



Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee, Francis Chase, Ivan Eaton III, Aboul Khan, Ex-Officio; David Baxter; Alternate, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Bruce Mayberry, BMC Planning LLC;

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

Hawkins opened the meeting at 6:35 PM and announced that this would be a work session dedicated to the warrant article proposals for the 2015 Town Meeting.

MINUTES OF NOVEMBER 18, 2014

Hawkins noted a repeated line in a vote, and asked for other comments or questions in re the November 18, 2014, Minutes; there being none.

MOTION:	Chase	to approve the Minutes of November 18, 2014 with typo corrected.
SECOND:	Eaton	Approved: Unanimous

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2004-24 Port Lighting 24 London Lane

Hawkins referenced a letter from Todd Gerrish of Port Lighting requesting an extension of the Notice of Decision conditions of approval. The third approved unit had been delayed because of financing in this economy; Gerrish said they were getting close to the build-out and needed the extension.

MOTION:	Hawkins	to extend the Case 24 London Lane #2004-24 Notice of Decision provisions to December 31, 2015.
SECOND:	Chase	Approved: Unanimous

Case #2013-13 Sea City Crossing, IStar Phase 1 - 652 Lafayette Road

Hawkins explained that the old McDonald’s restaurant had been removed from this property during the Case #2013-13 Sea City Crossing Phase 1. The letter from James Mitchell requesting the return of the case security was now accompanied by the required signoffs on the security return checklist, provided that the Water Department wanted to retain \$5000.00 with respect to the water lines extended to Phase 2 until the Phase 2 security had been posted. Hawkins noted that the original security amount had been increased by \$10,000 to cover the unapproved water line extension. The Applicant was in agreement with the town holding the \$5000.00 security.



MOTION:	Eaton	to retain \$5,000 of the security amount currently held for Case #2013-13 and to return the balance to the Applicant at this time, provided that the \$5000 balance may be returned to the Applicant conditioned on: (i) the security for Case# 2014-17 (Phase 2) having been received by the town, and (ii) the Applicant has provided the paper and digital as-built's for Case #2013-13 to the Planning Board Office.
SECOND:	Chase	Approved: Unanimous

CORRESPONDENCE AND ANNOUNCEMENTS

Hawkins announced that review of the Rockingham Planning Commission Draft Master Plan would occur on December 10, 2014 at the Brentwood Community Center on Route 125 in Brentwood.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 7PM.

2015 POTENTIAL WARRANT ARTICLES

Draft of Impact Fee Ordinance

Bruce Mayberry, BCM Planning

Hawkins said that the Board of Selectmen had appointed a subcommittee to study the possibility for adopting an impact fee ordinance. Mayberry had been hired as the consultant, and asked to write a draft ordinance. He commented that impact fees had been talked about for 7 years, but the voters had never been asked their opinion. Some felt that such an ordinance required too much work; others did not like that if not allocated within 6 years, the funds would have to be returned. The subcommittee was recommending that a general enabling ordinance be put to the voters as a warrant article, before committing to the expense of creating the various fee calculations. If voters approved, the fee schedule could be created and implemented. Hawkins called attention to the explanatory section and draft fee ordinance provided by Mayberry which was provided in the Board packet, and asked Mayberry to speak to this material.

Mayberry explained that the subcommittee's first step was to create the necessary enabling impact fee ordinance to put before the voters. Impact fees can cover capital costs in proportion to the potential [taxpayer] usage pertaining only to new construction. He commented that there were better choices to obtain funds in connection with utilities. Impact fees could be considered when new residences are created, or with new or expanded commercial development. The fee rate would be set based on determining a benchmark standard(s) for the future assessment portion going forward. Mayberry noted that the ordinance would provide for waivers under certain conditions such as 55+ housing or unique circumstances. The assessment date would depend on the project date of approval; funds would be collected at the certificate of occupancy



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stage. An accounting mechanism for tracking the monies needed to be put in place. Any refunds would be made to the property owner of record at the time, and not necessarily to the party that was originally charged the fee. The Planning Board could adjust or update the fees via a public hearing. Administrative appeals could go to the Zoning Board of Adjustment. Appeals relating to the ordinance would go to the Superior Court.

Mayberry said that the adoption of impact fees would have no effect on the ability to set site specific exactions or systems fees. Adoption of impact fees would go forward for 5 years, after which time they could be re-imposed, for example, for a build-out. The schedule of fee amounts would not be included in the ordinance, which would enable them to be set by the Planning Board.

