



Town of Seabrook
Planning Board Minutes
Tuesday, December 16, 2014
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee, Francis Chase, 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, Ivan Eaton III,

Hawkins opened the meeting at 6:35 PM.

MINUTES OF DECEMBER 2, 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.

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| MOTION: | Chase | to approve the Minutes of December 2, 2014 with one typo fixed. |
| SECOND: | Khan | Approved: Unanimous |

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

CORRESPONDENCE/ANNOUNCEMENTS

PUBLIC HEARINGS NEW CASES

Case #2014-29 Proposal by A-1 Storage and Greenhead Lobster LLC to construct a 20,000 square foot industrial building at 25 London Lane, Tax Map 5, Lot 8-20.

Attending: Boyd Dodge, Greenhead Lobster

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Morrill described the property as 5.17 acres, with a wooded stream, extending from the Boarder Winds area to Route 107. The proposal includes a 20,000 square-foot industrial building and contemplates a future 8,000 square-foot addition. The plan calls for a 100 foot no-cut - no disturb vegetative buffer, with 6 foot pines within the buffer. Waivers are requested for architectural drawings, and to allow a cape cod berm. Drainage is to the south; the property has town water and sewer, and underground power.

Dodge said the building would be a holding facility with tanks from [[Stoughton, Me, and refrigeration. Lobsters are sorted and packaged, sold wholesale to overseas customers. The company would be moving to Seabrook from a smaller Kittery, Me facility. Dodge said the company was the largest buyer of lobsters in Maine. Hawkins asked for the size of the operation. Dodge said from 10,000,000 to 15,000,000 lbs annually. Janvrin commented that the property was in an Economic Revitalization Zone and there could be credits available from the NH Department of the Resources and Economic Development. Morgan noted that the property is in the Aquifer Protection Zone. Khan asked if there would be retail sales, dodge said there would not. Morrill said the cape cod berm would be 6 inch paving in back of the building and serve to channel water. Janvrin asked if a guardrail was planned, and about snow storage and desalting. Morrill said a guardrail was not needed, because there were no steep slopes; the snow would



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melt into the pond and desalting could be addressed at the technical review. Morgan asked for documentation on previous ZBA actions. Khan asked about new job creation. Dodge said between 15 and 20 jobs.

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| MOTION: | Khan | to accept Case #2014-29 as substantially complete for jurisdiction and deliberation. |
| SECOND: | Chase | Approved: Unanimous |

Hawkins scheduled the Case #2014-29 Technical Review Committee meeting for January 12, 2015 at 10AM at Seabrook Town Hall, and continued Case #2014-29 to January 20, 2015 at 6:30PM in Seabrook Town Hall.

Case #2014-30 Proposal by David Benoit and Raven Realty Trust to construct a 3,557 square foot auction house at 892 Lafayette Road, Tax Map 7, Lot 92-1.

Baxter recused himself from Case #2014-30.

Attending: Alexis Benoit Garrant

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering

Boyd said the building foundation had been in place for 30 years, but the building was burned out in a fire. There would be no change in the grade or slope; the site would be repaved, and restriped. The proposal was to open a unique auction house as a farmers and artisan market across from the Smokey Quartz distillery; the use was compliant. The principal would be from Crown Auctions. The facility would be open on Wednesday evenings and possibly Saturday evenings, although employees would be on the premises from 7AM to 7PM to organize the displays. They would create an expansive parking area for 75 spaces. David Benoit would agree in writing for parking on an adjacent site. Town water and sewer lines existed, but Benoit would install a ductile water line for a new water main, which Boyd said the Water Superintendent liked. The runoff would be the same.

Janvrin asked about a Liberty Elm. Boyd said a large tree like a Liberty Elm would not be appropriate. Janvrin suggested they think about replacing a downed tree at the Town Hall with a Liberty Elm. He called attention to the issues at 920 Lafayette Road, and thought a writing should state that the parking would go with the property if it were sold. Boyd said that there had been an Eagle's Landing roadway for a 10 lot industrial subdivision. Janvrin commented that a non-compliant setback was grandfathered. Hawkins asked how long ago the building burned, and if it was more than one year. Boyd thought about 1987-88. Morgan said any use approval had lapsed. Boyd said the foundation was still there, and thought they could show hardship to get a variance.

