



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Jason Janvrin; Keith Sanborn, Robert Fowler; Robert Moore, Ex-Officio; Alternate; Elizabeth Thibodeau, Alternate; Michael Lowry, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;
Members Absent: John Kelley; Paul Himmer, Alternate; Paul Garand, Code Enforcement Officer

This meeting was held in the Seabrook Library.

Hawkins opened the meeting at 6:45 PM

Master Plan Presentation

Appearing: Jack Mettee, Seabrook Master Plan Consultant, Julie La Branche, Senior Planner, Cliff Sinnott, Executive Director, David Walker, Senior Transportation Planner, Rockingham Planning Commission;

Attending: Senator Maggie Hassan; Executive Councilor, Beverly Hollingworth, Aboul Khan, Chair, Seabrook Board of Selectmen;

Hawkins explained that the first part of the meeting would be devoted to the draft Master Plan Transportation Chapter, and the draft of the special Chapter focused on Route 1 which attempts to define the issues related to that roadway and present ideas on how to address them. The perspective is long-term and is just starting now. Hawkins said the Route 1 Chapter had consumed a great deal of time for the Master Plan Steering Committee. He acknowledged State Senator Maggie Hassan and Executive Councilor Bev Hollingworth and thanked them for attending. Hollingworth thanked the Board for letting them know about this presentation.

Draft Transportation Chapter

Hawkins asked Mettee for a review of the two chapters, and noted his considerable amount of work he put into them. The Board would then have the opportunity for discussion. Mettee thanked the Seabrook Library for allowing the meeting to take place there. He noted these chapters are part of the Master Plan update, and said that transportation and traffic were major issues for the Town. Mettee explained that the draft chapters on Transportation and the Route 1 Village Concept were designed to define the issues and find solutions for the future, and described the process as a big task requiring many, many hours of work. Mettee said that the Rockingham Planning Commission had done a very good job when looking at Seabrook's transportation needs as well as those of the surrounding towns in the region in terms of transportation needs and coming up with projects that could eventually be funded through a combination of federal, state and local monies. For example, potential Seabrook projects include the Route 1 widening south of Route 107. They looked at various transportation issues concerning federal, state, and town roadways within the Seabrook borders, including the federal-state network of I-95, Route 107, Route 1, Route 286. Roadways under the jurisdiction of the Town of Seabrook were also looked at.

Mettee said the impact of funding limitations was also looked at in terms of the best ways to manage maintenance, traffic volumes, and the increase in accidents. He commented that some committee members were surprised that traffic volumes have been pretty flat in the last five years. There has been some increase at Route 1A and Route 1 at the Massachusetts line which he thought was the result of shoppers coming to Seabrook. Another area of interest is location and numbers of accidents which have increased in the Route 1 area. Mettee thought that this might be due to roadway conditions or drivers who are less careful, in addition to traffic volume. Mettee said that the impacts of population and economic changes, including increased employment during the past five years, needed to be evaluated. Also changes in the use of the Route 1 Corridor, maintenance of bridges and roadways, population and economic factors including employment, prospects for alternative transportation, and making it more



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

friendly for bikers and pedestrians were important factors to address. He noted that of Seabrook's six bridges, the town is responsible for the Centennial bridge over the Cains Brook and the Causeway over Tide Mill. They also looked at the relative likelihood of alternative transportation including rail, air, public and private transit service, bicycle routes and pathways, pedestrian facilities and sidewalks. There was strong interest in creating pedestrian and bicycle-friendly routes as well as public transit capacity.

Mettee said the key transportation issues identified were traffic congestion, particularly on Route 1, access management re major roadways, and the effect of land use regulations, as well as the use of roadways in light of maintenance needs and traffic congestion. The following are the six action objectives for maintaining and improving the current roadway system which are more fully explained in the Transportation Chapter:

1. widen US Route 1 south of Route 107 to the Railroad Avenue intersection;
2. maintain and expand the system of sidewalks throughout the town;
3. establish and maintain roadway hierarchy that ensures that local roads are safe for auto travel;
4. promote transportation policies/improvements consistent with the town's policies for protection of natural/historic resources and minimize the impact on neighborhoods; adopt standards within site plan review that would require vegetative buffers;
5. participate in the coordination of state and local transportation enhancement planning that addresses both local and regional needs; continue to participate with the RPC on the transportation planning process;
6. establish an ongoing process of funding for transportation enhancement projects; encourage public/private cooperation in the financing of additions/improvements to the transportation system.

Hawkins asked for questions from the Board. Thibodeau thought there were five state bridges – Route 95, Route 1, Route 1A, and two Route 286 bridges one of which is half in Massachusetts. Hawkins said that the Route 1A bridge is located in Hampton. Hawkins indicated that the draft Chapters would be reviewed again before the Master Plan update final document is completed – scheduled for December 2010. This meeting provided the opportunity to see what is going into the chapters, to consider any additions, and to prioritize the recommended actions. The chapters are long and detailed, but attention should be focused on the action plan. There being no further comments from the Board, Hawkins asked for comments or questions from the public re the Transportation chapter. Max Abramson thought that at a prior meeting there had been mention of a Route 1 bypass, and asked if that would be in the Master Plan. Mettee said that wasn't included. Abramson thought the RPC [Corridor Study] mentioned a bypass which would be more practical on the eastern side of Route 1. Mettee said this was not as a parallel roadway. Hawkins said there was discussion of connecting different businesses to get from one development to another, wherever possible so vehicles don't have to get back onto Route 1; but it is not one lane going all the way from north to south. The objective is to have hook-ups connecting commercial pieces. Abramson said he'd heard some residents talk about a bypass.

