



Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee; Francis Chase, Michael Lowry, Ivan Eaton III; Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Rick Friberg, Engineering Peer Review Consultant;

Members Absent; Sue Foote, Alternate; David Baxter; Alternate, Paula Wood, Alternate, Janvrin opened the meeting at 6:35PM.

MINUTES OF JUNE 17, 2014, July 1, 2014

Hawkins asked for questions or comments; there being none.

MOTION:	Lowry	to accept the Minutes of June 17, 2014 as written.
SECOND:	Chase	Approved: Unanimous Not present - Janvrin

Minutes of July 1, 2014 to be heard on August 5, 2014

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2004-50 Cabral subdivision, Azor Way

Hawkins said that by the applicant's request this case would be continued to August 5, 2014 at 6:30PM in Seabrook Town Hall.

Kokaras Restaurant – 213 Route 107

Attending: Diane, Peter, Peter Kokaras and Patricia Moran;

Hawkins asked for the Kokarases to explain their request. Diane Kokaras said their restaurant had been closed for a bit over one year; another restaurant had been devastated by a fire. Work would have to be done to open the Route 107 restaurant. Hawkins asked how long they would need to reopen. Diane K said about 6 months. Peter K. said they want to reopen it as it had been. Hawkins thought they were asking the Board to waive its requirement for a siteplan review based on the hardship of losing the other restaurant, and losing the tenant at the Route 107 restaurant about a year ago.

Hawkins said the Board had tried to work with people under hardship conditions, and will want to know if they would still be operating under the same conditions as before. Hawkins said the options were to request the 6 month waiver now, or do the repair work and return to the Board when they were ready to open. Hawkins asked for Morgan's view. Morgan supported the waiver extension but wanted a reasonable timeframe for the work to be completed. Peter K said they did not want to do anything without knowing that they could keep it up, whether as a family or through a tenant. They were not looking to change anything, but wanted to know what they would be allowed to do. Hawkins commented that they were right on the one year deadline.

Hawkins asked for comments from the Board. Lowry thought this a reasonable request, noting that Paul Garand had been there about a year ago and some repairs were made at that time. P said they wanted to walk through the building with the new Building Inspector. Khan thought a 6 month extension should be granted; they could return to the Board if they need more time.



MOTION:	Eaton	to grant Diane and Peter Kokaras an extension to January 15, 2015 to complete the repairs at their Restaurant at #213 Route 107
SECOND:	Khan	Approved: Unanimous Not present: Janvrin

CORRESPONDENCE/ ANNOUNCEMENTS

Janvrin entered the meeting.

Hawkins referenced the July 17, 2014 meeting for representatives from the towns of Hampton, Hampton Falls, and Seabrook, concerning sea level rise and related potential impacts on zoning. The meeting is open to the public at the Seabrook Library, from 6 – 8:30PM. Interested persons are encouraged to attend.

Hawkins referenced a letter from Alan Ganz requesting a waiver from the Planning Board requirements for an application for a property that had been vacant for more than a year. The unit in the Ganz Plaza would be going from a retail use to a retail business for electronic cigarettes. They have put conditions on the lease as to what can or cannot be sold. The question is whether they need an expedited application. Hawkins commented that an application for a similar business had been reviewed recently, and the Board discussed this issue at its last work session. Chase said that his building had been approved for retail, but he had to do an application. He saw no reason to return to the Board when his building had been approved for retail. The Ganz building was approved – why did it have to come back to the Board. Hawkins said because the ordinances keep changing, the only time the Board can make sure that things were up to date, is when there is a request to reoccupy a premises. That's why it was set at a year, not for 2 month turnovers. It is the opportunity to look again at how a building is used.

Chase commented that people can go to other towns and move right in. Morgan thought Chase's situation was different. Chase said his unit had never been occupied. Morgan said he had not agreed with how that situation was handled. The situation before the Board at this meeting was different. Lowry agreed; this unit had been occupied and empty for more than a year. Chase thought this unit had been unoccupied for about 14 months, and disagreed [with requiring an application,] because there should not be a penalty. Lowry thought the unit had been either the gold or cell phone shop. Khan thought this use should come to the Planning Board to know that there would be enough parking and to look at other particulars before going forward.