Hawkins thought that the definition of a dwelling unit meant complete, independent living space. Replacement of a residence on a one to one basis would not incur an impact fee – the square footage would not necessarily be calculated. There could be several categories of impact fees and methodologies including the number of bedrooms. Hawkins asked what Mayberry thought was the typical method or best practice. Mayberry thought that by proportionate by dwelling unit or using an average was the easiest. They could also be applied to commercial and industrial property.

Khan asked if the fees could be imposed currently on water and sewer use. Mayberry said there needed to be a basis for impact fees, and would not recommend using them for water and sewer. Impact fees were for new development which needed more flexibility. Utility based use fees were better done separately. Chase asked if the fees could be phases for a project. Mayberry said a new phase should have a new impact fee set. The assessment comes at the time of the occupancy permit. Janvrin asked if the Planning Board would be responsible for tracking the fee experience over 5 years, and rubber stamping expansions. Hawkins thought data would be needed to establish the proportionate share of new development. The question was - Do People Want An Impact Fee Ordinance. Mayberry commented that there was now 7 years more experience. Janvrin asked about applying this to schools. Mayberry said the school districts had a lot of data, and to check the methodology with the school officials. Janvrin thought that the Capital Improvement Program was needed for implementation, and asked if the schools should be included. Hawkins said that the schools should participate in the CIP.

Mayberry said that methodologies could be adjusted by neighborhoods e.g. the Beach, or in an area where there were not many students, or some unique circumstance. Sometimes there were mixed uses to consider so there might be several different impact fees. Janvrin asked about operating the fee structure. Mayberry Hawkins said this meant who performs the various functions or makes decisions. Hawkins noted that the Beach had its own zoning. Morgan agreed that the Beach would have a separate vote. Selectman Ed Hess said there could be single, duplex, triplex and business units. Hawkins said there would be ordinance development, data collection, and professional support. Kravitz asked if an impact fee was a one-time payment. Mayberry confirmed this. Kravitz asked about capital recovery in re past projects. Mayberry said Impact fees could be established in anticipation of or to recoup costs of investing in excess capacity or new construction. Janvrin thought a bond could be paid off to insulate existing taxpayer use and was not dependent on who was living in a development e.g. over 55 residents.

Hawkins thanked Mayberry for the very complete presentation, noting that Morgan would put it into the Planning Board's format. Hess thanked the subcommittee for doing a good job and working hard on the due diligence in time for 2015. **Hawkins scheduled the Public Hearing for the Impact Fees for December 16, 2014 at 6:30 PM in Seabrook Town Hall.**



Hawkins recessed the meeting at 7:40PM and resumed at 7:52.

**Proposed Building Code Update
Steve Zalewski, Building Inspector**

Hawkins asked Zalewski to explain why the Building Code should be updated. Zalewski said that the State and Federal codes and effective dates were revised frequently. For example, the current National Electric Code was 2014; the town building code referenced 2011. State and Fire codes would be updated in 2015. There were different times for adoption and sometimes a code could revert to an earlier version. It would be simpler to require following the use of the current state and fire codes so that individual updates in the ordinance would not be needed. Zalewski recommended the Building Code language be amended in the form provided in the Board Packet to eliminate confusion.

Hawkins commented that in 2013 the previous building inspector did not want universal updating because of substantial costs to a developer, for example, storm windows. He wanted to see how this would go in other towns. Also the town could adopt more stringent codes. Zalewski said the various up or down changes makes it confusing for builders. Chase cited the big dollar burden. Zalewski said if the town did not conform at least to the current state or federal standards, a developer could go to court maintaining that the town did not mandate following the current standards, so they did not have to make the changes. He noted that the state had many codes in addition to building codes, including mechanical, plumbing, electrical, fire, gas sprinklers that would still be in effect. Hawkins asked if this was a zoning change. Chase asked about replacement costs. Morgan will research this issue. Baxter said the town had to follow the state codes.

Hawkins said the proposed Building Code changes would be Public Noticed for the January 6, 2015 Planning Board Meeting.