Foote said the Committee as well as the Planning Board have discussed potential interconnecting of existing town roads and bypasses, but there is no way it can be limited to just residents near Route 1. As people discover such a bypass, it becomes overloaded even worse than Route 1. So this is not necessarily a solution. It can become a worse problem by directing people in Seabrook for the commercial activity into residential areas. It is more important to concentrate on connecting the commercial areas and keeping shoppers out of the residential areas. Hawkins said to think about neighborhood reaction if vehicles were rerouted in back of Route 1 into their areas. This has to be carefully planned. There are a number of recommendations in the Corridor Study, and when development is proposed for the commercial zone on Route 1 the Board asks for connectors to the next piece of



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

property. The considerations are practical; no land taking is contemplated for this purpose. Mettee noted that the Committee reviewed the recommendations of the 2001-2010 Master Plan and again brought some of them forward.

Hawkins acknowledged that some people think Route 1 will always be what it is today. However, the Committee spent considerable time on the Route 1 Corridor because there is the expectation that redevelopment will occur over the years. He did not think people were upset that it is a commercial corridor, but thought it could look better twenty years from now if the town gets started now to identify what it wants the area to look and feel like when properties turn over. A return to a more "village-like" atmosphere would be a good objective. All were agreed they did not want a six-lane commercial highway with a fence down the middle. The purpose in the Master Plan is to say what the town wants and help the NH Department of Transportation understand this. No one is naïve enough to think this can happen in a few years. If there is a plan it may come around during redevelopment over time. .

Design Review Report

Mettee introduced the Route 1 Corridor chapter stating that it represents the vision to action plan resulting from the Planning Board Listening Session in May, and the follow-on Design Review Work Session in June. At the Listening Session everyone had the opportunity to contribute all of their ideas. At the work session the design team looked at the corridor using maps, photographs, listening session responses, and personal observations, developed their thoughts and ideas into concept drawings for a Town Hall village concept, a north village concept at the Hampton Falls border, and a commercial corridor between the two villages. Several redevelopment concepts for certain nodal areas were also shown. Hawkins said that some people are seeing this for the first time, and noted that the traffic solutions presented in the Route 1 Corridor Study had not generally been well received.

Mettee noted that many years ago there were villages on Route 1 and parts of the roadway were quite elegant. Considering the likely effects of continuing with potential "big-box" developments, the design review alternatives aimed at recapturing that small town, village feel. However, New England village concepts were one thing; zoning and site plan enabling regulations and implementation were the next step. One of the design team's objectives was to envision a village concept for the area around Town Hall. Another objective was to imagine a New England character if there were a turn-over of one of the big-boxes. Additionally, a vision was created for the Old South meeting hall as a keystone area. After getting comments from committee members and a few department heads, the design team refined their drawings and concepts.

Mettee said the outcome envisioned a Town Hall Village area at the Massachusetts border, another village area at the Hampton Falls border, and a commercial line connecting them. Key features were the Cains Brook restoration and the potential for rail/trails. Using a power point presentation, Mettee pointed out the various plan elements. The Town Hall area concept comprised (i) redirecting Folly Mill Road traffic behind the post office emerging further to the south, (ii) redirecting Route 1 to the south in front of the Town Hall, (iii) signalize the intersection with Walton road, (iv) moving the Trinity Church closer to the meeting hall to create a "campus" where Folly Mill Road traffic was diverted. The Town Hall would remain where it is, and a welcoming gateway created where New Hampshire begins on Route 1. Mettee said that the relocated church building would be centrally visible as vehicles approached from the north, and the result would be a village green civic center. The gateway at the Massachusetts border would provide a substantial statement of the town character. Mettee said that after getting some feedback, the design team dreamed about extending the concept behind the post office for retail and residential mixed use, reached through the old south Main Street. A great lawn would open up for activities. He thought that



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

overall this would make a major roadway more attractive and compatible with existing uses and new development.

Mettee said that the Wal-Mart Plaza was an area where the design team looked at what could happen if it were to be redeveloped. For example, the building footprint could be reduced and a second story added to allow mixed use along Route 1; the building could reflect a New England style and a more integrated pedestrian friendly area. There even might be a trail created along the pond behind the Home Depot. Hawkins asked Mettee for more detail. Mettee said a pond trail could connect with the rail trail and also with the Library. the design team thought that the Old South meeting area could also be a welcome area. This would involve closing Spur Road, enhancing the landscaping, emphasizing the recreation potential. Mettee called attention to the work RPC would be doing concerning sub-area planning, potential zoning changes and design and landscape standards along the Route 1 corridor. Mettee gave credit to those who worked on the design team including Julie LaBranche and David Walker from RPC, Doug Greiner Landscape Architect, Shannor Alther, Architect, Dana Lynch, Traffic/Civil engineer.

Hawkins noted that some Board members were seeing these concepts for the first time. The traffic nightmare that exists around the Town Hall was one of the objectives. He recalled that the Route 1 Corridor Study had made some proposals that were not too well received. In looking for alternatives, the village district idea looked very pleasing to bring back the small town-feel that existed in Seabrook a few years back. The visual presentation was thought to be important so that people can understand these ideas, and said that LaBranche would speak to how present these ideas to townspeople. Attention has to be given to how to present the ideas and get people on board with implementing some of the good ideas by embedded them into the zoning. A plan is one thing but it would have to be put into the zoning and the site plan review process or the likelihood of accomplishing these concepts would be slim. The first step is getting the concepts into the Master Plan and then moving to the difficult implementation.

Hawkins asked for questions from Board members. Thibodeau said she could not understand moving a church that old. The church has been in that spot for many years and could not imagine moving it. Janvrin noted the separation of church and state. Morgan said everyone knows what a big problem the corridor is with too many cars than the roadway can support. The goal should be to give people alternatives to getting in their cars. There needs to be ways for pedestrians to go all the way up and down the corridor. Similarly bicyclists should be able to travel to the stores on a nice day. Mass transit is an additional factor. Morgan said he is a member of the Board of Directors of COAST which services the Portsmouth – Rochester area. He was convinced it is only a matter of time before COAST expands service down Route 1. If the Master Plan looks at where it makes sense for a bus to stop, that public transit might come a bit sooner and developers could provide funding. Morgan also noted that a town of 8000 people should encourage professional offices that local people could frequent.