MOTION:	Hawkins	to recommend that GLO Realty Trust submit an expedited application for the rental of Unit #5, 779 Lafayette Road.
SECOND:		Approved: In favor: Hawkins, Khan, Lowry, Frazee Abstained: Eaton, Chase; Not present: Janvrin;



[Janvrin entered the meeting]

Case #2010-28E - Uncle Hilde's 920 Lafayette Road - Nova USA, 920 Lafayette One Two] use of parking area for outdoor storage

Attending: Robert and Anne Bialobrzewski, Tim Johnson;

Hawkins asked the parties to explain the issue. Robert B., Trustee of the entity owning the unit in the North Condominium area occupied by Uncle Hilde's, said he'd operated Seabrook Hardware at that location for 20 years. They always had outdoor storage of dirt, concrete, tents, lawn equipment, nursery stock, deck planking, and the like. He sold the business in 2004, then operated as a hardware store with a fenced in propane storage tank. Obviously an application for a lumber yard would include having larger products outside on a seasonal basis. Uncle Hilde's had about 2 customers an hour; there were 2-3 employees. The area used was the unit parking spaces, not common area.

Khan noted that the former CEO expressed the need to have dedicated space, not all over storage. Hawkins agreed, and wanted to know where and how big the area was for enforcement purposes. Uncle Hilde's did not need 30 spaces; the Planning Board wanted specific spaces to be designated for storage, not over all of the area. Robert B noted that the size of lumber is large, but the parking was not overflowing with cars. Hawkins said currently it is a mess, and thought they could consolidate the storage on the side of the building, away from Route 1.

Chase recalled that on May 6, 2014 the Board determined that an expedited application would be needed. Khan said to designate the number of spots and to provide a drawing. Hawkins explained that one purpose of the expedited application was so that the Board could see the depictions in the location and the Building Inspector would have enforcement guidelines. Visiting the site earlier in the day, 2 spots along Route 1 were available for parking, plus 3 in the front and 6 on the side. Thirty spaces might not be needed for this type of business, but the Board favored consolidation and designated areas. He recalled that previously the storage was on the side of the building, and the parking spots were generally open; the propane tanks took up some spots. Eaton noted that the spaces were for the unit, and parking was not overflowing the site. Hawkins said the problem was that items were spread all over the lot.

Hawkins asked how the Board felt about an expedited application, or waiving jurisdiction conditioned on a drawing showing the outdoor storage area. Chase asked what happened on May 6. Hawkins said an expedited application was recommended; the Board was being asked to reconsider. Khan noted that there had been no complaints or issues and it was low traffic. A drawing showing the area(s) designated for storage should be sufficient. By consensus the Board agreed. Janvrin said that if manure was offered and impacted the drainage, it would be covered by the nuisance ordinance. Hawkins asked for Morgan's view. Morgan agreed with the consensus. Janvrin thought the drawing should be put in the original case file so that abutters could review it. Chase asked if the Board would designate the number of spaces available for parking. Hawkins did not think that necessary; Hilde's could consolidate the storage, preferably away from Route 1, where it was best for the business. The question was whether the Board would waive jurisdiction. Janvrin's concern was that the abutters would not have a voice, which was the purpose of site plan review; he did not think there had ever been a complaint. Khan said if there had been even one complaint, an application would be needed. It was not necessary to bring abutters to the Board.



Hawkins asked for other comments. Johnson’s concern was the high stacking of composite 12 foot decking which could be slippery and was a safety issue; he favored a height limit. Eaton said to put a height restriction in the vote.

MOTION:	Hawkins	to waive jurisdiction on using the 920 Lafayette Road Unit 5 parking spaces for outdoor storage conditioned on: (i) the owner/tenant providing a drawing identifying the storage location(s) preferably away from the Route 1 and storefront area, and to use the side area; (ii) stacking being limited to 6 feet high; and (iii) the drawing to be submitted no later than July 30, 2014 and incorporated into the 2010-28E case file.
SECOND:	Janvrin	Approved: Unanimous

Case #2013-13 Sea City Crossing.

Hawkins called attention to the letter from the Water Superintendent and the TRC Minutes of June 13, 2014 concerning the extension of pipes from this site to the land behind it.

The site to the rear was currently under review by the Planning Board (Cases #2014-16 and #2014-17). Accordingly, there was not yet an approval. Janvrin asked if they were still under a cease and desist. Hawkins said that had never been reduced to writing. they were told that the Board did not want to be involved in the construction, and to follow the recommendations of the Water and Sewer Superintendents. Morgan said the Technical Review Committee had discussed the inconsistencies in the implementation of the Case #2013-13 plan. Kravitz said the Sewer Superintendent looked at the plansheet revisions and may have a further response.

Hawkins called attention to the review letter from TEC in re the approval of Case #2013-24 - Seabrook Trucking sales relocation. This letter addressed that one of the conditions of approval was for TEC to review the plans. There was a response letter from Millennium engineers. Kravitz said that according to Arleigh Greene, the TEC recommendations had been incorporated.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 7:15 PM.

