



Town of Seabrook
Planning Board Minutes
Tuesday, October 21, 2014
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee, Michael Lowry, Francis Chase, Ivan Eaton III, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; David Baxter; Alternate, Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, Peer Review Engineer, TEC; Jim Kerivan, Altus Engineers;

Members Absent: Sue Foote, Alternate; Paula Wood, Alternate,

Hawkins opened the meeting at 6:35PM, and announced that due to the election, there would be no meeting on November 4, 2014. The Planning Board will next meet on November 18, 2014 at 6:30PM in Seabrook Town Hall.

MINUTES OF OCTOBER 7, 2014

Hawkins said the October 7, 2014 Minutes would be held for the next meeting.

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Hawkins explained that at the last meeting escrowed funds for Case #2006-10 in the amount of \$25,000, intended to be allocated for a traffic signal at the Rocks Road & Route 1 intersection, had been returned to the provider because the NHDOT maintained that this was not warranted. Another \$25,000 meant to be applied for the same intersection should also be returned to two other providers in the amount of \$12,500 each.

Case #2006-35 JD Hospitality, LLC - Holiday Inn

MOTION:	Hawkins	to return the \$12,500 held in escrow in connection with Case #2006-35 to J D Hospitality LLC.
SECOND:	Chase	Approved: Unanimous

Case #2007-21 Federated Construction – Dollar Store

MOTION:	Hawkins	to return the \$12,500 held in escrow in connection with Case #2007-21 to Federated Construction.
SECOND:	Lowry	Approved: Unanimous

CORRESPONDENCE AND ANNOUNCEMENTS

Hawkins called attention to an article describing the recent New Hampshire legislative action requiring notice to be mailed to landowners under certain circumstances when changing zoning boundaries. Morgan had done the work and was adjusting the town map. It would now be necessary to identify the number of properties that would be affected in each zone to determine whether notices would be required to be mailed. This will be a consideration for future ordinance changes.



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Hawkins announced that the Rockingham Planning Commission annual Legislative Policy Forum would be held on November 12, 2014 at 6PM at Util Headquarters in Hampton. He recommended attending the event.

Case #2014-24 – Robert A. O’Keefe, Lorraine P. O’Keefe, and the R&L Realty Trust propose to re-locate an access drive along Route 1A, and to expand parking and internal drives at O’Keefe’s convenience store at the corner of Routes 1A & 286 (445 Route 286) Tax Map 17, Lot 48-1.

Hawkins referenced a letter from Attorney Craig Soloman representing the abutter stating that the abutter wanted the town to close an existing driveway. Hawkins thought that the attorney did not realize that this was on a state right-of-way; therefore the Town had no such authority. No action was required by the Board. A copy of Solaman’s letter should be forwarded to the Town Manager.

FEMA Mapping

Hawkins called attention to a letter received concerning the new FEMA maps noting that for continued flood insurance coverage a revised zoning ordinance with the recommended language would have to be presented as a Warrant Article at the 2015 Town Meeting. He asked Morgan and Kravitz to coordinate the language and notices. The Board would need to approve revised language by mid-January.

INFORMAL CONVERSATION

Eaton recused himself from the Case #2010-24 discussion.

Concerning Case #2010-24 Gove Road, and Jean Drive

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

Attending for the Planning Board: Jim Kerivan, Altus Engineers

Several neighborhood residents in attendance;

Hawkins explained that a cul-de-sac had been eliminated from Jean Drive to enable access to Gove Road. Some neighbors had issues and wanted to be heard. He asked Morgan to review the file and assure that what the Planning Board had approved was done according to plan. He asked Jim Kerivan, of Altus Engineering, who had been monitoring the work on behalf of the Board, for an update. Kerivan said that the work was being done according to the plan, and pointed out in a drawing where the pavement was being ripped up and the cul de sac eliminated for a new right-of way . As the utilities had been laid out in a linear position, they remained within the new 50-foot right-of-way. There are drainage and piping from a catch basin that directs the runoff around the circle toward the drainage ditch; a street light that had been within the circle would now be outside of the right-of-way. For 3 lots the driveway would be connected to the new road.

