



Town of Seabrook Planning Board Minutes

Tuesday, October 4, 2011
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Dennis Sweeney; Robert Fowler; Jason Janvrin; Robert Moore, Ex-Officio; Francis Chase, Alternate; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent: Paul Himmer, Alternate; Michael Lowry, Alternate; Elizabeth Thibodeau,

Hawkins opened the public meeting at 6:40PM

PRESENTATION OF CONCEPT PLAN FOR SMITHTOWN VILLAGE DISTRICT Julie La Branche, Senior Planner, Rockingham Planning Commission

Hawkins said La Branche would present the Smithtown Village District concept, and commented that the Master Plan Steering Committee had been working on this project for some time. At least 3 public meetings, the public had the opportunity to comment on how they want the Town to operate in the future, and how the Committee should proceed. During the next few months La Branche would be presenting various aspects of the concept for the Smithtown Village District to the Planning Board, beginning with the general overview shown in the power point presentation at this meeting. Ultimately, the Planning Board would be voting on whether to approve the conceptual plan and forward it as a proposed 2012 Warrant Article to the Board of Selectmen and the Town Meeting. He asked La Branche to begin the presentation.

La Branche distributed a fact sheet summarizing the Smithtown Village District concept for revitalizing the area around the Town Hall, as well as a paper copy of the power point presentation. She said that Steering Committee had been working during the last two years on updating the 2011-2020 Master Plan. About 8 months ago, the Rockingham Planning Commission began working with the Planning Board and the Steering Committee to develop some new zoning and draft regulations for a portion of the Route 1 corridor for which the Town Hall is the hub. Beginning with this meeting and through January there will be several presentations of the concept and the draft regulations that would be needed to make Smithtown Village District a reality, culminating in a Town Warrant. La Branche said that this meeting would focus on describing the general approach and goals for developing this area and achieving the desired character. Generally, the next meeting would focus on the proposed detail, regulation and zoning changes and map adjustments, the setbacks from the roadway etc. that would define the characteristics of the Smithtown Village District.

La Branche explained that regulations would be proposed to adjust the commercial strip along Route 1 to reflect larger parcels that go further inward than the current 500 feet from the center of the roadway. The first slide showed a rendering done by a landscape architect of the proposed district, which emerged from the work session led by Jack Mettee, the consultant for the Master Plan work. The graphic shows that Town Hall as the center portion with a street reorganization results in a village concept that includes the church, a common area, and generally a place where people could live and work together, and where civic and cultural activities could take place. Overall there are two areas. One is an outer area that is residentially focused. The other focuses on mixed use development which would be new for Seabrook. This would include commercial, retail, residential and perhaps industrial units if the proposed district goes forward. The purpose is to enhance economic vitality, business diversity, accessibility, and



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visual appeal in a manner that is consistent with the landscape and architecture of Seabrook's historic village tradition.

La Branche moved from slide to slide noting that about 100 years ago this area actually was called Smithtown, and pointed to the church next to the Town Hall that today has Smithtown signage, a common area and the makings of a traditional village. Some of the goals are to foster development of a vibrant mixed use district with a cohesive street layout and architectural character that includes commercial, residential, and civic uses and integration of open spaces, transit, bicycle and pedestrian accommodations. La Branche said this creates for all users a very Pedestrian oriented, friendly and human scale community where people can walk with trees and open spaces, and even live in the area they work in. La Branche explained that the renderings are more sketches to envision the concept, because the exact configurations are not known. The regulations would show examples of zoning in which this scenario can play out. The village concept is a unified and organized plan for the built environment with lighting and landscaping, and a high-quality public area such as green spaces, parking connections, and even public gardens. This is a concept, not a blueprint, but generally with parks and regulations that focus on design. Site design and specific performance standards and dimensions would be addressed in the regulations. Every development will have to show that it has incorporated the desired elements.

La Branche pointed to an example of a roadway network that also contains public and open spaces, natural features, different size lots, -- a good deal of variety. Objectives would be walking areas, well coordinated driveways, and civic and cultural features. Organizing principles could be which roads would be collector roads and which neighborhood roads; should there be sidewalks, distances that buildings are set back from the road, are there different scales. Another important factor is what makes the area attractive for people to live there; are there civic events, a rowing pond, etc. La Branche said that a village is more than the sum of its parts, and every project should take into consideration all of the desirable elements. She pointed to another rendering showing different sized lots and buildings placements, parking arrangements, circulation, access points, landscaping, buffers, etc.