NEW CASES

Case #2014-19 – Proposal by Furmer Eaton for a lot line adjustment at 82 & 84 Farm Lane, Tax Map 13, Lots 62 & 62-1.

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

Boyd explained that the Applicant had built the road for the original 5 lot subdivision (Case #2007-27) but had not complied with the conditions of approval; therefore the approval had expired. Boyd had written to the Board several months ago asking what to do about the situation, and whether the full subdivision plan needed to be resubmitted. The road had been



Town of Seabrook
Planning Board Minutes
Tuesday, July 15, 2014
NOT OFFICIAL UNTIL APPROVED

built to plan; the problem was that the DPW had not been called for inspections as required; the water and sewer installations were signed off. Boyd had been discussing a remedy with the DPW Manager; some swale work had been done. The DPW Manager had asked for some core samples to see if there had been damage to the road, and whether the binder course had been installed properly; the road had been in place for a few winters. Boyd said that the sidewalk contractor did not do the installation properly, and had been asked to remove and reinstall them.

Boyd said it was odd to have a future Berns Way on a lot-line adjustment. Originally Eaton's intention was to provide the lots for his children, but he did not do the necessary things to get the mylar. The house was on a lot that was about 50 feet wide and almost 500 feet deep; a portion would be added for another lot so that Eaton's sister could move back to Seabrook. Once the subdivision was reinstated, there would be sufficient frontage and right-of-way for his sister's lot and the remaining lot would have its frontage on more than 2 acres. Boyd said it may seem complicated, but all they wanted for this proposal was a lot-line adjustment. He pointed to an area that Eaton had started yard work on that was actually delineated as wetlands and should not have been disturbed. The Wetlands Scientist had visited the site, and Boyd had to organize a restoration plan. With the NH Department of Environmental Services. [He submitted a drawing in the event a complaint was received.] Morgan noted that the existing conditions plan still shows the wetlands. Boyd said the restoration would be to those grades; he could notate this as it had to be done within a timeframe and would be complete by the time a mylar would be ready to record.

Morgan did not see 100 feet frontage for the house on Parcel A. Boyd confirmed this and said it was 2 separate lots. One already had adequate frontage, and there would be an additional piece so that the other frontage would be conforming. The proposal involved 2 lots with one becoming bigger. Morgan said the proposed lines were visible, but he was having trouble finding the existing lines. Boyd pointed out the lines. Janvrin asked what the lot-lines would look like when the road was turned over to the town. Boyd pointed out the frontage and right-of-way lines, and said the curbing was already in place. Morgan asked where the 5 lot subdivision was depicted. Boyd said it did not exist, because the conditions of approval were not followed and the approval lapsed. It was not recorded. Chase said no security was posted; Boyd confirmed this, saying that inspections and proof that conditions were met had to go back to the Board within 180 days.

Morgan asked if the short-term plan was for 2 lots; what was the long-term plan. Boyd said it would go back to the original subdivision. Attorney Jeffrey Brown drafted a deed with reversion rights which was to go to the Board. Janvrin asked if when built the lot addresses would be on Berns Way. Boyd said they would, and there would no longer be any driveways off of Farm Lane. The reservation in the deed stipulates to the adjustments that would occur when the 5 lot subdivision is reapproved. Chase asked if land would then be conveyed to the town. Boyd confirmed it would be a wider right-of-way.

Hawkins asked Morgan if the Board should do anything about the invalid subdivision Morgan thought that a good idea. Hawkins thought that the Board had to at least acknowledge that the subdivision approval had lapsed and was no longer valid. Morgan wanted Boyd to notate the 2014 plan. Boyd had not done that so that when a title search was done there would not be a reference to a plan that did not happen. Morgan said the danger would be if someone came across the 5-lot subdivision and cause confusion. Boyd said he could put a note stating that an earlier subdivision plan had expired. Hawkins said that would be fine, and to refer to the prior case number. Janvrin asked about the utilities. Boyd said they were in up to the property line; electric service was underground. Morgan asked for an idea when a 5-lot subdivision proposal would be submitted to the Board. Boyd did not think this would have to go to technical review as



Town of Seabrook
 Planning Board Minutes
 Tuesday, July 15, 2014
 NOT OFFICIAL UNTIL APPROVED

the road was already in place. Hawkins said the road was never inspected; the TRC would have do its review so the history would be clear and the Board would know the process had been followed. Boyd understood this. Boyd thought that Eaton should not be charged at a modified scale and not the full application fee. Hawkins said that could be discussed at the time, and asked for further comments.

