



**Town of Seabrook  
Planning Board Minutes**  
Tuesday, October 15, 2013  
NOT OFFICIAL UNTIL APPROVED

**Planning Board Work Session**

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

Hawkins opened the meeting at 6:30PM stating that this Board meeting was a scheduled work session without any cases. The primary topic would be the zoning proposed by the North Village Subcommittee.

**MINUTES OF OCTOBER 1, 2013**

Tabled to next meeting.

**CORRESPONDENCE/ANNOUNCEMENTS**

**Hawkins reminded that on October 29, 2013 the Coastal Adaptation Workgroup** would report on the sea level rise and future flooding considerations concerning Hampton, Hampton Falls and Seabrook. The meeting will be from 5:30PM

**Hawkins called attention to the Rockingham Community Survey** as a good opportunity to provide input.

Hawkins referenced **an article provided by the Board's traffic consultant concerning the issues Londonderry is experiencing with impact fees.** The article described the difficulties in detail. Hawkins said if impact fees are not done right, there could be a significant "impact". Morgan said they could have taken a different route.

**REQUEST FOR ALTERNATE MEMBERSHIP**

**David Baxter**

Hawkins referenced the written request of David Baxter to become an alternate member of the Planning Board. Current alternates were Paula Wood and Sue Foote. Baxter had served on the North Village Subcommittee, making a major contribution. He had been very helpful with businesses and landowners. Chase said he would welcome Baxter's participation on the Board. Wood agreed. Baxter stated he would step down from the table if he felt it necessary, as Lowry had done.

<b>MOTION:</b>	<b>Chase</b>	<b>to appoint David Baxter as an alternate member of the Planning Board for a 3 year term.</b>
<b>SECOND:</b>	<b>Wood</b>	<b>Approved: Unanimous</b>

Morgan asked how many additional members could be appointed in the future. Hawkins said 2.



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### **REQUEST FOR DISCUSSION ON IMPACT FEES WITH SELECTMEN**

Hawkins referenced a request from the Board of Selectmen for a joint meeting on November 5th with the Planning Board to discuss Impact Fees. Hess wanted to have a Warrant Article ready for the 2014 Town Meeting. Hawkins said the November 5<sup>th</sup> Agenda was already very tight. The process for proposing an Impact Fee ordinance would be complicated and time consuming. It was doubtful that a warrant article could be done in time for the 2014 Town Meeting. Hawkins asked Hess to consider that there was a lot of work involved in setting up the accounting and processing accounts. That work would not be done by the Planning Board. Hess wanted at least to get started, stating that the town had lost \$2.5 Million in the last 2 years because it did not have impact fees. Money could be made from the DDR, dog track and Greene developments. He noted that a [citizen] warrant article had been voted down.

Chase suggested a subcommittee. Hawkins said individual members might put together an ordinance, but not as the Planning Board. Hawkins cautioned that if a citizen petition said an impact fee had to be imposed, the town had to be ready to implement it. Janvrin said this would have an impact on the Budget Committee which was already working with a big book. .

Hess offered to be involved as a Board of Selectman person to get this done right, and bring in a little more money. Wood asked if this was feasible. Hawkins decided that the topic would be placed on the Planning Board Agenda for November 5, 2013 at 6:30PM at Seabrook Town Hall. The discussion would be the purpose and scope for a subcommittee, who the members might be, and hearing from the Town Manager about how the accounting function could be set up. Additionally, whether the Planning Board could initiate a Warrant Article. Chase asked about the possible outcomes. Janvrin noted that an impact fee warrant, that he had opposed, had failed. He thought that an impact fee would be another obstacle for businesses and sales. Also, taxes would increase.

### **NORTH VILLAGE ZONING RECOMMENDATION**

**Don Hawkins, Chair, Planning Board**  
**Julie LaBranche, Senior Planner**  
**Rockingham Planning Commission**

Hawkins said that he and LaBranche would present the draft details and mapping before opening the general discussion with the Board, noting that the lot-lines were delineated on the map.