Hawkins asked Morgan if the Board could grant approval in re non-compliance. Morgan said it could not change the ordinance. Hawkins suggested getting a Zoning Board of Adjustment variance prior to going to the Technical Review Committee. Boyd asked to go to the TRC at the Applicant's own risk. Morgan noted that some of the intended parking would be outside the site boundary and was not shown on the siteplan, which would impact more than the abutters shown on the siteplan. He asked if those abutters had been notified. Boyd said there was enough parking on the site; the additional parking would only be on auction nights, and that Benoit owned surrounding property, about 40 acres. Janvrin asked about the abutter to the south. Boyd said the only abutters were the power plant and the Johnson 920 Lafayette Road property. Boyd



would draw an exhibit showing all of the potential parking areas. Morgan asked about the traffic impact on auction nights, noting the 50 peak hour parking threshold. Boyd said there would be previews at 2PM and the auction at 6PM, noting that the auction principal currently is located in downtown Boston where there was no [dedicated] parking. Not everyone would arrive at the same time.

Chase asked who owned and would maintain the water line, noting an easement would be needed for the use. Boyd said it would be privately owned until the Eagle's landing area was developed when it would be turned over to the town. Chase wanted to be sure that all of the water work would be done in accordance with the Water Superintendent's requirements. Boyd said it absolutely would. Janvrin wanted a utility easement recorded. Boyd said that Benoit owned all of the land; there were cross easements at this time. Zalewski asked if any part of the building was occupied, noting that part of the remaining foundation was shaky. Boyd said there had been a small business there. The applicant intended to use all of the structure, partly for an office and an area with a stove. By consensus, the Board had no problem in sending the case to the TRC prior to a decision by the ZBA. Hawkins noted that the Board would then be spending some time on the case.

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| MOTION: | Chase | to accept Case #2014-30 as substantially complete for jurisdiction and deliberation. |
| SECOND: | Khan | Approved: Unanimous |

Hawkins scheduled the Case #2014-30 Technical Review Committee meeting for January 12, 2015 at 10AM in Seabrook Town Hall , and continued Case #2014-30 to February 16, 2015 at 6:30PM in Seabrook Town Hall .

Baxter returned to his seat

PROPOSED 2015 WARRANT ARTICLES

Proposed Aquifer Protection Zoning Overlay and Draft Regulation

- Donald Hawkins, Planning Board Chair
- Tom Morgan, Town Planner
- Julie LaBranche, Senior Planner, Rockingham Planning Commission
- Robert Roseen, Geosyntec Consultants;

Participants

- Gordon Leedy, VHB
- Morgan Hollis,

Hawkins explained that prior conversations related to the chart showing the volume control. The issue arose because it was felt by some that that the proposed ordinance did not take into account the impacts on some of the types of soil, or was that an unreasonable request that the Planning Board should consider changing. The standard in the proposed ordinance was no increase from predevelopment. Was it reasonable for the Planning Board to set the 50 year storm base as right level for the future. Hawkins noted there was always the option for waivers in a particular situation. The Board wanted to hear from the experts.



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Roseen had been asked for comments in re the proposed aquifer protection ordinance. He said the question was the feasibility of a water protection ordinance vis a vis redevelopment or new development while maintaining or improving the water balance in re the volume recharge. Water quality was also to be protected and contamination prevented through advanced stormwater management. The argument in a submitted letter was that the standard was too high and would be a disincentive to redevelopment. Roseen said, in part he agreed to some degree, and would speak to the remedy. Roseen said the first supposition would be that the standard for the aquifer protection area would be a higher stormwater standard than elsewhere. He thought that the current ordinance was appropriate vis a vis new development. From a greenfield or redevelopment perspective he thought there might be reason for some flexibility [to the maximum extent possible], but not driving the standard down to providing nothing better than for new development.