Michael Holmes and Mitch Evans, abutters to the rear of the property came forward to view the drawings. Boyd assured them that Eaton had no ability to change their property lines. He pointed out the original lot and where the subdivision would have been, stating that the long lot would take a piece of the larger lot so that Eaton's mother could live there. He also pointed out the detention area, stating there was no access onto their property. Evans said that Eaton had done a lot of work disturbing the grading, and there was no mitigation to prevent water from washing down. He had laid out the plan so that the area could be re-excavated the way it should be. The property lines had existed for 100 years. Morgan asked about the references to a right-of-way. Boyd said it was an emergency pond that discharges the same as before the property was developed. Morgan asked about an easement. Boyd said there was a future easement for the Town of Seabrook delineated on the subdivision plan. As there is no town road, Eaton was responsible for the maintenance on the property. When the subdivision was completed, the drainage easement would be turned over to the town. Morgan asked if the stormwater system that abuts the town was working. Boyd said Eaton had put some stumps into the detention area and had to restore it to the designed grade.

Holmes referenced some staked about 50 feet in and understood no building could occur there. Boyd said it used to be Franks pond; the Conservation Commission and the State wanted a dam to be removed. It was now a fresh water course that gets brackish in a very high tide. There was a 50 foot setback from the stream; this was a no-build area, and there were also buffer setbacks. Khan explained that this land was inside Beckman Woods – newly constructed houses. Morgan asked the abutters if the construction of the road had presented any stormwater problems or drainage coming off the property. Holmes and Evans were not aware of any issues, and thought the detention pond was adequate. Boyd commented that the emergency overflow gave the ability to handle stormwater flowing to the marshes. There are large culverts involved. Janvrin asked if the roadway was constructed as a driveway. Boyd said it had been constructed to the town standards, except that all the sidewalks had to be replaced.

Hawkins asked for other comments; there being none. Morgan recommended closing the subdivision case.

MOTION:	Hawkins	to close Case #2007-27 as the conditions of approval were never met, and the case approval had expired.
SECOND:	Chase	Approved: In favor: Hawkins, Khan, Janvrin, Lowry, Frazee Abstained: Eaton

MOTION:	Lowry	to accept Case #2014-19 as substantially complete for jurisdiction and deliberation,
SECOND:	Khan	Approved: In favor: Hawkins, Khan, Janvrin, Lowry, Frazee Abstained: Eaton



Eaton left the meeting.

MOTION:	Chase	to approve Case #2014-19 – Furmer Eaton for a lot line adjustment at 82 & 84 Farm Lane, Tax Map 13, Lots 62 & 62-1 with the following stipulations: (i) noting the plan to state that the Case #2007-27 5-lot subdivision had never been recorded and had expired, (ii) the wetlands on the property to be restored per the NHDES order dated July 8, 2014; (iii) the final site plan meets all of the requirements of Town Planner; and (iv) all outstanding Invoices have been paid.
SECOND:	Lowry	Approved: Unanimous

Case #2014-20E – Proposal by Mark Charland to move Mass Appliance Sales & Service from 287 Lafayette Road to 157 Lafayette Road, Tax Map 9, Lot 152.

Attending: Mark Charland, Alex Charki, William Simmons:

Charland discussed the situation in which his prior landlord gave him a month to move. After speaking with the Building Inspector, he was able to relocate from 287 Lafayette Road to 157 Lafayette Road.

They would carry on the same retail business from 9AM to 5:30PM; he is on the road doing service most of the time. This was a safer location, and had a loading dock. Hawkins asked if there had a dumpster. Charland said they did not and take any waste to the Seabrook Transfer Station; the metals are transported to Salisbury. Hawkins asked about signage. Charland said they would apply for that next. He had a window sign, and there was an empty pole in front. Janvrin said signage needed to comply with the Smithtown Village standards. Hawkins said to follow the 6M Zoning regulations, and meet those sign requirements. Janvrin asked if trucks would park on the side gravel area. Charland said the 16 foot trucks would remain on the pavement. Khan emphasized that they were now in a different zone and could not do some of the things they did in the prior zone. Janvrin asked how they heat. Charland said with existing propane; the tank was at the back of the building.