Hawkins asked for comment from the public. Abramson asked about the traffic volume for a proposed stop-light at Walton Road. Mettee thought it was about 25,000 daily. Mettee explained these are concepts only. Abramson asked if a stoplight could handle the traffic increases. Mettee said it would be a balancing of traffic management and the village concept. Walker explained that the Route 1 Corridor envisioned five lanes – two in each direction and the center turning lane; was designed to handle traffic increases for the next five years. The issue was safety. There would be different kinds of accidents, better connections, and less danger of very high speed traffic zooming around the rotary. Sinnott described the potential for alternative public transit with the Merrimac Valley Transit Authority's proposal for a new route from Newburyport through Amesbury and Salisbury, and perhaps connecting up to Seacoast. He suggested that this might be an incentive for COAST to connect from the north.

Fowler referenced the trails potential along the railroad tracks, and asked what would become of the rails. Mettee said they had been abandoned and being tarred-up by ATV's. This would be part of the long -term



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

East coast Greenway project from Florida to Maine. Hawkins noted that Janvrin was a member of the Seabrook rails-trails committee. Janvrin said the State of New Hampshire met with the Seabrook Committee and has offered to enter a management agreement with the Town of Seabrook Rail-Trail Committee. This would put the management of the trails in hands of the town, although ownership would still be with the State. The police and fire departments would have jurisdiction on the state property to enforce regulations. RPC has applied for federal grants submitted through the State, and there is a good chance for some funding. The first phase would be from Railroad Avenue to the Library so folks from the elderly housing could get to the Library without going out on the roads. This would tie in with the Safe Routes to Schools, and possibly a bike route at the Home Depot pond. Hawkins said the trail in Salisbury is beautiful with a hot-top sidewalk with beam and post – as nice as on Cape Cod. He noted this is an expensive project.

RPC Scope of Services

LaBranche referenced the draft Rockingham Planning Commission scope of services for working with the Master Plan Steering Committee to codify the village concepts through regulation updating and community outreach. During the past six months she participated in the Listening Session, the Design Team Work Session, and in many conversations with the Committee members. She explained that through the Master Plan updating the Planning Board and the community at large are defining the vision and goals. RPC's work would be to put together zoning and regulation changes that would promote and enable the concepts to become a reality. Among the general considerations are encouraging mixed uses, especially in the village areas, localized services, workforce housing and employment opportunities. One focus would be developable land in the Town Hall area with the historical gateways as a focal point. This would be a showcase for redevelopment of the Route 1 corridor, not only in functional transportation aspects but in access to recreational areas. Overarching themes are developing landscaping and site design standards, and ways to improve water-bound areas. There would be an outreach component for each work phase. The work would begin in October 2010 and continue through December 2011, However as the work proceeds some elements may be able to be enacted sooner. The participation of town officials, boards, etc as well as the townspeople would be an important component.

LaBranche outlined the six task areas of the project:

1. coordinated discussion with the NHDOT on a Route 1 Memorandum of Understanding followed by an Access Management Agreement between the Town and NHDOT;
2. information gathering for a zoning and regulation framework leading to sub-area plans for eg design esthetics, landscaping, and heights;
3. auditing the current regulations to arrive at recommended changes;
4. attention to Master Plan components and identifying deficits;
5. developing landscaping standards which might happen in the shorter-term;
6. working with NHDOT on access management standards including connectivity between parcels and pedestrian and bicycle accommodations which the NHDOT would agree to use for driveway permitting – there might be different treatments for areas;

LaBranche said the idea is to craft the regulation so that good design is promoted. The best way to do that is to reach out to the public in each phase and show them the possibilities and earn the town and NHDOT approval. Morgan noted the desire for pedestrian crossings for Route 107 intersections. Hawkins said the “standards” would be a guide to apply to Route 1 as well as to other parts of the town. LaBranche said the process would be to formalize policy into regulations. Hawkins said a Memorandum of understanding with the NHDOT was important as now the town has no say. LaBranche said an access management agreement could enhance alternative traffic patterns for bikes and pedestrians. Developing functional recreation opportunities along the East coast Greenway would encourage mixed use



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

development. She thought there could be some zoning changes ready for the 2012 Town Meeting; design and esthetic regulations could be enacted as they emerge. The key is what the corridor would look like. LaBranche said that big-box stores can look different when they are designed properly with quality construction and architecture, and there are many examples of this that can be shown in the regulations.

Hawkins said that the proposed RPC Scope of Services would be reviewed in a greater level of detail as a vehicle to move forward with the Master Plan at the September 23, 2010 Master Plan Steering Committee meeting at 9:30AM at Provident Bank. It would be a lot of work to get regulation approvals etc, but if this work doesn't start it won't ever be finished. La Branche thought that Seabrook was farther along than most communities. After being a part of discussions during the last several months, LaBranche thought she had a good idea of what the Committee is looking for. Sinnott asked how important it would be to be settled on a concept before the Town Meeting. Mettee said the site plan regulations can be just as powerful. Hawkins said that zoning changes have to go to the Town Meeting so there isn't any guarantee but, even if not successful, there are components for change that can be implemented through the site plan regulations. These are just as important in getting things done and giving the chance to change how things look. A tough decision for voters would be whether to change the path of Route 1, but he did not think the process should be stopped from moving ahead. Sinnott said that one of the concepts had more of a mixed-use village perspective which might mean that different density in the zoning would become part of the picture. One component was moving the traffic flow for Folly Mill Road and creating a center for other development including mixed use. LaBranche thought this would be evident in the phasing and developing a path toward regulatory change. Mettee recalled that some comments were positive toward that concept.