Kerivan and the DDPW Manager have had issues with the drainage pipeline being outside of the right-of-way. At this point the drainage outflow did not have a positive point in that it intersects
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the new sidewalk. Additionally, it would now be necessary to cross the street to stay on the sidewalk. Kerivan said these were the issues brought up by the abutters; he thought them credible. Normally when a cul de sac shrinks, the utilities are brought into the new right-of-way, to avoid a ditch in the middle of a front yard. Hawkins asked if this situation was because the utilities were not brought into the street. Kerivan said those matters had not been addressed on the plan. Hawkins asked if there was a solution. Kerivan said in February they worked on a solution and thought that the developer would bring the drainage piping at least back into the roadway. Since then the developer declined to do that. Morgan asked for the reason.

Hawkins asked for Boyd's comments. Boyd said Kerivan had described the situation well. He wanted people to know that the original developer did not want a cul de sac. The Planning Board said it had to be removed. the issues Kerivan described remain. Boyd wanted It known that it was difficult for the developer to work with the abutters because they were opposed to the project; some of them were present at the approval hearing. He thought there were solutions to work on. Boyd agreed with Kerivan that Bill Walsh, the current project manager, had at one time talked about doing some of that culvert work which he said was an easy fix. They would need permission from some neighbors to do the work because some of that grading would tie in over the line. Boyd said the discharge for the pipe was actually on private property; there was no easement to work outside of the cul de sac without permission from the abutter. He thought something could be worked out, but assistance would be needed from some of the abutters. The intent was that the some of the town land in the large center area would be deeded back to abutters. Boyd had read their letters, and was not sure they wanted the additional land.

Hawkins said he'd asked Morgan to review the file and the prepared deeds. No one had to accept the land, but a solution had to be found. Boyd agreed to put together a meeting to which Walsh would be invited. Hawkins commented that deeds were prepared for transfers of certain land to abutters. A property owner is not required to accept the deed' they had the right to say no if they did not want the property. They are owed an explanation of where this is going; there was not yet a resolution for outstanding issues in re the cul de sac that were not addressed in the original plan. Boyd said that was accurate, but they could sit together with the developer and work out a satisfactory design. Hawkins asked Boyd how that could happen. Boyd said he had to talk with Walsh and explain the current situation. He thought that plowing the snow was a good concern. because the cul de sac was gone and the DPW wanted to plow through so there would be no interruption. Boyd said if Walsh was willing, he would go to each home.

Hawkins said that the preferable path from the Board's perspective would be for the parties to work out what needs to be done. He commented that it was an oversight not to have recognized the relevance of these issues during the application process – there needs to be a resolution. Hawkins asked if Kerivan had recommendations. Kerivan said to look at the drainage piping and the north side swale. Boyd agreed. Kerivan thought the street light ought to come back to the road. Boyd said he would set up a meeting and provide feedback to the Board. Hawkins wanted a follow-up in a month.

Anna Marie Kegan, accompanied by 4 other abutters, gave photos of her yard to the Board. She said Walsh had lied about taking care of the problem; she was brushed aside when inquiring. Keegan would have met with the developer or Boyd. Now it's a dangerous 4 foot ditch in front. She would not accept a deed. Cynthia Mahan said the plan was approved four years ago – they understand this. Gina Laughton said she never was contacted; she also had a ditch in front of her house. Keegan said there was not the courtesy of letting them know when work would be done; they woke up to the house shaking and loud hammering. Jaqualyn Reynolds said she was told she was being given land, but did not know anything about this. They've had no notice.



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Hawkins said when the deeds were processed, they would get a cover letter and an explanation; it would be their right to say yes or no. Keegan asked what could be done with a wall and a huge non-functional ditch. Mahan said that the developer had approved an aesthetic look [at the hearings] but it was now just chopped up with a patch to the driveway; it was supposed to be paved all the way up to the doorstep. Mahan appreciated that the mailbox was fixed; the pavement had to be done; the ditches needed to be filled. Hawkins had asked Boyd and Kerivan to sit down with them and help resolve their issues, and asked if the neighbors would do this. Keegan said they were willing to do this. Hawkins thought they were trying to get the Planning Board involved to try to get a solution worked out. The Board does not generally do this, but was willing to help get a resolution. Keegan said they just want thinks fixed correctly. She asked how a road name sign and a stop sign had already been installed if the roadway had not been approved. Hawkins thought the town would be responsible for road signs, and perhaps the DPW had put up the signs; he did not know.