Hawkins said during the 2010 Master Plan process the primary feedback overall was that townspeople (i) missed the "small town" feel, and wanted the traffic calmed on Route 1, (ii) the new development was making up for the lost revenue from the power plant over the years. The subsequent Smithtown Village prototype gained a good response, passing by a substantial margin at the Town Meeting. The town won a New Hampshire Housing Finance Authority Challenge Grant to study Route 1 north from Route 107 to the Hampton Falls boundary (the North Village). The overall considerations included enabling mix use development, preserving open space, improving access along the corridor, and collaboration with Hampton Falls. Hawkins said that the Memorandum of Understanding with the NH Department of Transportation gave insight into litigation techniques. Subcommittee participants were Hawkins, Chase, Wood, Janvrin, Bob Moore, Baxter, Kravitz as Secretary and doing the leg work and minutes, and Morgan.



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Hawkins explained that the North Village considerations included signage, roadway traffic and the “F” intersection, smaller business development, lighting, shared driveway cuts, and landscaping regulations that did not apply to less than one acre in Smithtown. The goals were to arrange for the fewest cars, but to allow growth; increasing revenue to the town, preserving open space, making use of cross-connects.

Hawkins said the subcommittee reached out to meet with neighbors on Rocks Road, A & B Streets, and the West side of Route 1, as well as having a business owner meeting. The participants were asked to express their likes and dislikes as well as their desires for the future. Although the attendance was not as much as hoped for, the conversation was very good. For example, the DDR issues affecting smaller businesses were discussed. The Planning Board had discussed the progress a few times. A future meeting with all three neighborhoods was planned, as well as a follow-up with Hampton Falls. Hawkins said the Planning Board public hearing including the vote as to whether the North Village recommendations would become a Warrant Article for the 2014 Town Meeting was scheduled for December 17, 2013.

Hawkins described the Rocks Road discussion was heated at first with residents feeling they were isolated and trapped almost as an island. However, they did not want to be rezoned, even after missed use was explained. They liked the small colonial feel, and did not want more big boxes. They were concerned about safety, vandalism, looting, and getting to make the turns onto Route 1 especially a left turn. They want a traffic signal at that intersection. These neighbors liked the quiet, and that neighbors were long-term.

Hawkins said that the A and B Street neighbors wanted the traffic reduced both north and south. They were concerned about no sidewalks, and wanted parks and bike-trail access. Someone suggested they ought to be an R2 zone and not industrial. The potential for some of the Benoit property to be for conservation was attractive. They wanted wetlands buffers and sidewalks. Business property owners wanted to be protected and grandfathered for what was existing, and did not want what was on the ground to be disallowed, even in future zoning.

Hawkins said the subcommittee found that the characteristics of the east and west sides of Route 1 differed significantly. The east side buildings tended to be huge, higher and commercial. On the west side the lots were smaller types and more like a small New England town – not super stores. The map showed the zoning by lot-lines, and there could be rail-trail connections. The key to slowing down traffic was the building footprint size. The traffic ratings could be “C” “D” or even “F”; the townspeople would be happy if it did not get to six lanes. Five lanes on the northern border was not desirable, because they would connect to only 3 lanes in Hampton Falls. Janvrin noted that another meeting with Hampton Falls was expected. Hawkins noted that cooperating with Hampton Falls helped in getting the grant.

Hawkins asked LaBranche to go through the proposed zoning changes. LaBranche pointed to the map areas where revisions were being recommended. She explained that the subcommittee considered whether the proposed adjustments for commercial property could best be accommodated in the 6M mixed use zone, and decided that this would be the simplest methodology because the major textual changes had already been crafted for 6M in Smithtown. She noted that the east side of Route 1 was mainly large lots; the west side had smaller buildings and some multi use. One priority was to acknowledge and preserve the rights relating to the size of existing buildings.