LaBranche said the picture becomes clearer when looking at the sub-area plans and final conceptual framework. In another community a series of "yes/no questions related to the concept was developed eg re setbacks or roadway changes, to identify the desired options and this turned out to be very helpful in defining the final outcome. Such decisions could be easily translated to the final zoning. It's hard to do both the concept and the detail at the same time. Sinnott said when everyone is happy with the scope and wants RPC to proceed, RPC would be responsible for 80 percent of the planning funds they would want the NHDOT to see the concept and be sure they are on board. This is such a focused project on transportation problems that he could not imagine the NHDOT would not take that step.

[Secretary's Note: the Steering Committee meeting was subsequently changed to September 30, 2010 at 11 Am – same location.]

Hawkins declared a 15 minute break.

MINUTES OF AUGUST 17, 2010

Hawkins asked for comments on the August 17, 2010 Minutes. Moore said that in page 5 paragraph 3 his comment should read "... the shooting range would access the town roadbed..."; Thibodeau said that comments she made at the end of the meeting expressing concern about interruptions during the time for Planning Board discussion had not been included. Kravitz asked if Thibodeau wanted this added in to the minutes; Thibodeau declined. Hawkins noted an empty parenthesis on page 4. Kravitz said she wanted Morgan whether something that he said had been missed. Morgan was satisfied and said to remove the parenthesis. Moore commented that the language should say that Selectmen's authority to approve the use of the land only lasts for one year after which it would go to Town Meeting. Janvrin noted that the motion on page 14 should show him as opposed. Typos were corrected.



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

MOTION:	Moore	to accept the Minutes of August 17, 2010 as revised
SECOND:	Janvrin	Approved: Hawkins, Moore, Janvrin, Sanborn, Thibodeau, Fowler, Foote;

SECURITY REDUCTIONS OR EXTENSIONS

Case #2010-18.07-06, a proposal by Raman Patel to establish a 1,713 square foot convenience store at 609 Lafayette Road, Tax Map 8, Lot 3, continued from July 6, 2010, July 20, 2010; August 17, 2010;

Hawkins referenced a request from Henry Boyd Jr, of Millennium Engineering to extend Case #2010-18 for an additional 90 days from the initial 65-day period. Morgan asked if there was an indication of the reason for the extension. Hawkins said they did not. Kravitz said that is the way the Board's standard form is written; the case had been continued to September 21, 2010. Foote said 90 days is the Board's standard for a first extension. Morgan was curious as to why more time was needed. Hawkins noted the case had been sent back for additional traffic information, and he saw no problem in extending the 65 day period. He thought the extension was "boiler-plate" upon request. Morgan did not think otherwise but wanted to know the status. Foote noted that DDR was the only one to ask for less than 90 days.

MOTION:	Janvrin	to grant a 90 day extension for Case # 2010-18.
SECOND:	Thibodeau	Approved: Unanimous

Case #2010-01 – Proposal by Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64, continued from February 23, 2010; June 15, 2010; July 6, 2010; July 20,2010;

Hawkins referenced a request from Wayne Morrill of Jones & Beach for a 90-day extension date for Case #2010-01, and noted they were trying to address some parking issues. Janvrin asked if they had gone to the Board of Adjustment for anything. Kravitz had been informed that the applicant wanted to confer with the Board of Selectmen before returning to the Board. Foote said the issue was for sewer and water hook-ups so they don't have to jet under Route 1; they want to run it through the green space next to Route 1 and connect to the main that services Lowe's and Kohl's. Moore thought it might be for driveway hook-up through the Community Center which the town owns. Foote said there were more than enough cars going through the Community Center roadways where there are a lot of kids. Kravitz suggested going beyond the "90 days" because of the length of time it had been before the Board. Moore suggested 90-days from this meeting date.

MOTION:	Moore	to grant an extension for Case #2010-01 to the date that is 90 days from September 7, 2010.
SECOND:	Janvrin	Approved: Unanimous

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins said that the date for filing the town's brief in the DDR litigation had been extended [to September 29, 2010 as discussions concerning the widening of Route 1 south of Route 107 to Railroad Avenue were continuing.



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

Case #2010-22 – NextEra Firing Range

Hawkins noted that Case #2010-22 had been approved with conditions on August 17, and that according to one stipulation the plan revisions went to the Planning Board engineer to get agreement on certain issues. He asked for an update. Morgan said that the Board's engineer is now satisfied with holding the security, although he had recommended the security be increased to \$42,500. However, the engineer is now satisfied to return to the \$35,000 security amount, and the Board should be aware of this. Hawkins asked if the stipulations had been met. Morgan referenced his memo that explained the engineer was satisfied. He said that most of the remaining items had been done, but as requested he was contacting the DPW Manager to make sure that his issues had been satisfactorily addressed. Hawkins said there was nothing for the Board to do about raising the security amount. Morgan said other than being aware that the security amount would be returned to the \$35,000. Hawkins asked for questions; there being none. Kravitz said that the revised plan had been provided to the usual department head reviewers asking for a written response, and that a pre-construction meeting would be scheduled.

Salisbury Cottage Development

Hawkins called attention to **Morgan's memo about the Salisbury meeting he had attended on August 31. Attended, and asked for his impressions.** Morgan's had a sense of resignation that the project would move forward Salisbury was asking for help in making that happen. He noted that VHB is the developer's engineer and has only indicated minor improvements to Seabrook road. The big problem would be fixing the Route 286 and Route 1 intersection and that the Massachusetts Department of Transportation has plans to fix it, but the town has no money for this. Morgan said it was disappointing that VHB said there was not enough impact on Waverly and South Main for mitigation in Seabrook. There was discussion about what would happen on rainy days when some people would come to Seabrook to shop and use Washington Street as a short-cut. VHB did not address that Morgan said he questioned the traffic volume figures. After the meeting adjourned elected officials asked why Seabrook would complain about traffic on Waverly when there was so much traffic coming from Seabrook. Janvrin thought Salisbury might well look to develop destinations south of the New Hampshire border. Thibodeau noted some traffic coming from Salisbury comes down her road and men urinate at the side of the road. Salisbury ought to do something about that.