La Branche said among the basic elements to be considered for all projects are land use requirements, site design standards, building form standards, architectural standards, parking and pedestrian connectivity and accessibility. She displayed examples of buildings that differed, but could be part of a village. They could be a home, office, condominium, etc., and exist side by side. It is the human scale, like the architectural design, that matters. They don't have to look the same, but do have to fit into a pleasant, traditional village. The regulations would not dictate how to do this, but would serve as flexible guidelines expected to be followed, but not be too constrictive. They would allow for creative designs and solutions, promote diversity of uses, and encourage preservation of significant historical, cultural and natural resources. La Branche pointed out examples of various configurations of local and wider connector street standards, including lighting, landscaping and sidewalks. Public and open space standards sidewalks, travel lanes, on-street parking, street trees, street furniture, lighting and signage, patios, and even pocket parks. The space could be grander like a round-about, sitting areas, plantings or a gazebo.

Also, a village area should be pretty. La Branche noted that varying illustrations would be used within the dimensional and design requirements, which was not usual in traditional zoning. One overarching slide demonstrated the use of an illustration to display multiple village standards. She emphasized the need to remain flexible to accommodate changes over time. The zoning



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ordinance would speak to the larger picture; the site plan regulations would speak to the details that bring about the desired effect.

La Branche said the administrative process was in place, but there might be preliminary conceptual discussion for large scale technical projects, for example, to address traffic and safety issues, or procedural benchmarks before moving on to a full review. La Branche summarized the land use principles for the Smithtown Village District, as (i) encouraging change from single-use commercial areas to a mixed-use village that combines residential, civic, and commercial uses ; (ii) invoking traditional neighborhood patterns; (iii) creating walkable communities and interconnected neighborhoods; (iv) roadway design and engineering for safe and efficient transportation choices along Route 1 that includes pedestrian, vehicular, and public transit options, (v) diversity in services such as entertainment and professional services, as well as housing choices, (vi) reduce infrastructure costs for multi-use developments, create a destination for businesses, residents, and visitors, and avoid sprawl. Seabrook is a gateway community from Massachusetts, and is surrounded by many attractive opportunities.

La Branche enumerated several environmental principles including (i) creation of healthy, walkable, transit-connected communities, (ii) curbing suburban sprawl. And reduce land consumption; (iii) encourage creation and preservation of public, open spaces; (iv) reducing environmental impacts and of waste and emissions as a product of growth; (v) promoting renewable energy technologies, and (vi) implementing recommendations from the Cains Brook and Mill Creek Watershed Management Plan to create a special environment and build the area into a showcase. Foote said that would make the area more accessible. La Branche thought this would be of benefit to a developer. Additionally, a group is promoting the rail trail which is part of the East Coast Greenway, a walkable and biking trail running from Florida to Maine. That, too, will be an attraction and advantage for the Seabrook Village District.

Hawkins said one of the things that repeatedly came up during the charrette and the public meetings was how nice it would be if Seabrook could recover the traditional New England look and feel that used to exist along Route 1 before all of the big box development. The challenge is what can be done to recover that atmosphere. The area is developed now, but over twenty years there will be redevelopment. The Master Plan Steering Committee has been looking at how to get the changes to result in the way the townspeople are saying they want it, and less in line with the things they dislike. One question is whether big-box development is wanted all the way down to Town Hall and, if not, what can be done to reduce that scale and at the same time allow for development that increases value with mixed use, which would be something new in Seabrook. Hawkins said that the Planning Board's function is to try and capture what can be out there and guide the ordinances in the desired direction. It won't happen in five years, but over twenty years there is a good chance that things can change to make it look better than a super highway through town.

Hawkins said that this is a multi-step process that doesn't get done without town approval. The next step is to discuss with the Board what the plan involves and what the zoning requirements would be. This is to be followed with presentations at public hearings and on Channel 22 to inform the public about the concept so townspeople can say they like it or they don't. It would be presented as a Warrant Article at the 2012 March Town Meeting to see if the town is comfortable going in this direction. Hawkins commented that the town did not like what the state had in mind for Route 1. This is an effort to get more town input into the terrific ideas that emerged as to how to make that portion of Route 1 a lot nicer. The town's ideas will now be incorporated in to the Corridor Study. It takes small steps, and allowing developers flexibility. But the Board has to be comfortable before asking the voters to go along.