Keegan thanked the Board for letting the neighbors be heard. Hawkins said the Board would look for follow-up reports. Tanya [[Harriman??]] was concerned about electrical boxes and that the trash had not been picked up apparently because of the paving. She wanted to be assured they would have trash pick-up and plowing in the winter. Hawkins said the houses that had been getting trash pick-up before should have it going forward. He suggested calling the DPW. Harriman]] said they had and were told that the contractor's truck was blocking the way. Keegan asked if Walsh had to pick up the trash, Hawkins said that was for the town to do.

Janvrin had not attended the last meeting when the Board recommended having the town do the plowing on Jean Drive and through the cul de sac as requested by the DPW Manager. Janvrin said that he and Eaton had attended a Municipal Association session in February that talked about how a road became a road. Janvrin said that the Jean Drive extension was dedicated by the landowner and approved by the Planning Board. The Planning Board had not recommended a town road; therefore the Selectmen had not accepted the road; that's the process. Because several years ago someone in the town got the Selectmen to pick up trash, plow, and have police patrol (on an unaccepted roadway), acceptance of such a roadway might be implied - even to Jean Drive. He did not think the town should be plowing or picking up trash on roads that the town did not own, or provide police patrols on roads the town had not accepted.

Janvrin said the separate act of acceptance by the Selectmen upon the advice of the Planning Board was required. Additionally, a court had determined that a separate acceptance was required. Actions such as repairing a street case or police action may imply acceptance of a road [by the town]. If the Planning Board was telling the BOS that it should provide services, that would be implying recommending acceptance. Janvrin had asked the Municipal Association for the proper way, and was told that in order for the Selectmen to allow snow plowing, trash pickup, or police or fire patrols, they should be using RSA 231-59(a) and declaring an emergency lane. Janvrin noted that he had raised this before with regard to Beckman Woods, Beckman's Landing, the cut through to the Library, and would raise it now in re Jean Drive extension. Upon information from the Municipal Association, he believed that if the BOS allows the plowing or trash pickup on the Jean Drive extension with no action, they are implying that it would be a public road. Further it would be a street owned by the Town of Seabrook. Janvrin asked that the Planning Board consider rescinding that vote re Jean Drive and recommend that the BOS consider it an emergency lane under RSA 231 59 (a) until such time as the roadway is ready for acceptance by the town.

Hawkins asked for Morgan's view. Morgan had been unfamiliar with the statute that Janvrin referenced, and asked for the sequence of events that led to Janvrin's recommendation.



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Hawkins said in the Jean Drive situation there had been a cul de sac where trucks could turn around. the cul de sac was gone; trucks had to back out or plow through because they cannot turn around anymore. The DPW Manager asked for permission to plow through because he cannot have his trucks backing out. Khan said the DPW Manager came to the Selectmen, and was told to first go to the Planning Board for a recommendation, without which the BOS would decline the request. Chase thought that Janvrin's proposal would be another route because the town still owned the land; he thought a hammerhead could be temporarily made. Hawkins thought that Janvrin's proposal would solve the problem. Janvrin read from the ordinance

[Janvrin read a portion of the RSA 231:59(a)]

Chase asked if there was a timeframe. Janvrin said it would take a public notice, deliberation and a vote which was the usual format. Chase asked how long this could go on. Janvrin replied forever. Khan said he wanted town counsel's advice and would not vote on the motion. The purpose of the road acceptance process was for the Planning Board to determine that everything had been acceptable done by the developer. Once an emergency lane was declared it could be for a lifetime. He was no reason for a vote. Janvrin said a town service would be allowed and that doing so would imply acceptance of the road. Hawkins did not see the harm in following Janvrin's proposal because the DPW had to plow the existing part of Jean Drive. There had to be a way to get the trucks out.