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LaBranche identified the recommended changes as follows:

Section 1 – Authority and Purpose: insert *protecting resources and drinking water*;

Section 2 – Definitions:

Add *Manufacturing: to make, process or assemble a product on a large scale using industrial machinery. [Garand said this should be a conditional use].*

Add *Retail – the small-scale sale of goods, usually to the general public*;

Section 3 – Zoning Districts

Add *“and North Village” to Zone 6M*

Section 4 – Smithtown

Add [Smithtown] *Village and North Village*. To the title;

Add *“and North Village”* as appropriate throughout;

Section 4.400 – Goals

Remove reference to New Hampshire and Massachusetts; insert *gateway in to The Town of Seabrook*

Section 6 – Permitted Land Use

Table 1

Industrial – Heavy – *change to conditional use in Zone 3*

Remove Manufacturing as a Principal Use

Change Manufacturing – as a Subordinate use to *Light Industrial – as a Subordinate Use*

Change to *Conditional Use for Zones 2, 2R, 3*;

*Notate conditional use for buildings of more than 20,000 square feet on the east side of Route 1*;

*Remove “do not” from definition of Restaurants [concern is higher volumes]*;

Include *Retail with Service Businesses*

*Remove “dead: and “registered” from definition of Trailers and boats. [Garand said that boats were traditionally exempt because of the fishing designation. Wood added that boats came out of the water during the winter.]*;

Add footnote #3: *Conditional Use Permit from the Planning Board required to permit structures greater than 20,000 square feet only on the east side of Route 1 in 6M North Village (mixed use zoning district) for only the following uses: Industrial Light and Manufacturing as a Principal Use*;

Section 7 – Dimensional Requirements

Hawkins said that 50' x 50' residential buildings were never intended. By consensus, the Board wanted the minimum to be 100' x 100' in residential, and 125' elsewhere, and changed the reference to commercial in Side and Rear Setbacks to “non-residential”.

The Building Footprint requirements will be changed to 7,500 square feet on the west side of Route 1, and 20,000 square feet with the footnote allowing larger buildings by Planning board conditional use. Hawkins said this would affect consolidation of lots in the future; the Board was looking out 10 years.

Hawkins noted that the Market Basket North could not redevelop more that the approximate 125,000 square feet building space of today. Janvrin noted that they had 3 lots, and could theoretically do 20,000 square-foot buildings on each of those lots, rebuilding to the new standards.

Section 8 – Special Exceptions and Conditional

This section will be clarified.



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Hawkins said the proposed changes for adding the North Village were huge changes for the town designed primarily to calm the traffic. Consolidation of lots would differ. The changes do not solve getting cross-connects or the problems getting to Route 1 at a signal. They would not decrease usage, but would promote flexibility. Janvrin noted that his grandmother's property had been rezoned to residential from industrial by the ZBA. He thought it should be 2R, noting that most of the land is wetlands. Janvrin will not vote on this change because of his personal interest. LaBranche noted the multi-family use in 6M (up to 5 units) would be in multi-use buildings. Garand said the Governor Weare Apartments were non-conforming. Janvrin said in 6M multi-family would have to be mixed use. Hawkins said that [Weare] was single use buildings. LaBranche said this would only be in the east section. Morgan suggested moving the footnotes to Section 14.

Janvrin asked how an existing single family could rebuild, and wanted to create an exception i.e. that the multi use factor was not applicable to an existing single family residence. The footnotes would be fixed. Hawkins asked if 6M would fit Smith and North. Baxter said light industrial areas should need a conditional use to expand, and to protect existing single family use to be redeveloped on the same property. Chase asked if a list of exempt properties could be created as was done for gas stations. Morgan said this would be complicated. He thought an existing single-family unit could be grandfathered. Attorney Malcolm McNeil said that in Dover abutting residential properties could expand a residential building by 25 percent. A non-conforming use could not be prohibited in the same footprint. Hawkins did not want non-conforming use to expand, but what about expanding on the same lot.

Morgan said a lot of thought and time went into crafting the land use changes. He wanted the Master Plan to be amended before March to make the revised ordinance more defensible within boundaries. Hawkins agreed that a lot had been done; the big change was the 7,500 square foot building footprint. Janvrin wanted the power plant to remain in Zone 3. Baxter said eliminating heavy industrial use would be sensitive to the ecology. McNeill said he was following this work for DDR which would be the largest non-conforming use in 6M. He wanted confirmation that DDR's dimensional use was grandfathered. Hawkins said that the agreement among the Court, the State, the town and DDR was intact. The intent was that big buildings could redevelop in their footprint. He wanted the verbiage to clarify the intent to be discussed in December. McNeill noted that the gas stations were protected, as was DDR and other properties for dimensional non-conforming. He would be glad to help with the language to make that exemption clear. LaBranche agreed with noting the exemptions that supersede the proposed ordinance. Hawkins said to consult with the Assessor.