Morgan said the reason the project would pass was that Salisbury perceived financial benefits from the tax revenues from this project would be more than the municipal services. They see Seabrook doing the same thing with Route 1 traffic. Thibodeau noted that in Massachusetts, Route 286 is a town road, not a state road. The VHB traffic study was provided and could be viewed at the Planning Board office. Hawkins said the conclusion was there was very little impact from the 270 unit development. Morgan said their position was there was not enough of an impact to warrant mitigation in the Town of Seabrook. Thibodeau thought they had originally proposed about 500 units. Morgan agreed. Janvrin though this was probably phase 1. Foote would rather see a gated community than a full residential subdivision. Thibodeau wondered if they might change their mind after the subdivision is up. Foote thought that if the houses are built on tubing, not many people would want to live there year-round. Morgan thought Salisbury would not want that many people year-round.

Rockingham Planning Commission meeting re groundwater.

Hawkins said that the **RPC would host a meeting on September 22, 2010 in Brentwood re proposals to improve the management of groundwater in New Hampshire, and about the licensing process for removing groundwater.**



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

PUBLIC HEARING

Hawkins opened the Public Hearings at 8:40PM

Hawkins said the notice for changing the number of plans for site plan review applications had been posted. He read the proposed text.

Replacing Article V Section A of the Subdivision Regulations with the following:

A – Engineered Plans: Eight full size (22” by 34”) paper copies, and fourteen 11” by 17” paper copies. For expedited applications, fourteen 11” by 17” paper copies are required.

Moore asked if this is an increase. Hawkins said the increase in the number of plans is needed for the Board’s review plus the Department Heads, noting there are now more alternates. He asked for comments or questions; there being none.

MOTION:	Thibodeau	to Replace Article V Section A of the Subdivision Regulations with the following: A – Engineered Plans: Eight full size (22” by 34”) paper copies, and fourteen 11” by 17” paper copies. For expedited applications, fourteen 11” by 17” paper copies are required.
SECOND:	Foote	Approved: Unanimous

Kravitz commented that this number of plans allows the case to move through technical review. Hawkins closed the Public Meeting at 8:42PM.

CAPITAL IMPROVEMENT PROGRAM REVIEW

Hawkins said there would need to be a public hearing to accept the CIP. If the Board had questions, the Town Manager would be invited to address them at the next meeting. He noted that this is the same format as for 2010, with the summary in the front and the project details toward the back. Hawkins did not feel the need to invite the Town Manager to address the items before the public hearing. Janvrin was irked that the Budget Committee doesn’t follow the CIP. For example, in the past, a lot of expenditures, eg for the emergency management vehicle, never passed the BudComm even after being listed for five years. Also, there are some exorbitant items like a swimming pool which would be nice, or adding employees. Items included should be (i) what the townspeople want, (ii) there is a need for them, and (iii) the BudComm will support. He did not see a lot of items that meet that muster.

Foote said the BudComm does not necessarily have to support the CIP. It is a vehicle that is necessary to indicate to the world what the town wants ie a program it might like to do. She stated that 95 percent of available grants for projects want to see that they are in the CIP and Master Plan, or a grant will never happen. The listings are things that enough citizens have requested and that the department heads feel valid to put in as a potential capital improvement with a forecast as to the proposed timeline. It doesn’t mean that there will ever be a special warrant article to appropriate eg \$5,000,000 for a swimming pool. It means that here are enough people that have asked for a swimming pool and there is grant money out there. Some day grants might make it a reality, so it is important to include. Moore said this gives a handle for a six year period on expected or desired expenses. Janvrin noted that ten years ago it was suggested to include a capital reserve funds for building maintenance or to replace an ambulance or a few vehicles. Moore said all of those items were in the plan. Janvrin said a capital reserve fund was removed. Moore said the way it had been done was not legal.



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

Hawkins said that the Planning Board has responsibility for approving the CIP. The BudComm looks at the amount of money being requested for warrant articles in the current year, and then recommends each warrant article for approval or disapproval. The CIP is the notice that there will be a warrant article that won't be seen until January. The BudComm wants to know what is coming down the pike and the CIP tells that. There is very rarely a capital item warrant article that has not shown up in the CIP.

Hawkins said that the Planning Board's role is to say there is a capital improvements plan for the whole town. For the most part the sources of the funds are also listed. He noted that none of the items on the Planning Board page require tax money from the town. BudComm and the Planning Board have two different roles in re the CIP. The Board approves the CIP and passes it on to the Selectmen. He asked when the public notice would be posted. Kravitz said it would be for October 5. Hawkins wanted to know if there were any questions that would indicate calling for the Town Manager to address at the public hearing.

Foote had no questions on the documentation and projections, and thought the department heads did an exceptional job in providing information and data. She again asked for a way to track items, for example, for how long had an ambulance been requested and asked if it would be of benefit to know this. Had it been on the list for a number of years or is it a new idea. Perhaps items could be numbered with the year it first appeared in the CIP. Moore thought that Finance could probably track this. Hawkins noted that Foote had previously requested identifying an item by the year it had been initiated; that would tell how many years it had been turned down. He noted that the Sewer Department states that for each item. He agreed with Foote that the numbering format could make it easier to know this for all items without having to review the Town Meeting votes.