Hawkins said if there were a solution that allowed the town to protect itself by declaring an emergency lane, he did not see any reason not to do this. It was still in the town's interest to get the trucks through or for a fire emergency. It would be easier for a fire truck to go through the extension than to have to go all the way around to Jean Drive. The Planning board had voted on the request from the DPW Manager. The Selectmen have asked if the DPW could plow that road; the answer was yes. If there was safety in allowing the plow through he did not see a reason not to do this. Khan said the system would work if someone was showing a hardship and requested plowing or trash pickup. Both boards look into that. Such a request was never denied. The BOS looked into the situation as did the Planning Board and agreed to grant such requests. Khan thought that Janvrin's proposal meant that there would be no need to accept roadways anymore. Baxter said if Janvrin's reasoning was correct, the town by providing the services was implicitly accepting the road.

Janvrin said if fire and police patrols were being provided, the developer could then walk away without finishing the road, maintaining that the town owned the road; they could say that Beckman's Woods had been accepted by the town. Janvrin said under the NH Supreme Court 1997 case, there would be implied acceptance of the road. Hawkins asked for Morgan's view. Morgan said it looked like some progress had been made, and asked Kerivan what would be needed to finish the road. Kerivan said the road was about 95 percent done; the cost for completion would be less than \$50,000. Hawkins noted there was sufficient security. Kerivan commented that the key was to have enough security and keep it until the work was done. Chase commented that he would be ok with the proposal because if the developer did not finish the road, the town would have sufficient funds to do it. Kravitz said the security was more than \$100,000. Hawkins said there were two parts to the road and only the extension was being discussed. Chase asked about rescinding the vote and seeking legal counsel. Hawkins did not see the risk in moving ahead with Janvrin's proposal or Chase's suggestion where there were safety issues for town employees and the public in backing up the big trucks; they had to go through.



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Khan asked Robert Moore for his view. Moore said if there was \$50,000 in the bank it didn't matter either way. Just complete the road and everything would fall into place. Hawkins asked for Morgan's recommendation. Morgan agreed with Moore. Given that the option for the town to fix the road would still be there, the town would not be getting into a corner. He saw no harm in going ahead with Janvrin's motion at this meeting; it would be temporary in nature. Keith Rims said the people at the end of Jean Drive did not want the project and would not accept the land, it belonged to the town. He said to ask the developer to come back in and turn the road back into the round. Then the town could provide services and stop where the private road meets the cul de sac. The town would have no need to go on the extension and the developer could take care of it. They did not want the land. Hawkins said that none of the property owners had to accept the land when it was offered. However, the road had to be built according to the approved plans. [Rims said if the residents did not want it, the town could not use it for a turnaround. the garbage collection did not have to go down that road. Chase asked if the turnaround needed to be referenced in the Motion. Hawkins said it did not because the town already owns the cul de sac.

Hawkins clarified with Eaton that he had recused himself. Eaton said he could not vote because he was directly involved. Chase noted that Baxter could then vote.

MOTION:	Janvrin	to rescind the Planning Board action on October 7, 2014 in re the plowing of Jean Drive, and to replace the recommendation of the Planning Board by recommending that the Board of Selectmen declare the Jean Drive extension an emergency lane pursuant to RSA 231-59 (a).
SECOND:	Hawkins	Approved: In favor: Hawkins, Baxter, Janvrin, Frazee; Opposed: Lowry, Chase; Khan [Recused: Eaton]

Hawkins said this vote did not change anything, just using a different rationale. The Planning Board had supported the request that plowing be allowed because the trucks cannot turn around when plowing, without any implication that the town was taking over the road. .

Eaton resumed his seat.

Concerning Pineo Farms

Attending: David Pineo and others residents;

Pineo was concerned about an open drainage outfall and wanted the DPW to fix this; the runoff is to a trench that splits the property. He said the DPW Manager wanted the town to fix the problem with discretionary funds because it was a health care issue. They have a quote from PJ (Matrix) for \$9,000. Pineo believed that the town owns the drainage easement; this should have been a closed drainage. Hawkins explained that once an application was approved, the Planning Board was done with the case. If on town land, the town manager could present the issue to the Board of Selectmen. Hawkins wanted a recommendation from the DPW Manager about taking care of this on town property.