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Janvrin asked if this could proceed with traditional zoning, or would form-based codes be needed. Hawkins said this is not form-based code. Some elements would be zoning and some in siteplan regulations. The focus now is on zoning; La Branche had shown the concept for what could be achieved with developers' help. The desire is for a New England type of feel in developments. Janvrin said this would be established through the zoning. Hawkins agreed that the zoning would establish the guidelines for what the town would like developers to achieve. La Branche said there are some significant differences in proposed dimensional requirements and uses, between what would be allowed in the new zone, and what is allowed elsewhere. The biggest changes would be in dimensional requirements, for example, for building footprints, and some relaxation of height restrictions, and some minor tweaks for setbacks. Janvrin asked if this becomes Zone 6. Hawkins said that was correct. La Branche said form-based have been great when applied to many sections of the country. But areas of New England have already been settled. Dover adopted form-based codes for various sections of the town including newly developed areas. They established heights and other characteristics and required developers to follow that pattern. Another example would be a large tract (e.g. 100 acres) where the vision was to create a brand new development in which everything was prescribed – roads had to be laid out in a certain way. This approach can be very successful because it is predictable.

La Branche said that in Seabrook there are remnants of settlements and a large connector highway, and there are historical and natural resources. A lot of the development doesn't quite fit a traditional New England atmosphere. After much discussion a hybrid approach seemed best. Hawkins said that very little mixed-use is allowed anywhere in town and that would be encouraged. Seabrook has either commercial or single-family residential, except for a few apartment buildings. The discussion was about how it would be if there were stores with residential, and possibly condominiums, above. Further, what should the building surroundings be to make it pleasant to live there; would concrete be appropriate, and could people walk to other businesses. This is one way to stop the super highway from overtaking the whole town. The voters will decide about this idea. Chase thought the concept was very exciting, and should be promoted to all. He asked how state control of the highways would be affected. Hawkins referenced the RPC Route 1 Corridor Study in which the proposals for the Town Hall area were opposed by many townspeople. The town group working on this came up with good ideas to make the area much nicer with a small town feel. Subsequently, RPC decided to include these ideas in the Corridor Study. The state is focusing on Route 1, for example with a proposed Intermodal Center in Hampton.

Hawkins said it could be ten or twenty years before some of this could happen. Financing is a problem, but without a plan it cannot happen differently. The Master Plan Steering Committee's approach was to generate ideas about what they would like to see. They are ready to take this to the voters to see if they want it to happen in this town. It is a redevelopment process that would happen in parts. Foote said in recent interaction with the NHDOT to get the town's the town's position heard, the response has been that it is difficult to determine direction with the lack of a plan. However, they would provide support if a plan came forward. Janvrin commented that they did not have to pay for a plan. La Branche said one component is to get voters to support the concept; the other is to develop an Access Management Plan in conjunction with the NHDOT that would apply to Route 1 and other state roadways. The driveway permit process can be coordinated, but it makes no sense if there is not a guiding plan. Janvrin commented that when Demoulas wanted four access points for the south plaza, it would have been helpful to have an access management plan. La Branche said this is an iterative process to put the zoning in place and then to adopt the detail regulations. It all comes together as a package with an access management plan and the Cains Brook Watershed plan.



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La Branche said that posters and visual presentations were being developed for the Website, Channel 22, the Library, etc. and would be in place beginning in December, through the Town Meeting in March 2012. Moore emphasized that with the zoning changes, nothing is being taken away from the property; value would be added and enhanced. Hawkins said that was a most important point. The Master Plan Steering Committee insisted on not take anything away from property owners can do it is to expand what they are allowed to do. There is opportunity to do more with property investment. Janvrin pointed out that earlier in the year a case came before the Planning Board involving putting residential above a five business unit. This case had to go to the Zoning Board of Adjustment because it was not otherwise allowed. The new zoning would allow that design within the mixed use area.

