



DRAFT Town of Seabrook Planning Board Minutes DRAFT

April 18, 2006

Members Present: Sue Foote, Chair; Paul Garand, CEO; Tom Morgan, Planner; Aboul Khan; Peter Evans; Paul Himmer; Keith Sanborn; Mike Lowry, alternate; Robert Moore, Ex Officio from Board of Selectmen; Patricia Welch, Secretary.

Other Attendees: David Walker & Cliff Sinnott, Rockingham Planning Commission, Phil Stockbridge, Seabrook representative to RPC

The chair opened the meeting at 6:00 PM. Dave Walker and Cliff Sinnott of the Rockingham Planning Commission gave a power point presentation on the Route 1 Corridor Study being done by Rockingham Planning Commission (RPC) and Vanasse, Hangnen and Brustlin Inc. (VHB). The draft is available on-line at the RPC's website, www.rpc-nh.org and a paper copy of the slides is available by request in the Planning Board Office at Town Hall. Walker answered questions and concerns from the audience. He noted that a public hearing on the draft would be held in various Seacoast communities in the coming months. Comments on the study are requested from the public and may be sent to dwalker@rpc-NH.org.

Following the RPC presentation, the Planning Board took a five-minute break.

The meeting re-opened at 7:42 PM. There was no correspondence and no requests for security reduction so the first item on the agenda was the acceptance of the minutes from April 4, 2006

Motion: Moore To accept the minutes of April 4, 2006.

Second: Evans Foote, Khan, Evans, Moore in favor; Himmer & Lowry abstain as they were not present.

The Public Hearing opened at 7:44 PM. The first case was #2006-19 Proposal by Gregory & Karen Meyer for a condominium conversion at 256 South Main Street, Tax Map 17, Lot 20-4. A letter from Henry Boyd, Millennium Engineering was received stating that he had another commitment and did not realize the RPC was making a presentation that would delay his representation of the Meyers on this case, and that he had inadvertently left off the plan a utility easement, which will be corrected on the mylar. Gregory Meyer presented the proposal for a condominium conversion. Morgan asked about the shed for unit one meeting the dimensional requirements. Garand stated that was not necessary as it is all within the limited common area. Foote polled the Board and the public for comments and concerns. There were none.

Motion: Evans To accept case #2006-19 as a complete application for deliberation.

Second: Lowry Unanimous

Motion: Evans To approve case #2006-19 insofar as it meets the condominium regulations of the Town of Seabrook on the condition that the missing power line easement be added to the mylar prior to recording at the Registry of Deeds.

Second: Lowry Unanimous

Next case is #2006-20 Proposal by DDR Seabrook, LLC, Nelson J. Murray & 692 Lafayette Road Seabrook Trust for a site plan review for a commercial retail sales development at 686, 692 & 700 Lafayette Road, Tax Map 8, Lots 47, 48-1 to 48-44 and 55. Attorney Malcolm McNeill, Jr. represents the applicant. Also present for DDR is Steven Lehmann, VHB engineer on the project. McNeill reviewed the Planning Board minutes of the joint hearing with the ZBA on March 21, 2006 and the Technical Review minutes from April 7, 2006 as well as the Superior Court Case (ZBA case 2004-02) on the appeal to the ZBA's decision to allow a



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special exception to Article III, Paragraph C to allow property divided by Zone 2 and Zone 3 to be used entirely as Zone 2. McNeill stated that all the current DDR requests to the ZBA for variance are going to be withdrawn except for 2006-09 (ZBA case number), which is to permit more than one building on a lot in Zone 2, a Variance to Article VI Dimensional Requirements. Attorney McNeill suggests that whether it is one building or multiple buildings makes no difference, as it is the total square footage of retail space that counts. He notes that the ZBA asked the Planning Board to provide its opinion on whether or not it has a problem with multiple buildings on the lot.

Moore questions why the developer needs a variance from Article IV when there are many options available for development of the site. He wants to know why the lot can't be subdivided by a road so that the peoples' rules, the Zoning Ordinance, does not have to be changed. Moore feels the developer is gutting the Zoning Ordinance.