Steve Bassett listed the safety concerns: (i) erosion of the land, (ii) mowing was hazardous because of the slant, (iii) breeds mosquitoes, (iv) rodents run through the property, (v) it was an eyesore and growing worse, and (vi) hard to maintain. Janvrin said to call the Health Department

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about the mosquitoes and rodents. He cited the MS-4 regulations and the town's potential liability, and asked if this is a deficient situation. Khan recalled a warrant last year in re Dwight road which the Planning Board and Board of Selectmen recommended. Janvrin thought the sufficient funds could be encumbered.

Hawkins continued this discussion to November 18, 2014 at 6:30PM in Seabrook Town Hall, noting that the Planning Board could only make a recommendation.

PUBLIC HEARINGS

Hawkins opened the Public Hearing at 7:30 PM.

NEW CASES

Case #2014-25 – Proposal by Paul Lepere for a 2-lot subdivision at 201 Walton Road, Tax Map 13, Lot 36.

Attending: Paul Lepere

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering:
[One abutter]

Boyd said the proposed the 2-lot subdivision had been to the Zoning Board of Adjustment, and described the waiver requests for the contours and the grading; new homes would have meters. Morgan asked about the wetlands scientist stamp. Boyd said the state did not require this for high water, but would arrange for this. Boyd will resubmit his letter. Janvrin noted that the boundary markers could not be set in the tidal area, and asked about the monuments. Boyd said they would be set after the approval. Hawkins asked for comments: there being none.

MOTION:	Lowry	to accept Case #2014-25 as administratively complete for jurisdiction and deliberation.
SECOND:	Chase	Approved: Unanimous

MOTION:	Chase	to grant the Case #2014-25 request to waive the requirement to depict the proposed building location.
SECOND:	Lowry	Approved: Unanimous

MOTION:	Janvrin	to grant the Case #2014-25 request to waive the depiction of the proposed contours.
SECOND:	Chase	Approved: Unanimous

MOTION:	Chase	to grant the Case #2014-25 waiver request to depict the wetlands and the wetland scientist stamp.
SECOND:	Lowry	Approved: Unanimous



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MOTION:	Hawkins	to approve Case #2014-25 – Paul Lepere for a 2-lot subdivision at 201 Walton Road, Tax Map 13, Lot 36, conditioned on: (i) submission of waiver requests in writing to the Planning Board Office; (ii) depict the 80 foot x 6 foot vinyl fence location as agreed with abutter to the west; and (iii) the revised siteplan being entirely satisfactory to the Town Planner.
SECOND:	Janvrin	Approved: Unanimous

Case #2014-26 – Proposal by Robert & Jean Moore for a 2-lot subdivision at 8 Moore's Lane, Tax Map 9, Lot 41-1.

Attending: Robert Moore;

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

Boyd said the parcel comprised 3.5 acres which would be divided into 1.6 and 1.9 acre lots respectively. Mark West had flagged the wetlands and would stamp the siteplan. Two waivers would be requested.

MOTION:	Lowry	to accept Case #2014-26 as administratively complete for jurisdiction and deliberation.
SECOND:	Chase	Approved: Unanimous

MOTION:	Lowry	to grant the Case #2014-26 request to waive depicting the proposed contours.
SECOND:	Chase	Approved: Unanimous

MOTION:	Lowry	to grant the Case #2014-26 request to waive the depiction of the proposed building locations.
SECOND:	Chase	Approved: Unanimous

MOTION:	Lowry	to approve Case #2014-26 – Robert & Jean Moore for a 2-lot subdivision at 8 Moore's Lane, Tax Map 9, Lot 41-1 conditioned on: (i) adding the Case number to the title block, and (ii) the wetlands scientist stamp on the final plan, and (iii) the revised siteplan being entirely satisfactory to the Town Planner.
SECOND:	Chase	Approved: Unanimous



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Moore's Lane Deeds

Morgan said that apparently two lot line adjustment deeds created in 2009 had not been executed. This was a problem for an abutter wanting to sell their property. Henry Boyd said there were two parcels and one deed, which he said was with the Town Manager. Khan will apprise the Selectmen.