Foote said it is misleading when a warrant article request fails and then the next year seems to appear as a new item. Hawkins said department are playing catch-up. Foote thought about an excel sheet or addendum that would track items from year-to-year, but could not figure out how to construct it in the CIP format. Hawkins said the current summary format fits on a few pages and putting vehicles on a single line would be easy to see, for example, that an item had been listed for five years without ever being passed. Foote said then department heads could flag an item as to why it did not pass and adjust the description accordingly. Janvrin said that would be especially helpful for some town vehicles. Hawkins said the numbering could be for the department, the year, and the project number; maintaining that would be simple. Janvrin said it could affect a voter's decision. Moore suggested looking at Warner Knowles' format. Hawkins said Knowles was the only one to do that and there should be a standardized format for all projects. Foote suggested that next year the form could ask if an item was a repeat submission and, if so, for how many years. Hawkins thought this might be addressed for the next year's CIP form. He asked if anyone felt the need to address any questions or problems re the CIP; there being no such request. Hawkins said the CIP Public Hearing would be posted for the October 5, 2010 Planning Board meeting.

2011 BUDGET DISCUSSION

Hawkins said the 2011 format is the same as the previous year. In summary, the total Planning Board expenses in 2009 were \$140,700 due to the large amount of legal expense as well as study expenses in connection with large projects. Revenue was about \$57,000. Therefore, in 2009 the Planning Board cost to the Town was about \$83,000 including legal expenses. Recognizing this, the Board made changes to applicant fees, particularly in re large scale projects, to improve collections. Hawkins said that without legal expenses of approximately \$19,000, which cannot be collected from applicants, the cost to the town was approximately \$63,700. Of that amount, approximately \$32,000 billed in 2009 was attributed to expenses in re the DDR cases and was paid in 2010. This shows that the years [expense/revenues] don't necessarily match up, and that actual 2009 Planning Board cost to the Town would have been



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

approximately \$30,000. Hawkins noted that there are still issues in getting all of the Planning Board expenses paid for by applicants which are the reason the Board exists.

Hawkins pointed out that the 2010 Budget was approximately \$80,000 because there wasn't very much included for studies and legal expenses in hopes that the legal problems had disappeared. Expected revenue from application fees was approximately \$65,000 leaving a net of \$15,000. This means that the expected cost to the Town was about 15 percent, down from 41 percent the prior year which Hawkins thought was a pretty good improvement. When legal expenses were figured in the net cost would be about \$10,000. Hawkins said when looking at the 2010 actual figures so far, he estimated expenses of approximately \$89,000 and revenues of approximately \$70,000 of which approximately \$32,000 was billed for 2009. As legal expenses should amount to about \$10,000, the net cost to the Town would be about \$8,500 which Hawkins thought would be a pretty performance for the Town even though some of the revenue would result from 2009.

Hawkins said that the activity level in 2010 has been kind of low in terms of application fees to cover office expenses etc. He didn't expect much change in the expense level; forecasting revenue is difficult without knowing what revenue is expected. He hoped to recover 78 percent of expenses with legal expenses at about \$5,000. If this occurs the Planning Board would cost the town about \$12,000 which he thought was not bad. To zero out the costs would be difficult unless there were some big projects in the near term. Moore said zeroing out would be difficult as there would always be projects going into the next year. Hawkins said that was a problem. However the DDR cases closed earlier in the year and their bills should have been paid in 2009 -- except that the case was in court. It took a letter and suggestion for cooperating, and the bill was paid the next month.

Hawkins called attention to the historical data starting with 2007, and went through the 2011 proposal. The employee is part-time and budgeted at 38 hours per week. A change has been made so that overtime is now compensated with time-off. Therefore the overtime line of \$1055 budgeted in 2010 hasn't been spent and is not anticipated to be spent, so that figure for 2011 is \$0. The FICA is 7.65 percent of wages. Advertising is the newspaper public notice cost and is dependent on the number of cases; the \$2000 figure is the same as in 2010. Engineering services is for the Planning Board engineer reviewing cases and is a function of the number and the size of the cases. So far in 2010 the expense was \$400, although Hawkins expected this would come closer to \$3000 before the end of the year; the 2011 budget figure is \$3600, noting that every dollar billed should come back from the applicant. On the other hand legal services cannot be billed back to applicants. So far in 2010 the legal expense was \$5300 and the case is ongoing. The budget was \$5,000 although the Planning Board attorney estimated that going to the Supreme Court would be about \$10,000 -- a number he thought would occur pretty easily. The 2011 figure is again recommended at \$5,000. Telephone expenses are steady. The cost for other professional services can go up or down very quickly based on the number of cases; a lot of this cost should be billed back to the applicants. In 2009 this amount was up to \$73,000 from \$43,000 in 2007 and \$30,000 in 2008. So far in 2010 the figure is \$12,000; however, there are some outstanding invoices that are expected to be paid. The 2011 figure of \$22,000 is the same as in 2010, and called attention to the detail provided. Food and meals gift certificate for Board service was given to the Community Table. Other expenses are small items.

Hawkins said the total request for 2011 is \$78,300 about two percent less than in 2010; revenues also would probably be lower. On that basis Hawkins estimated that the net Planning Board cost to the town in 2011 would be approximately \$17,000 or \$12,000 without the legal expense. Hawkins called attention to the revenues, most of which are derived from the application fees. Without large cases these fees would not be very high, noting that so far in 2010 that amount is approximately \$10,000. That amount could be higher depending on whether a couple of large cases are submitted. The entire amount of the Planning Board engineering fees is billed to applicants. Town Planner expenses are also billed where appropriate.



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

The expense of studies is matched to receipts. The revenue forecast for 2011 is \$69,400 leaving about \$17,000 in expenses that are not covered by fees; \$5,000 would be legal expense. Hawkins said the next step is to forward the Planning Board budget to the Board of Selectmen for inclusion is their proposal and then to the Budget Committee for approval.