Janvrin noted that in their prior location they had appliances outside, and asked if that was now the intent. Charland said only something right outside the door; the owner wanted nothing on the hot top. He wanted a picture of a washer and dryer on the sign. Morgan asked if they anticipated a roof sign. Charland said only on the pole at the front, nothing on the roof. Janvrin noted there were 8 spaces for 1500 square foot retail. Charland said he got about 3 customers in the store in a day. Most of the business is by phone or computer contact. Hawkins said 8 spaces was more than sufficient. Khan noted that this business had been in town for many years. Hawkins asked for Morgan’s comments; Morgan had no problem. Chase recommended hours from 7AM to 7PM. Janvrin commented that the building color was suitable in Zone 6M. Hawkins said if they wanted to change the color, to see the color charts in the Planning Board Office. The Board wanted to avoid the bright yellow or florescent colors.



Town of Seabrook
Planning Board Minutes
Tuesday, July 15, 2014
NOT OFFICIAL UNTIL APPROVED

MOTION:	Janvrin	to accept Case #2014-20 as substantially complete for jurisdiction and deliberation,
SECOND:	Lowry	Approved: Unanimous

MOTION:	Lowry	to approve Case #2014-20E – Mark Charland to move Mass Appliance Sales & Service from 287 Lafayette Road to 157 Lafayette Road, Tax Map 9, Lot 152 conditioned on (i) no outdoor storage of appliances; and (ii) delivery trucks to remain on impervious surface at night;
SECOND:	Khan	Approved: Unanimous

REMANDED CASE

Case #2012-18 – Latium Management Corporation, Tropic Star Development, LLC, and Scott Mitchell to demolish the Getty North station and replace it with a 1,200 square foot “retail” building and two gasoline dispensing islands at 663 Lafayette Road, Tax Map 7, Lot 87, continued from July 15, 2014;

At the request of the Applicant Hawkins continued **Case #2012-18 to August 5, 2014 at 6:30PM in Seabrook Town Hall.**

ONGOING CASES

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; continued from March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, July 15, 2014. Discussion topics are exaction fees, security, offsite configuration and traffic reports; Provident Way signal;

Hawkins said this case would be continued to August 5, 2014 at 6:30PM in Seabrook Town Hall.

Case #2013-26 – Proposal by 11 New Zealand Road, LLC and Charles Mabardy to establish a convenience store and restaurant at 11 New Zealand Road, Tax Map 7, Lot 87, continued from January 7, 2014, continued from January 7, 2014, March 4, 2014, April 1, 2014, April 15, 2014. May 20, 2014; June 3, 2014;

At the request of the Applicant Hawkins continued **Case #2013-26 to August 5, 2014 at 6:30PM in Seabrook Town Hall.**



Case #2014-12 – Proposal by 81 Ledge Road Realty Trust, William Lopito, Trustee, to erect an 18,000 square foot industrial building at 81 Ledge Road, Tax Map 5, Lot 8-60, continued from May 20, 2014;
Attending: William and Eric Lopito;
Appearing for the Applicant: Wayne Morrill, Jones & Beach

Morrill said they had been to the Technical Review Committee and incorporated the TRC comments in revised plans submitted on June 24, 2014, together with a response letter. The water line would be closer to the 6 inch domestic line and not crossing over the sewer line. P Polyethylene lines replaced the copper pipes, the spill pollution prevention plan would be submitted and notated in the plan, the plan will be in conformance with the aquifer protection zone; the utilities were depicted and the utility room would be designed by the architect/mechanical engineer and submitted to the Building Inspector prior to construction; no floor drains would be allowed; the proposed pylon sign would conform to town requirements, provision made for the RPZ backflow preventer; the pavement at the back been had shifted. drainage so the pipes would go from the front to the back. Waivers were requested: for (i) the landscape architect's stamp on the plan, and from the buffer requirement because all the uses were industrial, (ii) the front block façade to be metal panels and glass. Landscaped areas were added in the front. The correct building elevations were shown including for the 2 loading bays. Janvrin asked about the traffic and the circulation movements, and was concerned about the counter directions if 2 trucks were in the area at the same time. . Morrill said they did a turning template and showed the options in the access area, including safe pedestrian passage.

Khan asked how many businesses would be in the building. Lopito said one or possibly two. Janvrin asked about natural gas. Morrill said they were one lot from London Lane. Morgan said that the plansheet sheets had a professional stamp except for one. He asked why they wanted the waiver for the landscape architect's stamp, and who did the landscaping plan. Morrill had done the landscaping following the pattern of nearby industrial buildings with limited landscaping to afford visibility; the waivers should cover the cape cod berm, landscape buffers between sites, as well as the landscape architect's stamp.