MOTION:	Janvrin	to recommend that the Board of Selectmen accept two parcels at the end of Moore's Lane under one deed.
SECOND:	Chase	Approved: Unanimous

ONGOING CASES

Case #2013-26 – Proposal by 11 New Zealand Road, LLC and Charles Mabardy to establish a convenience store and restaurant at 11 New Zealand Road, Tax Map 7, Lot 87, continued from January 7, 2014, continued from January 7, 2014, March 4, 2014, April 1, 2014, April 15, 2014, May 20, 2014, June 3, 2014; June 17, 2014; July 15, 2014, August 5, 2014 August 19, 2013; September 16, 2014, October 7, 2014; ;

At the request of the applicant Case #2013-26 was continued to November 18, 2014 at 6:30PM in Seabrook Town Hall.

Case 2014-13 – Proposal by M & K Complex and Timothy Johnson for a condominium conversion at 920 Lafayette Road, Tax Map 7, Lots 91-201 thru 91-205, continued from May 20, 2014, July 15, 2014; August 19, 2014, September 16, 2014, October 7, 2014; ;

At the request of the applicant Case #2014-13 was continued to November 18, 2014 at 6:30PM in Seabrook Town Hall.

Case #2014-17 – Proposal by IStar Seabrook LLC to construct a 5,640 square foot retail facility at 652 Lafayette Road, Tax Map 8, Lot 49; continued from June 17, 2014, August 5, 2014 continued from August 19, 2013, September 16, 2014, October 7, 2014

Hawkins reported on his meeting with the Applicant, the traffic consultants [[and the town planner,]] to resolve the exaction fee amount. It was agreed to leave the Phase 1 donation amount as it was, and to use the same rate based on square footage for Phase 2. After discussing this with David Saladino, the Board's RSG traffic engineer, this resulted in \$63,600 as the exaction for Phase 2. Janvrin asked if that amount was net new funds, and which ITE code was chosen. Hawkins said they got a portion of the 50 trip discount. He said that Jeff Dirk, the Mitchell's traffic engineer, was very helpful in explaining that the Board was following the ordinance.

MOTION:	Janvrin	to accept \$63,600 as the exaction fee for Case 2014-17.
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SECOND:	Hawkins	Approved: Unanimous
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MOTION:	Chase	to allow the Applicant in Case #2014-17 to choose the 10 percent discount option for the purpose of submitting the funds as a donation.
SECOND:	Janvrin	Approved: Unanimous

The Board discussed reviewing the formula to clarify the language and intent. Khan felt it would be a good idea to allow the exaction amount to be submitted as a donation and used to create a curb cut from the Dunkin Donuts to Autumn Way.

MOTION:	Khan	to ask the Chair to write a letter to the NHDOT recommending a curb cut from the Dunkin Donuts to the new Autumn Way at the Town expense.
SECOND:	Janvrin	Approved: Unanimous

Capital Improvement Plan FY 2015 to FY 2020

Hawkins explained that the Planning Board was required by state statute to review the CIP provided by the Town Manager. He reported that earlier that day the DPW Manager had requested that the allocation for Weare's Park be increased to \$30,000 because the park needed to be separated from the abutters. Khan thought the request for a fence was reasonable. Hawkins thought the CIP looked great with a new format. Janvrin noted that funds for Planning Board infrastructure projects were coming from exactions or grants and not from town funds.

MOTION:	Janvrin	to approve the Capital Improvement Program for 2015-2020 as presented to the Planning Board on October 21, 2014 and amended to increase the Weare's Park allocation to \$30,000 as recommended by the DPW Manager.
SECOND:	Hawkins	Approved: Unanimous

Janvrin called attention to the Rail Trail and Safe routes to School projects, both of which filed preliminary-applications which were approved. The next step was for formal applications to be submitted; the extensive work to put the applications together was done. However, the Board of Selectmen denied their approval. Janvrin said the town had a great CIP and Master Plan, but the Planning Board was not the only Board involved. Other Boards needed to follow the progress of the supporters. Hawkins said there other departments that had successfully applied for grants, for example, the Harborside Park on Route 1A received three grants. Janvrin said that the Rail Trail took a back seat for those grants, because they were competing for the same money. Khan said the DPW Manager recently brought a project to the Board of Selectmen that was for sidewalks near the police station that would have required a match of \$300,000 from the town. The Selectmen felt that amount would have affected the tax rate and was declined at this time. During that discussion neither the Rail Trail nor the SRTS needs were mentioned.