Morgan agreed with the conditional use in re the Industrial Uses; it was good for the Planning Board to be involved for more oversight. The language re the Aquifer should also be looked at. Baxter agreed that the applicants must prove health and safety. Hawkins was concerned about the environmental impact on drinking water sources. La Branche agreed with the conditional permit for use and dimensional changes. Garand wanted to beef up the scope of review by expanding the Section 1 language. Hawkins wanted to consider 5 years for grandfathering. Garand wanted to address multiple buildings on a lot. Charlie Mabardy was concerned that 15 foot setbacks would block his visibility, and also about building heights. Hawkins wanted to reduce the intensity. LaBranche suggested the greenbelt plus 15 feet Hawkins asked if a footnote was needed for setbacks Lafayette Road properties. Baxter thought Route 1 was different. Garand said engineers don't look for the best design; they look to the owner's advantage. The setback consensus was 15 feet except for 30 feet along Route 1. LaBranche will revise this zoning draft in time for the December 3<sup>rd</sup> Planning Board packet.



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## **OTHER BUSINESS**

### **Review of Signage Ordinance**

Hawkins said to move the signage dimensions only to zoning, and asked if the North Village signage dimensions should be the same as for Smithtown Village. Wood thought signs on the west side of Route 1 would be smaller than on the east side. Garand wanted to put the wall and hanging signs into the dimensions table. Wood said there was no consistency, and that some signs would be grandfathered. Hawkins asked if non-permanent signs could be grandfathered. Baxter thought smaller signs would be a disadvantage. Morgan commented that in Newington wall signs were set at a percentage of scale with a finite limit on square feet. Hawkins suggested 55 square feet in Smithtown, and 100 square feet in the North Village. Garand said to adjust by tenant load, and asked how big the DDR signs could be. Hawkins thought it would be according to the plan, and vary by the size of buildings or number of tenants. The designations should be for each of Lafayette Road, Smithtown Village and North Village. Charlie Mabardy liked LED signs from the inside, and thought this was safer. Hawkins suggested a sub-committee look at signage, flags, and message boards, and make recommendations to the Board.

**Janvrin wanted a definition of a “lounge”.** Garand said it would have a dance floor area and limit the number of seats at a bar to a percentage of occupancy. LaBranche thought it would be food, liquor, and entertainment.

**Hawkins intends one work session and one public hearing in December, noting that the North Village vote would be on December 17, 2013. LaBranche will send the zoning changes as soon as possible.**

### **Synthetic Cannabinoids**

Hawkins explained that Khan had asked that the Planning Board look at this issue to see if there was anything it could do about this issue. He noted that the Board of Selectmen's action had been reviewed by the town's legal counsel. Khan asked if the Planning Board could do anything in re this issue. Hess said that legislation was being submitted in the NH House and Senate to ban this item. He said a police officer had the right to stop persons; the fine was \$550. Hawkins asked if there was a place to address this issue in the zoning. Charlie Mabardy thought it could not be limited. Morgan wanted to ask the Planning Board's attorney for options. Hess thought the sales could not be stopped. Hawkins asked how there could be enforcement. Garand would leave that to the state. Janvrin asked if there could be a definition of Synthetic Cannabinoids that would reference and install the Selectmen's policy. Morgan said this could not be done. Hawkins asked Morgan to discuss the issue and Janvrin's suggestion. LaBranche suggested to write a letter, send findings to legal counsel, or to initiate petitions to add a voice asking the legislature for the power to take steps.

### **Crowtown – Route 107**

Hawkins said that the Crowtown – Route 107 Challenge Grant would be discussed at the Subcommittee meeting on October 29, 2013 at 9 AM in Town Hall. this will be the organizational session to plan out the strategy and schedule.

Hawkins adjourned the meeting at 10:05PM.

Respectfully submitted,

Barbara Kravitz, Secretary,  
Seabrook Planning Board