Aquifer Protection Overlay Zone, Stormwater provisions;

Hawkins is working on this with Morgan and Janvrin. The zoning and siteplan changes were not all in the same district. The Water Superintendent and other experts in stormwater management participated on the subcommittee; the result was more comprehensive. Morgan commented that there had to be a public purpose. The Aquifer Protection Overlay Zone was the Route 107 land west of I-95. Open space was ok in the rural zone, and in the industrial zone if there was not a problem. Adding an open space requirement was unnecessary if the lot had a Stormwater Operations and Maintenance Manual. Hawkins wanted the treatment aspects put in the Subdivision Regulations for flexibility; a screw-up could not be fixed in this area. He wanted to return to the experts such as Rob Roseen of UNH and ask for comments. Gordon Leedy, of VHB, said not every site could take a dogmatic approach; there were physical limitations to some sites. Morgan wanted to separate the aquifer protection from the stormwater provisions. Hawkins said to put the treatment aspects into the subdivision regulations for flexibility. A screw-up could not be fixed in an aquifer protection area. The run-off had to go somewhere.

Leedy was not sure that the aquifer area had been adequately identified e.g. the watershed. Run-off was an issue for infiltration capacity; the geology varied. Certain large basins would remain without recharging, and additional limitations and storage requirements would prohibit new development in the Aquifer Protection Zone. Khan said this was an elevation issue. He



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knew of a constant clean-up in another town. Gene Gove had worked with Roseen, and said to ask him about the volume control and varied geology e.g. clays etc. Janvrin said the pre development runoff was held on the site to recharge and for the MS-4 requirements. Hawkins was still leery about the MS-4; because of the unknowns it was hard to plan. Because of the unknowns, by consensus the Board chose to go back to Roseen, Julie LaBranche, and Rick Friberg. Morgan Hollis of Gottesman & Hollis said the restrictions for well head protection were too high. Hawkins said that the wellhead protection area was just about everything west of I-95, noting that his was the town's only water supply.

[Eaton left the meeting.]

Morgan wanted provisions for spill reviews to be provided for town-wide in the siteplan regulations. Hawkins asked if this would be covered by application to the Fire Chief or his designee, or the Fire Prevention Officer. Janvrin thought that such inspections overlapped and should be part of the building application. This had not been organized and should be coordinated with the Town Manager. Khan said to concentrate on aquifer protection. Hawkins asked if other areas could be addressed later on. Baxter thought spill prevention generally was related to the siteplan regulations, and said to apply it to west of I-95 at this time. Morgan wanted all provisions relating to stormwater consolidated in the same section. Janvrin asked about irrigation. Hawkins said that the Water Superintendent was not critical of the proposal and wanted to keep this to one issue – i.e. west of I-95 – to get the ordinance passed. Items relating to irrigation and domestic water consumption would require more discussion.

Hawkins scheduled the Aquifer Protection Overlay Zone and Stormwater Provisions for further discussion on December 16, 2014 at 6:30PM in Seabrook Town Hall and could continue to January 6, 2015 if necessary.

Request for Design Review

Gordon Leedy asked about **his client's request for a design review meeting**. Morgan said that the Planning Board had never done that before, and would first have to pass the enabling regulations. He saw few advantages for municipalities. Hollis disagreed but respected the position. He suggested asking the Planning Board Counsel if enabling provisions had to be enacted. Hawkins postponed further discussion on this matter to December 16, 2014 at 6:40PM in Seabrook Town Hall.

Conditional Use Permits for drive-throughs in Zone 6M.

Janvrin wanted this to be noted as a conditional in the use table. Traffic would not increase.

Lighting Ordinance

Morgan recalled that the Board had an interest in regulating specific illumination levels of LEDs, and noted that dimensional limits were in zoning; these were design limitations. He wanted to keep zoning to dimensions. Also billboards were now prohibited. Chase said the signage committee's work was progressing. Janvrin noted that a faster route could be through the Zoning Board of Adjustment. Hawkins noted that the technology was changing and this needed discussion before coming back to the Planning Board with one area identified.



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Route 1 Traffic

Baxter wanted the Board to be proactive in smoothing out the traffic on Route 1 north of Route 107. Janvrin said the signal sequencing again needed adjustment.

Proposed FEMA Ordinance Changes for Floodplain Compliance

Hawkins noted that the Board had discussed this proposed warrant and believed it would be **presented for the public hearing as is on December 16, 2014 at 6:30PM in Seabrook Town Hall.**

Hawkins clarified that the December 16, 2014 Planning Board Public Hearing would include Impact Fees, the FEMA Ordinance, the Conditional Use permit, and the Buildings Code, as well as Morgan's presentation of the proposed revised zoning map and aquifer protection overlay zone.

Hawkins adjourned the meeting at 10:10 PM.

Respectfully Submitted
Barbara Kravitz, Secretary
Seabrook Planning Board