MOTION:	Janvrin	to forward the budget as presented and discussed on September 7, 2010 to the Board of Selectmen as the Planning Board's 2011 budget submission
SECOND:	Thibodeau	Approved: Unanimous

LAND USE REGULATIONS - Proposed Restructuring

Hawkins asked Morgan to present his proposing reordering of the Land Use Regulations.

Morgan said that over a long period of time the Land Use regulations have grown in volume and the placement had become irregular. Although it worked pretty well, he thought it long overdue to revisit the structure of the regulations. He recommended streamlining the volume as well as changing to a chronology for a logical procedure which the applicant can digest in successive segments; redundancies would be removed and the grammar regularized. The intent was not to make any substantial changes but rather to arrive at a more modern format. In this regard, Morgan had provided the Board with a draft of revised subdivision regulations. If the Board liked the new format, the site plan regulations and zoning ordinance would be similarly revised. He asked for the Board's degree of interest in the proposed format.

Foote thought this was a great idea for a linear, step-through process. Morgan appreciated Foote's agreement, and said he did the draft because it is hard to explain otherwise. Hawkins agreed, but expressed concern about the cost especially in a year when departments are being told to put on the breaks. He wanted the Planning Board to decide whether the cost was worth it or to wait. Morgan said he did the "sample" draft because he couldn't figure out how to explain his proposal in words. So far there is no cost to the Board, but did not want to go further without being assured that the Board wanted to go in this direction. He estimated about \$200 to complete the three sections, noting that the Subdivision Regulations are about four times the size of the site plan regulations. Foote said this is just a rearrangement, and not a rewrite. Morgan commented that with this new format, changes in the future would be easier to accomplish. Hawkins noted that the numbering system would be simpler. Moore saw it as a clarification that would be easier for applicants to follow reducing expensive legal costs. Janvrin thought the current format could lead to litigation because references to some items are in different places and open to interpretation. He thought Morgan's idea would be a whole lot easier to understand.

Morgan said one reason for changing the format was that applicants finish with the Planning Board and then march away thinking they are done with their responsibilities. He thought that the regulations have grown to such volume that it is hard for people to follow through the requirements. Often they did not realize they had more to do. Janvrin said if applicants want security returned they need to return to show they are substantially complete, and ask for the case to be closed. Foote said now they do not realize this. Morgan said the new format would have a whole section devoted to the applicant's responsibilities for follow-up. They would realize that they are not done. Foote thought that Morgan had done a good job with the reorganizing.

MOTION:	Janvrin	to allow Morgan to proceed with reformatting the Land Use Regulations as discussed at the Planning Board meeting of September 7, 2010.
SECOND:	Thibodeau	Approved: Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

OTHER BUSINESS

Procedures for Conservation Commission Comments

Hawkins noted that if Foote is not at a meeting no one really asks the critical environmental related questions. Foote noted that others can ask the questions. Hawkins understood that but said that people don't have the knowledge to know what to ask. He asked if there should be a sign-off in some place for Foote and/or the Conservation Commission on individual cases eg as to whether the stormwater submission was adequate. Foote said the ConComm doesn't get the paperwork [for a case] and applicants don't necessarily come to the ConComm to explain their project. Hawkins said when Foote is at the Planning Board she asks enough questions for the Board to vote yes or no. Foote said that the rest of the Planning Board has to come up to speed on stormwater. Hawkins said some things are easy to do, but asked what Foote would suggest if she is not at a Planning Board meeting. For example, should there be a sign-off such as a letter of agreement or disagreement similar to what the TRC does. Hawkins said there had been a lot of turnover on the Board some shortage of knowledge. Foote said she tries to do her best; if she doesn't comment or show up at a meeting it is because she doesn't feel there is anything pertinent toward the ConComm. If there had to be a sign-off it is one thing more that she would have to do as ConComm has no secretary.

Hawkins asked if Foote was comfortable leaving things as they are. Foote said she had confidence that Morgan looks out for those things and would communicate directly or through Kravitz. Hawkins said he did not want to create work but felt a little uncomfortable when he did not know enough about an area, for example with the power station case. Foote said that the power plant had communicated with her by email and she had responded as a private citizen. The power plant could have gone to the ConComm. Accordingly, Hawkins said to leave things as is or address this in the future. Foote said when people talk with her it is as an individual; there are four independent thinkers on the ConComm who would have the right to know what was proposed. Hawkins asked Foote what ConComm members thought about how environmental issues are handled. Foote said If there is any concern re an environmental issue, the applicant should be directed to the whole ConComm or the ZBA as the case may be.

Easement Policy – standardize recording procedure

Hawkins said that the Board asks for easements to be included with the submission; sometimes applicants include them, or they don't, or they don't know about them. He thought there should be a place to look them up, but he's been told they are not always recorded. He asked if there was a way to look up easements, or is the Board just dependent on the engineers making it known. Foote thought the best resource would be Assessing. Janvrin noted that there are often engineer disclaimers indicating they may not have included easements even though this ought to be boiler plate for them. Morgan said the disclaimers just cover the engineers. Hawkins said that disclaiming also gives engineers permission not to do any work looking up easements. Janvrin said they should be on the submitted plans. Moore said the research is very expensive. Hawkins said the Planning Board would not want to do the research. Kravitz asked Morgan if easement holders ought to be included with the abutter notices. Morgan said it is. Kravitz thought the only way to assure that the easement holders have been included is with a separate recorded easement document. The Board had been moving in that direction. Recently the definition of abutters came to light and suggested that Morgan look at this in re the regulations, because the engineers should have the responsibility.

