



Town of Seabrook Planning Board Minutes Draft

May 16, 2006

Members Present: Sue Foote, Chair; Peter Evans; Paul Himmer; Keith Sanborn; Aboul Khan; Paul Garand, CEO; Tom Morgan, Planner; Robert Moore, Ex-Officio, Patricia Welch, Secretary.

Chair Foote opened the meeting at 6:07 PM. First item on the agenda was the minutes from May 2, 2006:

Motion: Moore To accept the minutes of May 2, 2006

Second: Khan All in favor except Sanborn who was not present at the meeting.

there were no requests for security reduction and no correspondence. The next item was the revised contract for the Planner and the proposed job description and contract for the Town engineer. Foote advised the Board that the engineer's job description and contract had not been distributed to everyone prior to this meeting so it would be discussed at the June 6, 2006 meeting. Morgan and the Board reviewed the planner's contract. (See copy attached to these minutes.)

Motion: Moore To approve and sign the contract between the Planning Board and the Planner.

Second: Sanborn Unanimous

Redefinition of the zones along Route 1 was the next item on the agenda. Morgan noted that perhaps the Board should consider limiting expansion along this corridor and in other areas by revising **Article III C - Lot Lines**: Where a boundary coincides approximately by lot lines, such lot lines shall be construed to be the boundary where such interpretation is practical. However, when a boundary between two districts divides a lot, the Board of Adjustment may, upon application by the lot owner, grant a Special Exception pursuant to Article VII of this ordinance in order to permit a use that would be permitted in either zoning district. The Board of Adjustment shall set an expiration date for the Special Exception, said expiration to take effect in the event that the Special Exception is not exercised. **and Article VIII - Conditional Use Permits for Industrial/Retail Development** It is the policy of the Town of Seabrook to maximize employment opportunities in the town's Industrial District (Zone 3), and to reserve such industrial land for enterprises that generate the maximum number of high wage jobs. Accordingly, a Conditional Use Permit may be granted by the Planning Board to permit a combination of retail and industrial development in Zone 3 if the proposed development meets all of the following criteria:- the retail and non-retail components of the proposed development are owned and operated by the same company; retail use does not exceed 25% of the buildings' floor area; and at least 75% of the products offered for sale are produced on-site.

Chair Foote suggested perhaps the Board should look at all the zoning districts as well as these two articles. The Board discussed the zoning districts and Article III-C and Article VIII in general noting that any changes could not be proposed until September and then only after a Public Notice. Careful review of these articles was advised by Moore.

Public Hearing opened at 6:25 PM. Case #2006-15 Proposal by Lafayette Realty Trust for a change to an approved plan at 741 Lafayette Road, Tax Map 7, Lot 67. This case was continued by the applicant from April 18, 2006. Wayne Morrill, Jones & Beach Engineers represented Lafayette Realty Trust. Bernard Christopher, owner of the development was also present. Morrill presented as-builts, and digitals for the changes to the landscaping, the dumpster location, and the light fixtures. A list of plants on the site was provided. CEO Garand will do a final inspection of the site. As the old dumpster location is still on the plan, they will be revised prior to the Chair signing. The issue of the \$25,000.00 escrow for a traffic light at Rocks Road and Route 1 was explored. Christopher presented a letter from his attorney, Mark Griffen, Esquire indicating that he does not feel the developer is obligated legally to contribute to the traffic signal. Board members Evans and Foote recall the discussion taking place during the original subdivision of the property; Christopher only recalls David Baxter calling him after the fact asking if Christopher would work with him in the future as parcels across Route 1 were developed. Foote emphasized that she favors a signal regardless of development of the parcels as Rocks Road is the main route to the Town of Seabrook's transfer station. Sanborn states it's not fair to ask this gentleman to contribute after the fact; he feels the two developments on the east side of Route 1 that want the traffic light should pay for it. Foote states



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she remembers Scott Mitchell and Wayne Morrill discussing this more than five years ago with Mr. Mitchell agreeing that the cost of this off-site improvement should be equitably borne by all developers.

Christopher offers that perhaps Honey Dew's corporate office might consider contributing to a traffic signal as it would be in their best interest to offer pedestrians and auto traffic from the proposed hotel access to the coffee shop. The Board agreed and offered to provide plans to Christopher to help him present his case to Honey Dew's corporate officers. Baxter suggested that if and when the larger development proposed on Route 1 and Provident Way goes forward, that developer might be willing to contribute toward the traffic signal. Foote added that the Town of Seabrook should also contribute as the signal would be a benefit to the Town as well as the developers.