Roseen suggested adding certain well-developed language used by others in re managing redevelopment stormwater. Sites having greater than 40 percent undisturbed cover could be treated as equivalent to new development - having more area available (for treatment of new and existing runoff). On the other hand, there could be some flexibility for redevelopment sites having less than 40 percent undisturbed cover, applying only to some percentage of existing impervious cover (e.g. 30%), and allowing flexibility for the new impact (e.g. 50% up to 100% map). Roseen said that would accomplish retaining or improving the water treatment and volume. All the new impervious cover would receive treatment and some of the existing impervious cover would receive treatment; the relative percentages would vary dependent on the maximum extent possible. Roseen said he'd seen this approach used elsewhere, recognizing that the optimum standard would be very difficult to achieve.

Hawkins recalled discussion as to whether to utilize a waiver with certain conditions as to treatment levels to be set by the Planning Board, or to create added specificity to the ordinance. For example, allowing greater volume for runoff so long as it is treated. He was not very comfortable having the Board set percentages – the Board not being experts. Hawkins asked Roseen if he had seen these issues handled on a case by case basis with a little tougher ordinance, for example, if there were soil conditions that just would not absorb the runoff, but the treated runoff could be allowed. Roseen said it could be done that way. He thought that for the designer, having the added specificity in the ordinance would be helpful; it would reduce the need for waivers. There were certain projects requiring waivers, such as with urban infill where there is no way for runoff and the poor soils would preexist. He was less concerned with soil quality because the recharge would be fairly modest in “B” type soil, but there would have to be some volume control. He noted that the comparison is with the predevelopment status, so that plus the sliding scale should be sufficient.

Hawkins asked if the groundwater recharge calculations were in conflict with the recharge calculations. Roseen said when dealing with peak flow controls that channel protection volume matching the 2 year and 50 year standards, some recharge could be in excess. Roseen suggested this language could be removed as being covered in the AOT Janvrin asked if the proposed ordinance was more restrictive than the state or Massachusetts levels..LaBranche said that the only difference in the table from the AOT standards was the line item for volume control. Redevelopment had inherent limitations. She and Roseen have discussed adding to the language in the table a reference with the concept of maximum extent possible in re redevelopment for greater than 40 percent impervious cover. LaBranche said they would at least have to meet no less than the minimum groundwater return. standard The applicant would have to demonstrate the constraints and that the treatment would be to the maximum extent possible. Roseen said the redeveloped site should perform as least as good as the existing site.



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Janvrin recalled a previous building extension project in which the Board allowed no change to the volume that left the site, unless the treatment of any additional water from the extension development gave better water quality, flow, and volume control. He asked if there would be a standard for water quality. LaBranche said standards for water quality and volume control were already in the state ordinance. Roseen said that, for example, relief could be provided for clay soil while other areas could be held to a higher standard. Hawkins asked if that could be applied when two different sites were involved i.e. could a site that could absorb more be required to pick up the deficiency of a different site. Roseen said it could, but it would have to be in an area with different soils and not the aquifer protection area. The goal was net volume balance. LaBranche said one site might have overall good soil and could meet the standard, while another might need flexibility for poor soil. Hawkins asked how that would be measured. LaBranche said the Applicant would have to demonstrate its position with adequate soils testing. Janvrin clarified that the applicant would have the onus of reporting its soils analysis to the Technical Review Committee.

Roseen commented that there could be different applications for different purposes on the same site. Hawkins asked Roseen about LaBranche's suggested language addition; Roseen indicated his agreement. LaBranche said to put the infiltration where the best soils are. Another objective is implementing low impact development which can be a positive effect. Morgan asked if the table was similar to the AOT regulations and asked if including it in this ordinance was redundant, noting the application would be for large projects. Roseen said it could be replaced with a reference to AOT standards; it would be the Board's preference, although he liked to see complete ordinances. This could be reduced to a more simple checklist. LaBranche said the current format was selected to capture a large number of smaller projects that never go to AOT, because they are less than 100,000 square feet. This is an opportunity to capture previously developed sites that had never had stormwater management. Also, this would be the opportunity to apply volume control and maximum infiltration in the aquifer protection area. Janvrin noted this would benefit the town wells. LaBranche emphasized that the groundwater west of Route 1-95 is the town's only source of domestic water and its value must be maintained; some wells will be coming offline and others drilled. The objective is the maximum amount of infiltration; smaller projects would take smaller measures. This would be the opportunity to retrofit. Hawkins commented that there would not be that many projects of over 100,000 square feet.