Morgan said the RSA's indicate conferring with the Assessor's office. Janvrin asked if this meant that there is no need to go beyond the Assessor's records. Kravitz asked if that should be the responsibility of the applicant/engineers when they submit the case materials. Morgan agreed. Kravitz suggested this be made clear. Hawkins said that the information is asked for now but it doesn't necessarily come in with the application. Morgan asked that when he does the checklist, how he would know. Janvrin suggested that



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

there be a notation on the plan that existing easements had been researched at the Assessing Department and nothing other than what had been submitted had been found. Morgan indicated that is what the regulations require now; the regulations could be “tweaked”. Foote said there was nothing that could be done about existing easements, and that researching easements would be a nightmare. Foote proposed that the regulations demand a proper easement document that can be recorded by the Planning Board at the Rockingham County Registry of Deeds. The opportunity to find recorded items is easy as long as the map and lot numbers and/or the property owner’s name are known. Moore said that some easements could take up a large number of pages.

Foote said the Board could look out for the town’s best interest by insisting that all easements be separately recorded by the Planning Board so that a copy comes back to the Assessor’s office. If attorneys or property owners do the recording, the town may never know. Kravitz said that at times easements have been separately recorded, but it has not been consistent; sometimes it was referenced on a plan and it is lost. Foote said there should be reference to the easement on the plan but there also needs to be a written document that spells out the terms, the parties, the location, etc – as with a deed. Morgan said at the present time the regulations require all of that except referencing the easement on the plan. Foote said plans should have reference to existing easements; Janvrin added reference to new easements on the plan. Kravitz noted that the form of a new deed comprises the metes and bounds be submitted with the application so that Morgan has the opportunity to compare it to the plan and, as frequently happens, requests the adjustments. She thought that easements would be handled the same way. Foote agreed. Hawkins asked Morgan if he had issues with that procedure; Morgan did not and said he would revise the regulations to clarify this.

Hawkins asked how the Board could assure that easements get recorded. Janvrin asked if there could be a sign-off from the Assessor’s office. Hawkins did not think that necessary. The procedure needed to be made a part of the approval process. He did not want to sign plans before easement documents were approved. Foote said it would work as with the condominium documents which are recorded with the mylars. Morgan said the easements should be referenced in the plan. Hawkins said that should be added as part of the regular review process so it doesn’t slip by. Morgan said he would draft a minor amendment to the regulations.

Security Reductions – enforcement of required digital and paper as-builts

Hawkins said that as-builts should be submitted with the security reduction checklist in paper, pdf, and digital formats. The last signature would be when the Planning Board is satisfied. Foote said the electronic copies should be on a CD or DVD – not attached to an email.

Hawkins noted a 2008 memo to the Planning Board from Garand requesting that when completed, all sites be inspected by the applicant’s engineer and a letter submitted to the Board to this effect. This would put the burden back on the applicant and engineer, rather than on the CEO. Hawkins said this is to let the Planning Board know that the work has been done according to the approved plan and signed-off by the applicant’s engineer. He thought this was a great idea to assure the work was done the way it was supposed to be done. Janvrin asked if the submission of the as-built would be sufficient. Foote said the as-built can have all kinds of notations or adjustments on it Hawkins said this should be in place at the time of the security reduction request or the Planning Board should not sign-off on releasing the security. Foote noted that the applicant doesn’t realize that the approval is about half-way through the process and their responsibility continues. Hawkins commented that Morgan’s new regulation format would help in this regard.

Driveway Regulation; conflicts

Hawkins referenced a letter from John Starkey, the DPW Manager, re changing enforcement



Town of Seabrook Planning Board Minutes

Tuesday, September 7, 2010
NOT OFFICIAL UNTIL APPROVED

rules to authorize any department head to determine that a violation had taken place. Hawkins asked for clarification. Foote said the problem is that the State gives the Planning Board jurisdiction over driveways, but it can delegate this. Hawkins said that Starkey is asking such authority be delegated to him or his designee for purposes of determining if a violation had occurred. Janvrin said currently the CEO or the Chief of Police can give that notification to the Board. Foote said Starkey wants this to go to Department Heads or their designees (eg a foreman) or the CEO. Janvrin said that would allow direct action rather than reporting to the Planning Board that there is an issue it should be enforcing. Foote said it is Code Enforcement that enforces. Hawkins said the change should be made. Moore said to include the DPW Manager or designee, or the CEO. Morgan said a public hearing is needed to amend driveway regulations. Hawkins said the designee should have the right to say there is a violation and turn it over to the CEO. Moore said to restrict this to the CEO and the DPW Manager or his designee. Morgan said this would need a public hearing

Kravitz called attention to Morgan's memo re conflicting construction standards for roads. Foote said the State gives the town control of the driveways built as a private road the regulations should be justified as Morgan has asked. Janvrin asked if there should be a meeting with the DPW Manager. Foote said the highest state standards would be in place for private roads, and that a previous town manager had rewritten some of the code. Hawkins asked Morgan to confer with Starkey about the State standards and cause the Selectmen and the Planning Board to justify the regulations. Foote said or to say that they conform. Morgan asked what Starkey would say. Foote said that Starkey and Kerivan are connected on this. Morgan said these changes would not have to go to town meeting.

Rail Trail

Janvrin said there is no signage along the rail tracks. He reported that Scott Bogle of RPC has been meeting with town officials and committee members. The money would be there and the State wants the ConComm and Planning Board to ask for signage. Foote said the ConComm has a citizen's letter requesting it to write to the State to post the existing lanes. Janvrin said then the Fish & Game department could provide enforcement. Hawkins asked if there should be a separate letter for the Planning Board or should there be dual signatures from both the ConComm and the Planning Board. Foote agreed on dual signatures. Moore thought the request had to stem from an event. Foote said the ConComm concern is the four-wheeler activity that causes erosion; the road is washing down and is heavy with arsenic.

MOTION:	Janvrin	to allow the Planning Board to sign a letter with the ConComm directed to Christopher Morgan, Administrator for the Bureau of Rail and Transit requesting signage for the rail trail
SECOND:	Hawkins	Approved: Unanimous

Hawkins adjourned the meeting at 10 PM.

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board