McNeill counters that the Zoning Ordinance is not being changed. The law provides for special exceptions and variances on a piece of property based on the individual and unique characteristics of that property. Debate on whether or not the zoning ordinance is being changed continues among Evans, Moore, and McNeill. Foote intervenes to state that the Planning Board is not here to debate the purpose and intent of the Zoning Ordinance, as that is the role of the Zoning Board of Adjustment. The Planning Board, she states, has merely been asked to give to the ZBA its preferences on one building or multiple buildings on this site.

Foote adds that well over a dozen people have expressed to her their preference for the proposed configuration because it will shield abutting neighbors and they do not want the type of activities a mall might encourage.

McNeill notes that it is not a Planning Board matter to decide whether or not to grant a variance to the Zoning Ordinance, but that the ZBA at its joint meeting with the Planning Board asked for input from the PB. Discussion follows on the options the developer has in arranging the lot to follow the Zoning Ordinance.

Lehmann, VHB, notes that the developer looked at three lots and while that gets around the issue of only one building per lot, it then raises the issues of signage, open space, setbacks and other zoning requirements that will need to be addressed by variances.

McNeill restates his question: does the Planning Board favor one building or more per lot?

Moore says it is up to the ZBA. Evans adds that health and safety issues should be the main concern. Foote feels a good planning design that addresses the concerns of the people is paramount. Khan asks if people are going to have to drive from store to store? McNeill answers that most people go to the store they want to visit and park in the most convenient location for that store. McNeill then asks what difference, from a planning perspective, does it make if there are multiple buildings or one big building?

Foote polls the Board and the public. Derek Heath, Rocks Road asks about contamination on the site.

Lehmann explains that the site is a Brownfields project and the report on contamination is currently in draft form being reviewed by the Department of Environmental Services (DES) and when that is made available to the public, probably within two months, it will likely answer Heath's questions. Sandra Noonan, Governor Weare Apartments' manager, asks if the corridor study will have to be revised and who will pay for additional



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upgrades to Route 1? Foote answers that the RPC would not alter the corridor study to meet the needs of a developer and the State will get money for improvements to Route 1 from developers as it has in the past.

Morgan feels if the Planning Board is so inclined to make a recommendation that they do it tonight. Foote adds that if the Planning Board does not go on record, they will have to abide by the decision of the ZBA, and since this has been an issue in the past, this is why the ZBA wants input from the PB. Evans feels the PB has had good debate and discussion but that the ZBA will decide the variance request.

Motion: Evans To decline to offer an opinion.

Second: Moore Unanimous with Lowry abstaining as he sits on the ZBA

Morgan raises the issue of the design's impact on Route 1 now that a signal is proposed for Route 1 and New Zealand Road. Lehmann, VHB suggests that discussion of the access and traffic issues is premature as the traffic study is not done and the whole issue may be moot depending on the ZBA decision on the variance request. Lehmann adds that this proposal is going to be withdrawn and not continued. A completely new application will be submitted to the Planning Board in mid-May after the ZBA hearing.

Next case is **#2006-15** Proposal by Lafayette Realty Trust for a change to an approved plan at 741 Lafayette Road, Tax Map 7, Lot 67. No one is present for this case. Discussion ensues of what is involved in this re-submittal. It is noted this is a request for a new dumpster location and the applicants also requested an opportunity to review previous minutes to find reference to his providing an escrow for a proposed traffic signal at Rocks Road. He disagrees with the Board members and others who remember this being discussed.

Motion: Moore To continue case #2006-15 to May 2, 2006 at 6:00 PM

Second: Himmer Unanimous

Morgan tells the Board that the RPC has requested written comments from Board members on the Corridor Study. This is noted for the May 2, 2006 agenda and it is suggested that members email comments to the office for inclusion in member packets prior to the meeting so comments from each member may be reviewed prior to the meeting.

Khan raises the question of another joint meeting with the ZBA on the multiple buildings per lot issue. Morgan says it is possible to have another meeting. Foote says that the ZBA may make a decision at its meeting on April 26th before another joint meeting on this issue can be noticed and held. She states that having another joint meeting with the ZBA is probable as there will be other issues to discuss including the Supreme Court Case on the previously granted special exception on use.

Meeting adjourned at 9:10 PM

Respectfully submitted,
Patricia R. Welch, Secretary
Planning Board