Khan noted that the Planning Board subcommittee had been working with the RPC and the landowners and neighborhood on the aquifer protection zoning overlay for about 9 months. Although a few projects have recently been considered within that area at this time, the Board was not attempting to block or encourage any development is making. This work started a long time ago.

Hawkins invited Leedy's comments. Leedy agreed directionally with Roseen and LaBranche. His concerns were that the volume control standard was not linked to the groundwater recharge volume. There is definition but nothing that says when something had to be met. Also, post development discharge volume shall not exceed predevelopment or the 50 year storm events. A lot of research went into determining the numbers, but if it is strictly tied to the 50 year storm levels, without recognizing differing soil conditions there is a problem. A change from the previous draft was an additional water quality standard with certain percentage removal requirements. When impervious surface is added to a site, the "stuff" that rolls off should be



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treated, but the various percentages would have to relate to some base figure(s). Janvrin said it was the standard for the whole town. Hawkins asked if Leedy thought this would not be measurable. Leedy said a calculation could be done. There were various methodologies set forth in the Stormwater Manual, but he did not know which was meant to be applied. He did not know if this was an unreasonable standard, and asked for discussion on this.

Leedy understood from the notice that the stormwater provision was taken out of zoning and put into siteplan regulations which he favored for the flexibility in recognizing site specific conditions. He commented that as written, the regulation would apply to all sites in the town. Leedy felt that consensus could be reached if there was recognition that redevelopment presented preconditions and the objective was to create improvement, but not the same as for a new site. Low impact development techniques such as filtering water in advance of it leaving a site, could be utilized for an improvement, but not necessarily to a new development standard. Janvrin did not disagree, but pointed out that the standards for nitrates etc were now town wide. One applicant in the Route 1 corridor constructed a pool for a first phase development, and returned to the Board with an application for the balance of the site that would require filling in that pool. An underground storage and infiltration facility that would maintain the standard for a very small site would be added. To say that this could not be done on the west side of town with much more open area was hard to believe. Leedy described a large mall project that was configured to create no more nitrate and phosphorous runoff than before development i.e. a no net increase.

Janvrin said the proposed ordinance was for an overlay water protection district. The underlying zoning was nearly all for residential or light industrial use – a strip mall would not occur. The board was trying to plan development or redevelopment for light industrial use. There were about a dozen properties that could accommodate this on the west side of the town. the standard was attainable for residential use. Leedy agreed. Janvrin thanked Leedy for his comments. Hawkins said written comment from Leedy would be welcome.

Hollis was representing the owner of the Yankee Greyhound property which was considering industrial use, and was encouraged by the previous conversation. As an attorney, he could state that to change zoning there had to be a valid public purpose, which he thought had been clearly established. The proposed regulation also had to tie in to the established public purpose, as well as be substantially related to that purpose. Hollis was troubled by the standard for 100 percent infiltration which is a problem for redevelopment such as his client was considering. Sometimes the soil will not allow total infiltration, and he thought the experts were suggesting some modification to the maximum amount of infiltration possible. He suggested that 100 percent was too high a level and exceeded what would be necessary. When a 100 or even a 50 year storm hits there would be a surge of water that had to be maintained on the site. That would occur by creating basins on the site. His client's concern was this would mean creating a giant sized basin to retain that water. He did not like the concept of a maximum extent possible, and would prefer tying to water from a 25 year storm having to be controlled somewhere on the site. The rest would be allowed to run off, perhaps with some treatment. To define the standard at 100 percent and not tie it to a soils exception would be problematic. He would provide written comments.