Morgan asked about stormwater management, noting that the town's requirement was that there be a written commitment from the owner. Morrill said the Alteration of Terrain application had been submitted to NHDES. He believed that the Stormwater Operation and Maintenance Manual had been submitted with this application and signed by the owner; if not, he would see that this was done. The erosion control checklist was notated on the plan. Morgan asked in this would reproduce the Manual; Morrill said that was not on the plan. Morgan asked if the document depicted the site. Morrill said the document refers to the siteplan package. Morgan said in recent months the board's practice was that the mylar showed the schedule and the Manual. Morrill said the Sheet C3 mylar that would be submitted for recording would have the Manual as well. Janvrin said the dumpster pad was depicted on the back corner of the parking area, and asked if it would sit on the hot- top. This was in the Aquifer Protection Zone and it needed protection from leaks that could get into the drainage system. Morrill said this would be notated on the plan and was a purpose of the curbing.

Khan asked about the business and the number of trucks. Lopito said they did not yet have a tenant. Morgan said no outside storage. Morrill said they needed to keep the lane free for fire equipment; changes would have to come back to the Board. Chase thought every sheet of the O & M Manual would be on the plan. Morrill said only the Chart was on the mylar, and the Manual had the signatures. Janvrin asked if the signage would be compliant. Morrill said it would be



Town of Seabrook
Planning Board Minutes
Tuesday, July 15, 2014
NOT OFFICIAL UNTIL APPROVED

shown as a 4 x 3 foot pylon with the user's name, compliant in the industrial zone. Morgan noted that the TRC had 11 recommendations. Morrill said they incorporated all of the recommendations, but did not yet have the letter from the Fire Department.

Friberg said they had made excellent progress in the revised plans and, and were requesting certain waivers. He called attention to the lack of landscaping along the side, 5 proposed trees in the rear, and no proposed plantings - only vegetative swales. The rear parking area had no proposed lighting; he suggested low level, post or bollard lighting. The spill prevention plan needed the CEO's approval; Friberg wanted to add TEC approval. Chase asked if the landscaping was compliant. Friberg said there should be evergreens and deciduous shrubs or trees for screening. Hawkins explained that the landscaping regulations had been designed for Route 1 parcels of more than one acre. The industrial zone had not been discussed, if there were no non-industrial neighbors, he was not concerned. Morrill noted that the regulation covered every zone, but for this location there were only industrial neighbors; buffers would be a limiting factor. By consensus, the Board agreed. Lowry commented that lighting would be looked at similarly.

Hawkins asked Morrill if the Spill Prevention Plan should be reviewed by the engineering peer reviewer. Morrill concurred. Janvrin asked about the security. Friberg will propose the security amount. Khan asked if they would return when the tenant was known. Hawkins asked for further questions and comments; there being none. Morgan said to take the waivers one at a time. Chase asked about the security. Hawkins said that would be as recommended by TEC in their final letter.

MOTION:	Janvrin	to grant the lighting waiver in the back parking area requested for Case # 2014-12.
SECOND:	Chase	Approved: Unanimous

MOTION:	Lowry	to grant the waiver to release the granite curbing on the back corner of the property requested for Case # 2014-12.
SECOND:	Khan	Approved: Unanimous

MOTION:	Khan	to grant the landscaping waiver for the landscaping buffers between the abutting parcels as requested for Case # 2014-12.
SECOND:	Lowry	Approved: Unanimous

MOTION:	Khan	to grant the landscaping waiver for the buffers between the abutting parcels as requested for Case # 2014-12.
SECOND:	Lowry	Approved: Unanimous

Hawkins said the Board wanted to keep track of the type of businesses in the Aquifer Protection Zone. There were ongoing issues in that area, so the Board wanted to be notified in writing when



premises are leased to see if there were concerns. Certain chemicals would probably be addressed in the future. Hawkins asked for abutter comments; there being none.

MOTION:	Khan	<p>to approve Case #2014-12 – 81 Ledge Road Realty Trust, William Lepito, Trustee, to erect an 18,000 square foot industrial building at 81 Ledge Road, Tax Map 5, Lot 8-60, conditioned on:</p> <ul style="list-style-type: none"> (i) provision of the security amount recommended by TEC in their final review of the plan [amount to be inserted- \$140,000]; (ii) the Stormwater Operation and Maintenance Plan recorded on the mylar; (iii) the plan meeting all of the requirements of the Aquifer Protection Zone; (iv) no outside storage; (v) signage will comply with town ordinance; (vi) all TEC final recommendations recorded on the plan; (vii) the spill prevention plan recorded on the plan; (viii) all waivers to be received in writing with reasons listed on the plan; (ix) all outstanding invoices to be paid; (x) the Applicant to send a letter to the Planning Board together with proof that all conditions of approval have been met at least 10 days before the Chair signs the final plan; (xi) all state driveway and NHDES permits on file in the Planning Board office; (xii) the final planset meets all of the requirements of the Town Planner; (xiii) the application to expire in 180 days if the conditions of approval had not been met; (xiv) providing a letter from the Fire Department; (xv) the Applicant providing a letter to the Planning Board describing the tenant, type of business, and date of occupancy.
SECOND:	Lowry	Approved: Unanimous