Wood appreciated the presentation and said the plan sounds wonderful. She asked if in any way there could be a cost to the taxpayer e.g. studies, creating regulations. Hawkins said the zoning is being worked on now. Afterwards the Planning Board goal is to see that the taxpayers are not funding the development of the projects. The landowners get the benefit and should pay the related development costs. The Board tries to minimize costs and have the fees cover the costs. However, there are small expenses, like zoning regulation work that it has to pay for. The village district work was funded with a grant for which RPC paid eighty percent and the Board paid twenty percent. This grant also covered certain parts of the Master Plan, landscaping regulations, and also involves the Memorandum of Agreement with the state. Wood was concerned if this created more work for Building and Health. Janvrin said there is the potential for more revenue for the town. Hawkins said it has the potential to increase individual property values because the usage is broadening and tax revenue could increase. Foote did not see how expenses would increase as the CEO has to inspect properties anyhow, whether it is a big box or a five unit structure. Wood commented that this is redevelopment, so the inspections are already taking place.

Jean Kane thought it a great concept, and wondered if this concept could be in other town areas. Hawkins said the start is slow, but areas on both ends of Route 1 in Seabrook could benefit from this type of opportunity. There are other opportunities for this type of approach.

Hawkins thanked La Branche for the presentation and all of her work. The Planning Board process will go on for the next three months to educate people enough so they will say to push the concept forward at the Town Meeting. Foote said this process is to ensure that people have enough information to make an informed decision. Hawkins agreed that the more it is talked about at the meetings and on Channel 22, the better informed people will be and that is the Board's goal. Foote commented that this is not like form-based codes which designate that things must be done a certain way. There will be guidelines for a vision that the Board would like to see. It will not designate specific materials that have to be used. The plan is left to the landowner and the developer, as long as it is within the traditional New England village-type area comprised in the regulations. Janvrin noted that there would be pictures in the regulations. Hawkins said developers would not be told how to build, but they would know what can be done in the Smithtown Village District i.e. a first floor business and office or residential above. There will be some new things allowed that would add value to properties. La Branche will appear at the next Planning Board meeting.

SECURITY REDUCTIONS; EXTENSIONS

There being none.



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CORRESPONDENCE

Hawkins called attention to a Historical Society presentation on October 13, 2011 at 6:30PM the Library. This is a good opportunity to get some history which is in line with the Smithtown Village District vision.

Hawkins called attention to the NH Department of Transportation **change of date for the GACIT Ten-Year plan (2013-2022) hearing to October 26, 2011 in the North Hampton Town Hall.**

Kravitz commented that the GACIT hearings are presided over by the Executive Councilors. Councilor Christopher Sununu who represents the Seacoast Area will preside at the North Hampton meeting. Other dates and locations are listed on the Executive Council website.

MINUTES OF SEPTEMBER 13, 2011

Hawkins asked for comments or corrections.

MOTION:	Moore	to accept the Minutes of September 13, 2011 as written.
SECOND:	Chase	Approved: In favor: Hawkins, Moore, Sweeney, Fowler; Abstained: Foote, Wood, Janvrin

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 7:40PM.

ONGOING CASES

Case #2011-21 – Proposal by 1994 Seacoast Holdings Realty Trust and Smartfuel America to collect and process waste vegetable oils at 15 Batchelder Road, Tax Map 5, Lot 14-3, continued from September 13, 2011;
Attending: Hun t Stheli, SmartFuel;

Hawkins asked if Stheli had attended the Technical Review Committee meeting. Stheli said he did. Hawkins said there were a number of things recommended in the TRC minutes [in the Board packet], and asked if they had been done. Stheli wanted to go through that list, saying that most had been done although he had a couple of clarification questions. Stheli said the TRC Minutes correspond to his recollection except for a couple of items. He referenced items (iii) and (x) and said that bollards had been placed at the side for the electric meters, and said that the gas lines were already protected by a 4-foot wide railroad-tie strip along the entire south side of the building. He did not think bollards would be necessary near the gas line. Hawkins asked for Stheli to point out the area on the drawing. Stheli pointed out the electric meter and bollards, and the gas with railroad ties around this. Hawkins asked if a truck could back over the ties. Stheli said that the height was two to four feet and a truck could not get over this. Wood asked how high the trucks were, wanting to know if they could get over the ties. Stheli said they were tanker trucks. Fowler said that tanker trucks go way in. Janvrin thought about 3 feet. Wood asked how