Hawkins explained that the current regulations state that post development runoff shall not exceed that of predevelopment. When 100 percent is referenced it is to 100 percent of what the was being developed. He asked if Hollis thought that was unreasonable. Hollis said that was right, because he thought the requirement was to control all the water on the site. Hawkins said that was incorrect. A site currently had an amount of discharge. For redevelopment, the new standard would be to not increase that existing level of discharge. The discussion related to what



would happen if the soil did not allow this. Hollis was uncomfortable with the goal of to the maximum extent possible; there may be instances where that cannot happen. LaBranche clarified that the correct language would be to the maximum extent practical (not possible). Hollis asked who would decide that. LaBranche said that could be defined. Hollis said he had made his point.

LaBranche reminded that applying the standards town-wide would be a benefit in meeting the MS-4 standards next year. Language could account for variety across the town and for smaller sites. Roseen said this could be linked to groundwater recharge for increasing volume. The water quality definitions could be broadened. There were many approaches, including the EPA "swim" model to evaluate storm depths.

Hawkins urged that written remarks, including re criteria to use, be forwarded to the board. Kravitz said they would need to be in hand by Tuesday, December 30 for the Board packet.

Hawkins continued the discussion of the Proposed Aquifer Protection Zoning Overlay and Draft Regulation to January 6, 2015 at 6:30PM in Seabrook Town Hall.

Hawkins recessed the meeting at 8:05PM and resumed at 8:20PM.

**INFORMAL CONCEPTUAL CONVERSATION
Richmond Company/Yankee Greyhound Parcel
319 New Zealand Road**

Appearing: Gordon Leedy, landscape architect, planning director, VHB: Michael Kane; Jim Gove, environmental consultant:

Leedy said this conversation was requested at this time in light of the proposed warrants re aquifer protection and stormwater management et al. About 90 percent of the 78 acre Yankee Greyhound site was currently developed. They intend substantial redevelopment including a new road along the existing track road and into a cul de sac leading to several industrial buildings. The current thinking was for 3 buildings with 100,000 for automated manufacturing, 165,000 for distribution, and 250,000 for manufacturing and distribution respectively, depending on securing tenants. Parking would depend on tenant use needs. To the south was mostly high quality wetland; a small corner was forested. The plan would include a cluster residential subdivision and development to the west together with a large conservation area. They did not see traffic as a significant challenge for trip generation as there would be for retail, so ; an intersection signal is also proposed.

Leedy said the soils were poor with deep marine clay and limited infiltration. They would provide state of the art treatment; volume control was a concern in light of the proposed new regulations. Hawkins asked if the runoff could not be maintained at existing levels, where would it go and how would it be controlled as there were surrounding neighborhoods. Leedy said the engineering had not yet been done, but they were satisfied that they could control the discharge rate of flow with best management practices, and low impact standards. Total volume discharge with no discernible impact would be an issue going into the wetlands. To create a basin would mean a large additional wetlands. There used to be a stream with a 48 inch concrete culvert. Janvrin asked if the residential area could be separated from the industrial. Leedy said the lines had not been drawn; there was a provision for conditional use permits to adjust for a separation. Their client wanted to build moderate sized homes at a reasonable cost; they could begin with



land condominiums. Janvrin asked if they had considered green roofs or rain gardens to pre-treat water. Leedy said they had discussed this conceptually along with permeable pavements; they needed to be cost sensitive. Leedy said it was good that the proposed stormwater management regulation would have flexibility as to how to meet those types of standards. Janvrin asked if there had been discussions with the NHDOT in re the intersection with Route 107. Leedy said that had not been done yet. They still needed to collect data on the surrounding intersections but expected this would require permitting and at least signalization. Janvrin said at some point the Board would require meeting with the Conservation Commission, and asked how they would present. Leedy said they were not that far along. They might ask the Planning Board for a phased approval e.g. one tenant was ready. They would like to have a piece that could be done without a wetlands permit. It would take time to consider what the mitigation would be.

Case #2014-31 Proposal by Montisanti Real Estate Holdings LLC to establish a new warehousing use at 72 New Zealand Road, Tax Map 7, Lot 55.

