostly water, sewer and fire. Hawkins asked if a technical review was needed. Garand thought if there were something in the file from them, it would suffice, but he could not answer for the department heads. Boyd said they could get letters from the departments, including the Police. Khan wanted a letter for the file indicating that that there would be no problem going through the sewer system. Kurland said they had spoken with the Sewer Department; he thought they had no problem.

MOTION:	Janvrin	to accept jurisdiction for Case #2013-12 as administratively complete for jurisdiction.
SECOND:	Sweeney	Approved: Unanimous

Hawkins asked Morgan about the Technical Review Committee. Morgan said that would not be necessary provided thee are letters from fire and sewer. Chase asked if it would be all of the department heads. Hawkins said fire, water, sewer and police.



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Janvrin wanted to address security. Hawkins asked if there was a need for security, indicating it should be included as a condition if the Board thought it appropriate. By consensus, the Board thought security was not needed, as nothing new would be built. Janvrin noted that the dumpster pad and additional lighting were only potential at this point. Hawkins asked for other comments or conditions; there being none.

MOTION:	Janvrin	<p>to approve Case #2013-12 – Kevin Kurland and David Benoit to establish a distillery at 894 Lafayette Road, Tax Map 7, Lot 93-2, conditioned on</p> <ul style="list-style-type: none"> (i) hours of operation notated on the siteplan; retail hours of operation as notated; light industrial hours of operation will be 24; (ii) dumpster pick-up and drop-off from 7AM to 7 PM; (iii) lighting on the outside of the building as approved by the Code Enforcement Officer approval; a cut sheet being provided; (iv) designating the location for future lighting; (v) the building and access being ADA compliant, and approved by the Code Enforcement Officer; (vi) the removal or relocation of parking space from the right- of- way (vii)the notation that odors may not travel beyond the lot-line boundaries; (viii) event parking area depicted on the siteplan; (ix) submitting letters of approval from the Fire, Water, Sewer, and Police Departments; (x) Planning Board Chair being authorized to provide a letter from the Planning Board supporting a variance for offsite Lafayette Road signage; and (xi) siteplan revisions to be entirely satisfactory to the Town Planner.
SECOND:	Chase	Approved: Unanimous

Case #2013-14 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings, LLC, West River Road, LLC, and Waterstone Retail Development, Inc. to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to discontinue most of Chevy Chase Road.

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives.



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Hawkins announced that Cases #2013-14 and #2013-15 would be continued to July 16, 2013 at 6:30PM in Seabrook Town Hall at the request of the Applicants.

ONGOING CASES

Case #2012-18 – Proposal by Latium, Tropic Star Development, Scott Mitchell to remodel and expand a gasoline station, and to construct a convenience store, at 663 Lafayette Road, Tax Map 7, Lot 87. Among other pending issues the board will consider is the applicability of Section 14 of the Zoning Ordinance (abandonment) and the proposal's compliance with Section 6 of the Zoning Ordinance, continued from continued from July 17, 2012, August 21, 2012, September 4, 2012, October 16, 2012, November 20, 2012, January 15, 2013, February 19, 2013; May 7, 2013, May 21, 2013, June 4, 2013;

Hawkins announced that Case 2012-18 would be continued to July 16, 2013 at the request of the Applicants.

OTHER BUSINESS

Cases #2010-23 and #2011-17 Appliance Warehouse, Norman Jutrus;

Attending: Henry Boyd, Jr. Millennium Engineering;

Hawkins asked Morgan to speak to the memorandum from himself and Garand. Morgan said in July of 2011, Jutrus asked to amend the original approval. The Board agreed to amend the approval subject to certain stipulations. The memorandum was written in re the as-built submitted in May of 2013, by Millennium Engineering. He and Garand compared the as-built to the stipulations, as summarized in their recent memorandum. There are still several issues outstanding. Hawkins asked if most items were on the plan. Morgan said he and Garand thought the fulfillment of the items should be reflected on the plan. Hawkins asked if there was work to be completed and reflected on an as-built. Morgan said there was.