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difficult hard it would be to place bollards in this area. Stheli said he thought the bollard reference was only for the electric protection. It would not be hard to add them for the gas and sprinkler line protection as well. Morgan said to notate this on the plan. Stheli said the floor drains were internal for the inside processing; he would provide the formal ok. Stheli thought (iv) (vi) and (ix) were building permit items that the CEO would check on. Morgan said to add items (iv) (vi) and (ix) to the plan. Moore said they would need down-turn lights. Stheli asked about the reference to the Fire Department lane. Foote said this is for access to three sides of the building. Kravitz recalled references to a trench to catch spills.

Morgan wanted to address the TRC items one at a time, and asked about (i). Stheli said the big item was about the drainage and protecting the well-head area. The engineers to come up with a number of proposals; some were prohibitively expensive. He said that the most workable solution shows elevations and the direction of any flow leaving the parking lot, with the flow going over a permanent $\frac{3}{4}$ berm with a gate along the driveway to a ditch with regrading for the pooling, and a spill kit to close the gap. They Wood asked about an unnoticed spill. Stheli said it would run out to adjacent property. Stheli commented on the location of a near-by gas station which would have hazmatt materials, and said that SmartFuel has no hazardous materials. Their product is vegetable oils. He asked if they were being held to a greater standard other similar operations and if so, why.

Foote said if the gas station came to the Board for changes, their drainage would be addressed at that time. At this time they were grandfathered having been there for 25 years. If they make any changes they are required to come before the Board because Seabrook is an MS-4 standard community. She was not saying there would be problems with SmartFuel's functions and facilities. Her great concern was with the cleaning of the trucks using detergents and solvents, because there was another business in the town that does very similar work. She assumed there would be best efforts because both were doing an environmentally green operation. The oils were not the problem. It was the solvents used in the cleaning of the trucks that ran out – unless the whole truck was inside. Stheli said the lesson learned from their current Folly Mill site was that off-loading had to be contained within the building. He said that the trucks would go into a self-contained block area inside the building over an elevated ramp. They would secondarily contain the entire amount in a locked space. . Foote asked if everything was self-contained. That was the purpose of putting in floor drains so everything inside the building perimeter would be contained. They are working with Tom Campbell on six-month testing.

Wood asked about the holding tank emptying to sewage. Stheli said they are held to periodic testing. Wood asked if everything eventually goes to the sewer plant. Stheli confirmed this; if it goes out of the building, they are held to a higher standard [by the sewer department]. The tanks separate out oil and water; compliance is on a parts-per-million basis. It is like a McDonald's grease trap. The company is taking this opportunity to improve the circulation and do containment. Cleaning the trucks is not the only messy part. They also wash out the barrels inside. Trucks bringing product in and trucks going out pass each other, and they have made provision if there is an off-loading accident. Chase asked if they use a sucking process. Stheli said they do a blow-out with compressed air through a hose with materials pumped into a tank. Hawkins wanted these details notated on the plans; nothing is supposed to be built out in the watershed. Stheli said they would notate the berg, the permanent gate, et al on the revised plan to the satisfaction of the Board. Janvrin said the ramp would be like a speed bump, so the volume would be important to determine. Stheli said they would make this as smooth as they can. Morgan asked if the engineers had done the calculations. Stheli said they had, and said it would contain a spill, but an entire truckload could not be contained. Janvrin asked if there were granite curbing all around. Stheli said it was higher earth all the way around, but they might put



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in a little pitch. Wood asked about other options. Stheli said putting in a cistern would be far too costly; that or a buried trap would hit ledge; oil would sit on top of the water and they would need a valve to shut it off. Foote asked if there were any catch-basins in the parking area. Stheli said there were not. He thought there might be culverts under grassy areas, but did not know.

Hawkins asked for Morgan's view. Morgan said the plan does the job, provided the engineer does the calculations for the containment. Hawkins said that had to be noted on the plan. Foote said to describe this in the stormwater and emergency plan. Stheli said they were asking for a waiver for the stormwater analysis because the impact was small, but would get the elevations etc on the plan. Foote said the specific steps e.g. items used to close the gate, needed to be in the stormwater operations and maintenance plan. Stheli said he would follow the Stormwater Operations and Maintenance Manual, and work with MSC to document the model. Foote said this was not just for SmartFuel. It had to be clear for a new owner, and for municipal employees to know that documentation exists. Hawkins wanted a copy of the e-mail from the Sewer Department for the file.