Attending: Tony Montisanti
 Appearing for the Applicant: Attorney Mary Ganz, Ganz Law;

Ganz said the Applicant wanted to rent the 20,000 square foot space to a tenant whose use was similar to that during the last year. Omni stored plastics until there was enough to sell. The new tenant would store auto parts. The building was grandfathered as a warehouse in 2000. The building inspector's assistant signed off on a permit, but the building Inspector now says the Use is not the same category. Ganz said this use is only for storage of auto sealing material manufactured elsewhere. Inventory is brought to the building quarterly. There are no employees. Hawkins asked about the volume of goods. Montisanti said nothing would go out for at least a year.

Hawkins asked for Morgan's view. Morgan said this was a benign use. Zalewski asked whether the stored product was flammable or explosive. Montisanti was it was pvc. The tenant was ready to sign the lease. Zalewski recalled a former court case. Ganz said that was before Montisanti's time. Zalewski was concerned about trucks in the evening. Montisanti said that trucks late for delivery used to sit in the parking area driveway until the morning. He pays taxes and needs the income. He has an office and buys and sells plastic. Janvrin asked if this tenant space was the whole building, and about the access. Montisanti said only 20,000 square feet. He has an office in the building to buy and sell plastics. There is access from the east side for shipping. The building is sprinklered. There was not a lot of traffic. Hawkins agreed with Morgan. Chase said they had approved a plumbing supply business that did not come.

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| MOTION: | Chase | to accept Case #2014-31 as an expedited application substantially complete for jurisdiction and deliberation. |
| SECOND: | Janvrin | Approved: Unanimous |

Khan commented that it would be helpful if the tenant had appeared, but that would not affect his vote.

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| MOTION: | Chase | to approve Case #2014-31 as substantially complete for jurisdiction and deliberation. |
| SECOND: | Khan | Approved: Unanimous |



Chase asked why the business license could not handle this, and should that be looked at. . Janvrin said that was for the Selectmen. Hawkins said the Board might look at it to make a recommendation if it would streamline the whole process. Chase said if the tenant had gone first to departments, the question would have been answered. Hawkins said the Board should be considering how to streamline its own process.

ONGOING CASES

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; October 21, 2014; November 18, 2014; resumption of deliberation; party in interest’s issues

Hawkins understood that the parties had achieved consensus and continued Case #2014-13 to January 6, 2015 at 6:30PM in Seabrook Town Hall.

ONGOING CASES - UPDATES

Baxter recused himself from Case #2013-15

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; March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, August 5, 2014, August 19, 2014; September 2, 2014: September 16, 2014; October 7, 2014, October 21, 2014; November 18, 2014; topics: letter from NHDOT and driveway permit; Route 1 work schedule; letters from DDR and NextEra; exaction, revision of 100 % off-site Improvements

Hawkins referenced the letter from the DPW Manager, John Starkey, concerning constructing a temporary sidewalk on the south side of Provident Way, because CVS store owners would not allow a slope easement for a sidewalk on its side of the street. Starkey did not want to see a wall or guardrail along the deep culvert. As the retail stores are getting near opening and will need occupancy permits for which a sidewalk must be provided, moving the sidewalk construction on the south side of the street was a reasonable solution. Hawkins had talked with Starkey and agreed this was reasonable; the Board could determine that this was an insignificant change. .

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| MOTION: | Janvrin | to determine that the change of sidewalk location for Case #2013-15 as described by the DPW Manager in his letter of 12-15-14 be deemed an immaterial change and to waive jurisdiction to the building Inspector. |
| SECOND: | Khan | Approved: Unanimous |



2015 POTENTIAL WARRANT ARTICLES

Draft of Impact Fee Ordinance

Hawkins said that there had been no changes to the Draft Impact Fee Ordinance, so it would be heard again on January 6, 2015 at 6:30PM in Seabrook Town Hall.

Proposed FEMA Ordinance Changes for Floodplains Compliance

Hawkins said that there had been no changes to the Draft FEMA Ordinance, so it would be heard again on January 6, 2015 at 6:30PM in Seabrook Town Hall..