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Janvrin thought that the Selectmen would have to recognize that a number of the proposals in the CIP were unfunded. He thought it in the town's best interest to hire a grant writer, because there were millions of dollars in private, federal and state sector grant monies. The administrative process had cumbersome requirements, but there was no infrastructure in the town to seek those finds. He noted that the police and fire departments did simple grants e.g. for vests, or hoses. But big projects like the rail trail stepped back and the town dropped the ball twice on the SRTS. These projects were in the Master Plan and the CIP for more than 10 years. He and Francis Chase were upset, as were other folks working on these projects. He thought it in the best interests of the town to hire a grant-writer to follow up on these things. Janvrin said that much of the reason they did not go after impact fees in the past was because of the administrative requirements, and the same was true for grants. He thought that was ridiculous, and asked Khan to bring this to the Board of Selectmen.

Chase shared Janvrin's frustration, noting that it was the town's position that they did not have enough staff to handle the administration portions. The past was history; he did not see how to continue in the future. SRTS is a great project and there was a lot of money available \$5,000,000 for New Hampshire. The town said the money was wanted two ½ years ago; Chase did not understand why the town would not go forward. Start-up and engineering grants were gotten for SRTS, and now they are stonewalled because there was no employee qualified to work on the program. Chase said they could go through with the two grants because the Town Manager now had the training. He did not see how to accomplish the next step. Chase commented that while the town had to spend the money it would be reimbursed; he thought that was not well explained to the Selectmen. They needed some help. He wanted the town to step up to this grant potential and hire someone that could write the grant applications. Although the fire department does simple grants, there was more money to obtain if someone knew what they were doing.

Khan said that the DPW sidewalk proposal was near the police station and not near the school. Nothing was mentioned about SRTS. Chase said that the state had modified the system, so there is not a line for SRTS; everything was now under a new transportation alternatives program that the state was administering so that proposals could be fast tracked. Khan said if a project required a \$300,000 budget, the Selectmen had to consider how much benefit there would be for the whole town, as well as the tax rate. Chase said that was a 20 percent figure and that what the town Manager submitted was for \$780,000 submitted. Chase explained that under the new system, that amount covered the Rail Trail and SRTS. Janvrin emphasized that his intention was not to place blame, but the town government should have considered that this would be an issue. The Planning Board needed to plan ahead for the next grant cycle in two years; the system had to be in place so they could apply for grants at that time and follow through. He noted that Kravitz had been doing community grants and did an outstanding job with the Rockingham Planning Commission.

Khan suggested they could co a warrant article to allocate \$20,000 for grant writers. Chase clarified that a grant writer for certain grants would be ok, but when dealing with federal money it was not just two weeks to write a grant. If the grant proposal was successful, there would be follow-up administration, reports etc. Seabrook did not have the person who could do the administration. Janvrin said in other towns that person would be in the finance department. Chase said in other towns it might reside in the DPW. A town employee had to be the one to take charge. Khan suggested the Planning Board could make such a recommendation. Hawkins said if they wanted the support of the Planning Board, a proposal should be made to the Board so it could describe what is wanted and up the support level. There were resources available,



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but it was difficult right at the deadline when the resources were not identified. The same thing happened when the last town meeting agreed that if a fund amount was obtained for the repair of the sea wall, the town could fund the balance. Janvrin said that the information about the new grant system went out to RPC Commissioners and town officials only two weeks before the deadline for the preliminary applications. The final application had only two weeks to be put together. He thought that the NHDOT needed to become informed about how municipal governments worked, and they had allowed insufficient time.

ONGOING CASES - UPDATES

Case #2007-11 Beckman Woods – Green & Company Department of Public Works Manager's letter request

Hawkins said the DPW Manager had been reluctant to propose changes to the approved plan without the Planning Board ok. As Chair he had sent an email to Starkey indicating that the Board would support improvements, and to go ahead and make the system improvements so the system could work. The road would not be accepted this year to give time to see if the fixes worked. There was not a need to come back to the Planning Board as flexibility was needed to fix the problems. The Greens seemed to be involved and talking with the neighbors; Jim Kerivan of Altus Engineers was monitoring the work. Janvrin thought the proposed changes were minor and that Kerivan was looking at the field conditions. Chase wondered if they would be paving this year. Khan said the Town Manager had walked the area.