Foote wanted to approve the changes to the site plan and close the case on this project in one motion.

Morgan suggested the Chair sign after site is inspected by the CEO and the plans and digitals are corrected.

Motion: Sanborn To approve and close case 2006-15 after CEO Garand has inspected the site and the digitals and as-builts have been corrected.

Second: Himmer All in favor except Evans who is opposed because of applicant's refusal to contribute to the off-site improvement, the traffic signal at Rocks Road.

Another item is added to the agenda by Chair Foote: the Capital Improvement Plan. A packet is distributed to Board members consisting of a power point presentation provided by Christine Soucie, Finance Director from a conference she attended and a copy of the CIP request form that Finance included in the 2007 Budget Request packets distributed this week.

Foote directs the Board's attention to the spreadsheet in the packet that offers a different approach to what we are using now. She asks if creating a CIP Committee is something that might help the process as it could involve a BOS representative, and budget and finance members. Foote explains that the Capital Improvement process comes under the purveyance of the Planning Board and better explanations of the steps involved and the reasons for capital reserve funds might encourage more support among the voting public. Morgan states that it might be a good idea to have a budget and finance person come to the PB meeting at which CIP is discussed. He feels the Department Heads do not understand that they need to include requests that are in-process, denied, and finished in their submittals to the PB. Evans feels if we use the proposed sheet, the justification block needs more information on costs and benefits. Moore adds that the CIP is beneficial to the Town because it puts away a little money at a time and then the Town is not hit all at once for equipment and improvement costs. Foote suggests Board Members review the packet and discuss how they want CIP to work at the next meeting.

Moore brings up the issue of liberty elms we are requiring having only a 15 year life. Morgan states that the DOT required the elms along Route 1 to create an orderly landscape pattern, but that is not happening now as developers are not putting them at the Route 1 edge as they interfere with traffic and utility lines. Foote adds that dutch elm disease is spread through root contact and the trees we have planted are very separate so that will help to control the spread of the disease. Foote suggested that a list of trees that would be acceptable to the Board be created.

Meeting adjourned at 7:17 PM.



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Respectfully submitted,
Patricia R. Welch, Secretary
Seabrook Planning Board

MYLARS RECORDED		
2006-19	condominium conversion at 256 South Main Street, Tax Map 17, Lot 20-4.	D-33739
2006-18	a condominium conversion at 2 & 4 Elephant Rock Road, Map 16, Lot 11-7, 11-70.	D-33740
2006-22	a condominium conversion at 12 Jean Drive, Tax Map 7, Lot 50-110	D-33741
2005-50	two-lot subdivision at 8 & 16 Adams Avenue, Tax Map 15, Lots 132 & 133	D-33742



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Contract for Professional Planning Assistance
to the Town of Seabrook Planning Board

This agreement by and between Thomas J. Morgan of TZM Planning of Portsmouth, New Hampshire (*"the Planner"*), and the Planning Board of the Town of Seabrook, New Hampshire (*"the Board"*) is made May 16, 2006:

the Board requires planning assistance; and is authorized by NH RSA 673:16 to "...contract with planners, engineers, architects, and other consultants for such services as it may require;" therefore, the parties hereby agree that the above referenced Planner will perform the following tasks:

- Assist the Planning Board with updates to the Master Plan as required;
- Update the Capital Improvements Program annually, consistent with NH RSA 674:5-7;
- Propose land use regulation amendments, and assist the Planning Board with drafting said amendments;
- Review and critique subdivision and site plans for accuracy and completeness with the Land Use Regulations adopted by the Town of Seabrook by attending Technical Reviews and highlight significant land use issues for consideration by the Planning Board;
- Draft correspondence for the Planning Board, as requested;
- Advise and advocate regarding procedures to accomplish transportation infrastructure improvements via the Seacoast Metropolitan Planning Organization (MPO), as requested,
- Communicate with State agencies on behalf of the Planning Board, as requested;
- Assist residents, property owners, and other members of the public with subdivisions, site plans, and other land use matters; and
- Respond to inquiries posed by developers and realtors relative to municipal regulations.

COMPENSATION: The Planner shall be compensated at the rate of \$50 per hour.

AMENDMENTS: The Board may, from time to time, require changes in the Scope of Services outlined above. Such changes, which are mutually agreed upon by and between the board and the Planner, may be incorporated as written amendments to this contract.

IN WITNESS WHEREOF: the parties hereto have executed this Agreement on the 16th Day of May 2006.

In the presence of:

ATTEST

Susan Foote, Chair
Seabrook Planning Board

ATTEST

Thomas J. Morgan, Principal TZM Planning