Spill Prevention, Control & Countermeasures

Leedy said in Section 16.400 there are a number of prohibited uses and spill prevention regulations. Yet Section 15 of the site plan regulations says has references to 5 gallon containers. He asked if it was the intention to adopt Section 16.400 as spill protection for the whole town. If not, he suggested adding language to the effect that a use was prohibited unless accepted under the SWPP, as a blanket prohibition could be trouble in the industrial zone. Janvrin said this related to containers no larger than 5 gallons. Leedy noted that fertilizer and a number of other substances were regulated and in more than 5 gallon containers. Janvrin noted that the substances were not prohibited, only the size of containers. Leedy commented that Amherst was in a stratified aquifer zone and he was a member of the Amherst Planning Board. when necessary, they were very careful about the containment systems and monitoring. Janvrin asked if the limitation should allow 50 lb bags. Leedy said this was not his expertise and was only suggesting that some flexibility be allowed.

Hawkins could see a situation needing a container of more than 5 gallons. He liked the pre-approved plan idea so the Planning Board could deal with this without sending the applicant to the ZBA. Leedy noted that the Planning Board could bring in professionals. Morgan liked Leedy's language suggestion, and said he will revise this for the January 6 meeting. Hawkins noted that there would be a meeting on January 20 if necessary. ,

Hawkins continued all of the proposed warrant articles to January 6, 2015 at 6:30PM in Seabrook Town Hall.

Proposed Town of Seabrook Zoning Map Tom Morgan, Town Planner

Hawkins explained that the Planning Board had undertaken to redo the town map primarily to depict the distances from the center of Route 1 to the nearest property lines, and to conform lots now in 2 different zones into a single zone by following the property lines. Most changes were minimal. 620 properties were affected, of which a new state law required a notice in a zone with less than 100 changes. This meant that in excess of 66 landowners got the notice mailing. Morgan explained that when residential property was involved, boundaries were moved to the outside lot-line. There were no changes to the 6M Zone. Hawkins noted that 6M adjustments had been previously made. Morgan said that commercial property lot lines were conformed behind the Kohl's, Market Basket and Home Depot; Smithtown adjustments had been previously made. Some adjustments were made in the Route 286 residential area to conform to Zone 2R, noting that the trailer park was in that Zone. Salt marsh would show in the conservation district.



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Hawkins said objectives were to eliminate hurdles to a resident owning their own home, and to acknowledge what was on the ground. A similar presentation would later be scheduled for the Beach Precinct. No building would be allowed on the salt marsh, which was always moving. The intent was to follow the property line to the extent possible. The notifications were mailed in time for the January 6, 2015 Planning Board Hearing' discussion could be extended to January 20. Bruce Brown asked if more restrictions would be put on homes. Hawkins said this would not happen, commenting that Banks did not write mortgages on homes in a conservation zone. The Board was trying to recognize an existing use by moving the property line to the correct zone - e.g. residential, industrial when the lines cut through properties.

Brown thought they were curing some problems, but also putting restrictions on some properties. Hawkins said the marsh extends just about everywhere so the river could be followed and the NHDES had "no-build" in the marsh. The intent would be to protect conservation land or the waterways. Brown said the state would not allow building on the marsh, so why have more restrictions. Hawkins said that new technology enabled accuracy. There could be individual situations along the conservation area, but it was important to acknowledge the no-build area. Janvrin said the result would recognize the use on the ground and, therefore, be more permissive. He noted that bob Moore had participated in the map designation work.

Hawkins noted that the map was accessible via the town website, and asked Morgan to review each section of the map. Morgan projected and enlarged small sections of the proposed map one by one explaining where there were adjustments. Brown said he had looked at the FEMA flood maps and felt that FEMA had run out of funds and made the wetlands larger to get more money. Hawkins commented that under the new FEMA maps Seabrook actually had less acres in the floodplain.

Hawkins asked for comments prior to the January 6, 2015 meeting when all of the proposed warrant articles, including for the zoning and aquifer protection overlay maps, would be heard. That meeting would be at 6:30PM in Seabrook Town Hall. He asked Zalewski and Morgan to come up with the language for the Building Code changes.

Hawkins adjourned the meeting at 10:10 PM.

Respectfully Submitted
Barbara Kravitz, Secretary