Hawkins asked about item (iii). Stheli remembered some discussion about the electrical wires. Garand said this referred to the wires inside the building. Stheli pointed out the distances and layout for the driveways. He asked about the references to spills in item (v). Janvrin said this is about access for the fire trucks on three sides. Morgan said to ask for a letter from the Fire Chief. Stheli thought ADA was a building permit item. Garand said the compliance had to be noted on the siteplan. Morgan said this is spelled out in the regulations. Stheli said they had addressed an overflow parking area with the property owner, and will request this be in the lease. Janvrin asked for the parking requirements in this area. Hawkins said this is industrial so it would be what the Planning board required. Chase thought they had said the parking was sufficient, and wondered why this was being talked about. Garand said when requesting a building permit, they would have to prove out the parking according to the regulations. There are some industrial sites where employees park on a different site. Hawkins asked about the current and future parking needs. Stheli said there are four employees at this time; there might be five. Expansion would be by additional volume, not by employees. Hawkins said this could be addressed with a formal easement. Stheli thought the adjacent area was not much used.

Hawkins asked for Morgan's view on parking. Morgan was satisfied. Foote thought it a moot point as long as the employees don't start parking along the street. Chase asked how many spaces were needed. Hawkins said if there were more employees than spaces, SmartFuel would have to solve the problem. Foote suggested doing a balloon on the plan indicating there might be offsite parking if needed. Stheli pointed out the snow storage location. Lights on the doorways need to be added. The Stormwater Operations and Maintenance manual had been discussed earlier in the meeting. Stehli said the water connection location wasn't clear, and that the Water Department would look into that. He pointed out the hydrant and the sprinkler connection. Garand said it would be better to take it off the plan than have it in the wrong place. Stheli said he would get the answers, but would remove it for now. Moore said this should be on the original siteplan.

Hawkins asked for other items. Garand said at the TRC he asked that the best management practices be referenced on the plan. Also spill kits had been discussed; also the dumpster location. Stheli pointed out the dumpster and will add the location and pad to the plan. Garand said to note no controlling odors on the site. In re abutters had been discussed. Stheli said they had come to the Board for an industrial siteplan. Garand said they still had to consider abutters, and to note no odors off the site. For example, if abutters open their windows in the summer, they are not going to want to smell the odors. Currently there isn't a problem with odors



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at the Folly Mill site. Stheli said they would do the same at the new site, and notate it on the plan. Foote said planting trees would be fine, but not to plant a Liberty Elm as it would be expensive and not survive so close to the ledge. The elms were really meant for Route 1 as they used to arch over that road.

Morgan suggested addressing the waiver request. Hawkins asked about the stormwater analysis, indicating there wasn't much impact on the hard surface. Janvrin said that would have been in an earlier plan. Foote said the existing site would be grandfathered; they could only analyze the additional impermeable surface now which is somewhat negligible compared to the surrounding open space.

Wood was concerned about the effect on abutters from increased traffic and noise from large trucks if there were an operations expansion or to a second shift. She asked if there were already businesses in the area with second shifts. Foote said they were already there. Stheli said they want to avoid complaints, and choose a building in an industrial zone. Janvrin said the lighting should be depicted and minimized when not in operation. Stheli said they would use motion activated lights added to the doorways. Chase asked what would be the correct verbiage about odors. Garand wanted the Board's direction so it could be enforced if he had to. Morgan said the odor should not be drifting toward the Cimmeron apartments; the other surrounding property is industrial. Hawkins said the usual language is that lighting and odors should not be discernable beyond the property line. Stheli said they would reference the abutter across Batchelder Road. Foote cautioned that people react to smells differently and cannot blame all odors to the new facility. She did not want them to be at the mercy of someone who was especially sensitive to odors, and was having a bad day. Garand said if he can smell it, there would be a complaint.