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; continued from March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, August 5, 2014, August 19, 2014; September 2, 2014; September 16, 2014; topics: site security, letter from NHDOT, Route 1 work schedule; letters from DDR and NextEra; request for adjusted certificate of occupancy schedule;

Hawkins summarized the status of Case #2013-15 moving ahead in 2 Phases, having the security in, and the engineering and town planner approvals, with the plans signed. The sidewalk agreement with the NHDOT was with the Board of Selectmen. The letters from DDR and NextEra were still open issues.



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**PROPOSED REVISIONS TO SECTION 14 OF THE SITE PLAN REVIEW
REGULATIONS RELATIVE TO SMITHTOWN VILLAGE AND NORTH VILLAGE.**

Hawkins said that the proposed changes to Section 14 of the Siteplan regulations had been public noticed. Janvrin said these were mostly editorial revisions following the adoption of the North Village ordinance provisions by the Town Meeting.

MOTION:	Janvrin	<p>to adopt Section 14 of the Site Plan regulations revised as follows:</p> <p><u>Section 14 - Smithtown Village Development Standards for Smithtown Village and North Village</u></p> <p>The purpose of <u>the Smithtown & North Village zoning districts which include</u> Zones 6R Residential and 6M Mixed Use – are to create <u>a neighborhoods</u> focused on a pedestrian oriented, economically viable developments <u>center</u> in Seabrook. The intent of <u>Smithtown Village concept</u> is to foster development of a vibrant mixed-use districts 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.</p> <p>The purpose of the Smithtown <u>and the North Village</u> Development Standards is to execute the vision for the <u>zoning districts</u>. The goal of these standards is to enhance economic vitality, business diversity, accessibility, and visual appeal in a manner that is consistent with the landscape and architecture of the Town's historic village tradition.</p> <p>The overarching goals of the Smithtown Village are to: enhance the economic development potential of properties; encourage mixed uses that support one another; provide services and employment opportunities; create pedestrian and bicycle friendly neighborhoods; respect the historical nature of the <u>Smithtown Villages</u>; and create a gateway between <u>Seabrook, New Hampshire and Massachusetts</u> <u>it's neighboring towns to the north and south</u>.</p> <p>14.010 General Development Criteria</p> <p>14.011 Development in the Smithtown Village <u>and the North Village</u> shall incorporate the following:</p>
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		<p>14.040 Signage Standards - Smithtown Village Signage</p> <p>a. For multiple businesses at one address, one sign is permitted. The sign must have a cohesive uniform design for lettering, graphics and other elements. Signage for non-residential and residential uses shall comply with the sign style standards in Figure 10.</p> <p>b. Free standing signs for multiple businesses shall have a maximum of 24 square feet. <u>Additional dimensional requirements for signs are found in the Zoning Ordinance.</u></p> <p>Streets in the Smithtown & North Village can have various cross-sections and configurations, providing specific basic elements are incorporated in the design, when necessary or desired: clearly defined travel lanes, on-street parking, street trees and other landscaping, sidewalks, pedestrian crossings, and bike lanes when necessary.</p>
SECOND:	Chase	Approved: Unanimous

OTHER BUSINESS

2015 POTENTIAL WARRANT ARTICLES

Hawkins set December 2, 2014 as the Planning Board Work Session for the discussion of potential Warrant Articles for the Town Meeting.

1. **Updated Zoning Map** – Morgan is revising this.
2. **Aquifer Protection Overlay Zone** – Hawkins is working on this
3. **Impact Fee Ordinance** – Hawkins reported that Bruce Mayberry had drafted an Impact Fee Ordinance designed to see if the voters would favor implementing such a measure. That way, the cost to develop the specific fee provisions would only be incurred if there was a positive response at the Town Meeting. If so, the fee structure could be implemented subsequently by the Planning Board or the Board of Selectmen. Hawkins said that Bruce Mayberry and the Selectmen would attend this meeting.
4. **FEMA Ordinance for Insurance Relief Measures**
5. **Drive-throughs as a conditional use permit**

Hawkins adjourned the meeting at 8:55 PM

Respectfully Submitted
Barbara Kravitz, Secretary
Seabrook Planning Board