Case 2014-13 – Proposal by M & K Complex and Timothy Johnson for a condominium conversion at 920 Lafayette Road, Tax Map 7, Lots 91-201 thru 91-205, continued from May 20, 2014;

Attending: Timothy Johnson; Robert and Anne Bialobrzkeski, owners of Units One and Two (North Condominiums)
 Appearing for the Applicant: Henry Boyd Jr.; Attorney Bob Deshaies, Healey, Deshaies, Gagliardi & Woelfel;

Boyd said that at the previous hearing concerns had been raised about the condominium documents in re the gymnasium building, the parking, and some other things shown or not
 Town of Seabrook Planning Board Minutes
 July 15, 2014 draft #3 Page 11 of 14



Town of Seabrook
Planning Board Minutes
Tuesday, July 15, 2014
NOT OFFICIAL UNTIL APPROVED

shown on the plan. Also the Bialobrzeskies identified some items to be fixed. Boyd had concern about the Planning Board request to label the tenants on the condominium plan; he thought it a bad idea because recently 3 had changed. Typically, the units should be listed by number. Boyd had not attended the Technical Review Committee meeting, but understood that the main item was the water shut-offs. The building was built long before shut-offs were required; there was one shut-off and individual shutoffs were inside a building. The condominium declaration would be revised to mention that all of the maintenance would be the responsibility of the south condominium. Additionally, the Bialobrzeskies were concerned about the parking percentage allocations established in a table for a prior case. Boyd said that when the gymnasium was built, the Board said the parking was ok, but the number of spaces per unit was unclear. Tocky B. had challenged them to put the table on the plan and devise symbols for each unit that would be keyed to the table.

Johnson said the discussion at the TRC was whether there could be a keyed box to give the Water Department access to the individual shutoffs on the north and south sides, because putting shutoffs for each unit in the parking lot would be a major expense. Chase asked if this would be on the outside of the building. Johnson said there was a closet in unit #3 on the south side/ The Fire Department had a key for the sprinklers; the Water Department could have another key. Chase asked who else had access to that area. Johnson said he or a tenant. . Chase asked if a tenant could turn on the water if the department had shut it off. Johnson said there would be no reason for a tenant to have a key to that unit.

Hawkins asked Morgan for the status, as there were not a lot of TRC recommendations. . Morgan said that the TRC hoped that the abutters the parties would work together to resolve their differences. He noted that Deshaies had responded to an abutter letter. Hawkins said the Planning Board did not want to be in the middle of the condominium issues and how the documents were written. There had been a number of issues with this property historically. The Board had forced resolution of the parking issues, and was very satisfied that the parties got together and produced a document stating how things would be handled now and in the future. The Board did not want a condo document that was always in dispute putting the town back in as a referee. He asked Johnson and the Bialobrzeskis to speak to the issues and possible resolutions without the Board forcing the issue.

Deshaies said he had been Johnson's attorney for a long time, but this was the first occasion he heard about the issues directly from the Bialobrzeskies and understood the situation from their point of view better. Johnson would agree to most of what they wanted. For example they would agree to have the units identified and the parking allocation table added to the plan and incorporated by way of reference in the condominium documents. He said the documents were fine, but would need modification to assign Association responsibility for maintaining the drainage swale. Also if Eagles' Landing Road were ever built, they would be obligated to connect to it. They would try to work out how to handle the utilities. Johnson would agree to pave the parking lot and hope that the Bank would help with the financing. He thought those were the major issues; he would be available to the Bialobrzeskies so they could figure out the way to deal with the outstanding issues. Hawkins was happy to hear the progress, but wanted to hear confirmation from the other owners.

Tocky B thought that Deshaies had mentioned all of their original concerns. The agreed parking allocation should be clearly shown on the plan. The parking easement as well as the allocation agreement be shown in the condominium documents and the siteplan; Deshaies said that would be fine. The reference to connecting Eagles' Landing Road should also be in the documents and



Town of Seabrook
Planning Board Minutes
Tuesday, July 15, 2014
NOT OFFICIAL UNTIL APPROVED

on the plan. The existing conditions should be shown correctly on the siteplan. Hawkins said their objective would be a correctly stated siteplan that agrees with the condominium documents. Tocky B wanted a prospective owner to know what they were buying and what they could and could not do, so that everyone would have the right expectations.