Wood asked if the odors issue had come up elsewhere. Morgan said this there was one industrial use where this was an issue. The Board would want to avoid that again. Janvrin asked what they do with solid wastes, and thought that is where odors would come from. Stheli said the compost it in Maine. Stheli asked if there were an ordinance. Moore said obnoxious odors would be investigated by the Health Department. Stheli commented that their current building was shared and not well insulated. They used a big exhaust fan to direct odors away from the building and would install that in the new facility too. Chase said then it would be mixed with clean air. Foote noted that the District Court and Sam's Club were also in that area. Proper ventilation and planning should occur now to abate potential issues. Charcoal filter pads work well. Stheli said they had installed filters in the current building, and would do so again if there were a problem.

MOTION:	Foote	to grant the Case #2011-21 waive request for the stormwater analysis for the increase of impervious surfaces on the pre-existing site.
SECOND:	Janvrin	Approved: Unanimous

Foote said a recordable Stormwater and Maintenance Operation plan should be submitted and printed on the plan. Janvrin said that way it is on the record for new owners. Hawkins asked if Stheli had enough information and if they wanted to appear at the next meeting. **Stheli agreed.** **Hawkins continued Case #2011-21 to October 18, 2011 at 6:30 PM in Seabrook Town Hall.**

OTHER BUSINESS Worksession



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Potential Amendments to Zoning Ordinance and Land Use Regulations

Tom Morgan, Town Planner

Hawkins referenced the continued listing of potential amendments to the Land Use Regulations prepared by Morgan. The Board would address the zoning items first to meet the requirements for filing 2012 Warrant Articles; site plan and subdivision items could be done at any time. He asked Morgan to lead the discussion. Foote wanted to go down the list to see where language should be expanded.

Access Management – *Board members have suggested adoption of an access management agreement with NH Department of Transportation. Suggested criteria are a Level of Service no worse than D, no raised median, no right-in right-out, minimal access points, promotion of internal connectors, a maximum width of five lanes, and mandatory sidewalks.*

Morgan suggested inviting Steve Ireland of NH Department of Transportation to a meeting. Hawkins said that Rockingham Planning Commission would be leading the negotiation; this had not yet begun. Specifics are needed from the Planning Board. Now, the Board has no input on driveways. Foote said that RPC was supposed to jump on the Access Management Agreement. Morgan said he has the form of the model agreement. This is not a zoning issue. By consensus RPC should write the Agreement with guidance from the Board.

Vernal Pools – *These resources are not protected by the zoning ordinance. You might consider adding vernal pools to the definition of “wetlands” in Section 2.*

Foote said these are transparent water bodies of varying sizes in forested areas that are gone by the end of the summer. They serve as aquatic species spawning areas. Janvrin asked where they are located in this area. Foote said north of Home Depot there are up to 15 vernal pools, although it is hard to know which are the uplands. Hawkins asked for the definition. Foote said this is by federal and state regulations and would show on a wetlands survey. Janvrin said they have no impact. Morgan said as wetlands they are subject to ten-foot setbacks, with no buffer. Janvrin said [a developer] can't touch a vernal pool. Chase asked about the concern. Foote said there were different criteria for wetlands and vernal pools. New Hampshire has good regulations, but not the town of Seabrook. Moore said it was the same as wetlands protections. Janvrin said a ten-foot buffer to prohibit disturbance within 5000 square feet. Foote said a wetland soils scientist might not document a vernal pool unless the regulations say so. Wood said to trade-off wetlands now. Foote said only the state can do this, but they grab the money and use it miles away. Morgan said the state can do a swap; the town cannot.

Foote said the town doesn't have an applicable regulation. Morgan asked what level of protection was wanted. Foote said as for ponds and streams for 300-1000 square feet. Moore wanted no destruction or removal within x feet. Morgan suggested a 25-foot buffer

Gambling – It has been suggested that we adopt appropriate regulations pertaining to gambling so that we will be prepared in the event that this industry comes our way.

Hawkins said this should be termed Gaming and deferred to the 2013 warrant discussion.



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Origin & Destination – The Site Plan Regulations require traffic data for large developments, but do not specifically require that these traffic studies include data on vehicle origin and destination. By way of example, DDR provided this information while Demoulas did not.

Hawkins will make this part of the traffic consultant's work.