Boyd said he was originally asked to show an as-built plan with conditions relative to the approved Appliance Warehouse plan. Then issues were raised about the signs and the seasonal tent area. Garand said the property was now in Zone 6M; it was important to have that on the as-built. Boyd maintained that the as-built was to show the conditions on site relative to the case approval which just dealt with the expansion of the warehouse. Hawkins said in 2011 the Planning Board agreed to certain things based on 9 stated conditions to which Jutrus also agreed. It's not just the warehouse; it's the siteplan from 2011 on things he agreed to do. He thought that mostly they were done, but the plan needed an update as a good guide. Janvrin said the Board wanted the Case #2010-23 and #2011-17 items depicted or notated on the as-built. Boyd said he had been asked to show these things, and asked if the Board had that. Garand explained that the site was never built to approval; they did unapproved work – more than what was allowed. There was enforcement action on the loading dock, pavement in the town-right-of-way about things he was not entitled to do.

Hawkins said a letter needed to be sent to Jutrus on what needs to be done for the case to be closed. Morgan said the 2011 plan is based on what is actually there; the signs and the dumpster placements need to be defined. Khan asked if the drainage was ok for the MS-4 after the mother's day storm. Garand said the plan didn't follow the approval of the Department of Environmental Services; it cannot be changes. Nothing was built to the 2002 specifications. He



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recommended no further tenants unless there is compliance with the siteplan. Boyd said the stream bed was now restored properly. Garand noted that the drainage and culverts at Walton Road needed to be fixed. Hawkins asked Morgan to draft a letter to Jutrus to meet the compliance within 30 days with no further tenants until it is done.

FUTURE WORK SESSION

Compliance Matters

Wood raised the issue of past unresolved compliance. The Board does its job, but doesn't follow the outcome. Hawkins said there needed to be points where the conditions, imposed at the meeting as well as those on the notices of Decision, must have been completed. The Board had been too lenient. He asked if plans should expire without substantial completion within 2 years, or at the state's 5 year limitation. Should there be specifics that could delay an occupancy permit. Garand said the level of staffing for review of properties and follow-up was insufficient. Kravitz keeps things going. Janvrin said that cases should get closed. Hawkins suggested that no more than one extension to complete conditions should be granted, noting that during the last 5 years there were cases that received multiple extensions. Garand commented that the Board had also changed approvals. Hawkins if the Board should approve occupancy. Garand said some issues could have daily fines, but would need to go to court. For example, he can punish the use of sandwich boards or life safety issues; some comply, some do not. Wood thought this issue could be put to the voters. The question was how to help Garand i.e. give him the means to enforce violations. Garand wanted to ask Morgan and the Board's attorney who could issue a ticket or bring a court action. Hawkins wondered if fines could become tax liens, or accumulate interest. Janvrin said the police get complaints on private property and work through the Board of Selectmen. Hawkins said this issue would be a work session item. Khan said the Planning Board should make the first review.

Case #2008-23 DDR sidewalks

Hawkins asked for Morgan's update. Morgan said he had discussed the sidewalk issue with Jim Grafmeyer, who indicated he would send a letter to the Board. Kravitz reported that David Todd who works for Grafmeyer, came to the Planning Board Office to discuss sidewalks. He was informed that a sidewalk agreement that included liability for the town would not be signed, and was given a copy of the sidewalk agreement without a liability provision signed by the Town and the NODOT in re Route 1 south. Hawkins said the state was in violation of the Memorandum of Agreement, which included building of sidewalks. Although he had wanted to take a strong line, the Planning Board's Counsel advised getting the applicant to ultimately take on the responsibility. Hawkins said the attorney may have to sort this out.

RAIL TRAIL

Janvrin had a draft of a proposed rail trail agreement with the state which was obtained by the Rockingham Planning Commission's facilitator, Scott Bogle. He said this is consistent with the Town's Master Plan, but needs negotiation between the town and the state. John Starkey had been asked to negotiate the terms. Khan wanted the Town Manager and counsel to look at it first.



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Wood asked about liability. Janvrin said the state and the town would be looked to for liability (like sidewalks on Route 1). A meeting would be held on July 11 which he could not attend. Hawkins may be able to attend.

Case 2013-13 I Star Development

Kravitz asked whether the traffic memorandum provided by Vanesse Associates should be sent to the Planning Board traffic engineer. Hawkins said to do so. Morgan will see if an ITE Book might be available.

Hawkins adjourned the meeting at 9:15 PM.

Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board