Hawkins said the Board's concerns were the already existing parking allocation, and the water shutoff issue. A letter would be needed from the Water Superintendent stating that he was in agreement with the proposal to resolve the shutoff problem. The town needs to know it can do what it needs to do in those properties. Hawkins asked if there were things that Morgan wanted to see on the plan that had not been discussed. Morgan thought the discussion at this meeting sounded that all the parties could be satisfied. Hawkins asked if there would be any objection to doing an update to the plans and the condominium documents, and returning to the Planning Board for an approval; there being no objection. That way everyone could express their satisfaction. Boyd was asked to get a letter from the Water Superintendent as to his satisfaction with the mechanism for the water shutoff and access to it. Janvrin asked where the utility closet would be located. Hawkins said it would be inside Unit #3.

Janvrin referenced the TRC comment that there were 5 units and only 4 meters. Hawkins said whatever the utility plan was would have to meet the Water Superintendent's requirements. Janvrin commented that it would be very difficult to have 24 hour access inside the building. Chase said they did not need 24 hour access, only to shut off water if the bill was not paid. Kravitz said they did not want to have to shut off everyone. Boyd said the shutoff in the street would do just that.

Hawkins asked for Friberg's comments. Friberg said everything discussed in the TRC meeting had been covered. The main issue was the water shutoffs. The regulations were to have the shutoffs at the right-of-way line, but everyone agreed that would not be realistic for this application. The Water Superintendent was amenable to coming up with a different solution. At the TRC meeting they did not have an accurate existing conditions plan so no one was sure where the connections were. The solution was that the Applicant had to sort out the shutoff and access with the Water Department and the Building Inspector. Friberg said that other requirements in the regulations relating to condominium conversions should be notated on the plan. They had talked about parking and right-of way easements, but there would be drainage easements and the like that that should be listed on the final site plan. Chase wanted to be sure that the water shutoffs were shutting off each unit, and that no unit was tied into the shutoff for another unit. Hawkins said that was why the Water Superintendent needed to agree that the design and methodology met his requirements. Chase wanted an individual unit to be shut off without affecting another unit.

Hawkins asked what date would be realistic to have the final plan, condominium documents reflecting Section 12 of the regulations, and plus the letter from the Water Superintendent. He noted that he parking should be on the plan as well as the conditions of approval. Boyd asked for 4 weeks. Boyd will go through the condominium documents and references.

Hawkins continued Case #2014-13 to August 19, 2014 at 6:30PM in Seabrook Town Hall.



Case #2014-18 – Proposal by Matthew Hartung and William Simmons to convert part of a plumbing and heating company to a retail store offering electronic cigarettes and accessories at 11 Railroad Avenue, Tax Map 8. Lot 107;

Attending: Matthew Hartung, William Simmons,

Hartung explained his intentions and how he would limit the electronic cigarettes sales operation. Simmons how he would be supported the business and address the problems on the site. .

MOTION:	Khan	to approve Case #2014-18 – Matthew Hartung and William Simmons to convert part of a plumbing and heating company to a retail store offering electronic cigarettes and accessories at 11 Railroad Avenue, Tax Map 8. Lot 107 conditioned on: (i) the lease conditions remain as stated on July 15, 2014; (ii) sales to customers eighteen years or older; (iii) employees to be trained on how to assure identify of customers by the liquor commission as for those working on Route I-95; (iv) hours of operation to be 8AM to 9PM
SECOND:	Lowry	Approved: In favor: Hawkins, Khan, Lowry, Janvrin, Chase; Abstained: Frazee

PROPOSAL BY THE PLANNING BOARD TO AMEND THE SUBDIVISION AND SITE PLAN REVIEW REGULATIONS IN REGARDS TO PARKING, FINANCIAL SECURITIES, AND APPLICATION FEES.

Hawkins continued the proposed ordinance discussion of parking, fees and security to August 5, 2014 at 6:30PM in Seabrook Town Hall.

OTHER BUSINESS

Janvrin said the Rail Trail 5 mile race for volunteers, runners, and families would take place on August 10, 2014 at 9 AM, beginning at the Seabrook Library.

A letter from Attorney Craig Salomon was distributed; no action taken.

Respectfully Submitted

Barbara Kravitz, Secretary