Shoreland Protection – It is my understanding that the only water body in Seabrook that is protected by shoreland regulations is the Blackwater River. Does the Planning Board wish to extend such protection to other locations, as recommended by the Master Plan?

Foote said this should be adopted from the federal ordinance. The state only protects the Blackwater River. The state determines the size of streams. The Shoreland Protection Act should apply to the Town of Seabrook and adhered to. Hawkins needed to know what it says. Morgan said it could be referenced. Foote said it applies only to great ponds; the Cains pond was removed from the list. Morgan said the state language is too complicated, and to add a line to the existing setbacks language. Hawkins said the Act was too complex and comprehensive for septic. Morgan wanted guidance from the Board. Hawkins said no septic protection, and asked about the level of detail. Foote said to get the fact sheet from the DES website. By consensus, to include the federal shoreline protection coastal zone ordinance.

Conditional Use Permits – Section 5 of the Zoning Ordinance allows Mixed Uses in Zones 2 & 2R if the Planning Board grants a Conditional Use Permit. We have no criteria specified for such permits. See Section 7 for an idea as to what such criteria might look like.

Foote said there is no minimum criteria. Hawkins wanted consistency. By consensus, Morgan will draft this language.

Home Occupations – The definition in Section 2 should be modernized. I would suggest approaching this issue via the adoption of performance standards, i.e. the measurable impact a home occupation would have on neighbors, such as noise, odor, traffic, and truck deliveries. *Morgan said to update the examples. Foote said to remove occupations. Morgan said to use performance standards. Garand wanted clarification e.g. someone selling guns. The need was for what and where something was allowed, and safety. Hawkins asked what is disruptive. Garand said if the occupation was for profit, it would need a permit. Also there were federal guidelines Times are changing e.g. auto sales. What would need a sign on the property, and what could be stored on the property. Moore said to protect the little individual show what is allowed in the definition. Garand said some should need a full business license. There could be exemptions Morgan said the criteria would be no adverse impact on neighbors. Foote said state or federal licenses might be needed. Garand said this could be addressed by zone. Most would not be licensed. By consensus, Morgan will draft the language.*

Conditional Approvals – Section 8.401 of the Subdivision Regulations states that conditional approvals will lapse after 180 days if conditions are not completed. It has been suggested that the 180 days be extended to one year.

By consensus, Morgan will draft the change.



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Development Incentives – The Master Plan recommends that we adopt zoning incentives for open space preservation, incentives for affordable housing, and the transfer of development rights. In this regard Exeter's zoning ordinance provides a good model.

Foote said this gets put off. There is pressure on the backlands, and sprawl into the backlands. Cluster housing, closer to the road, can't be done. This should be enabled in zoning. Hawkins asked how to describe this in an ordinance. Foote said Exeter had a good model with incentives to preserve open space. This is less costly and leaves a decent amount of open space. Morgan said there would be several questions. Chase said this would not happen overnight. Morgan said the origin of the zoning was Euclid, Ohio. Moore said this was getting confusing. Foote said the big developers had no common sense. By consensus, Morgan will present this possibility.

Other Master Plan Recommendations – The plan includes several recommendations for land use regulation amendments such as permitting multi-family housing, updating the definition of Best Management Practices in the Subdivision Regulations, strengthening the aquifer protection provisions, making the earth excavation provisions more consistent with RSA 155-E, allowing more flexible mixed use in commercial redevelopment in Zone 2, making the Town's regulations more consistent with those of the Beach Precinct, articulating the purpose of each zoning district, strengthening the stormwater management provisions, adopting Scenic Roads pursuant to RSA 231:57, requiring more pedestrian ways in commercial developments, and updating the Table of Uses (Section 5) in the Zoning Ordinance,

Foote said up to five units for multi-family. Morgan said to take the urgent items this year. Janvrin said a Class B municipal trail was needed. Foote asked if the Selectmen could vote that. Janvrin said it was mandated to go before voters. Hawkins said to bring the information; the money was designated in the CIP. Janvrin said the 501 (c) 3 entity was working with RPC and the East Coast Greenway. It thought it would go from the Planning Board to the BOS to take ownership. He would bring this to the October 18 Planning Board meeting.

Hawkins adjourned the meeting at 9:35: PM

Respectfully submitted

Barbara Kravitz, Secretary,
Seabrook Planning Board