



Town of Seabrook Planning Board Minutes

Tuesday, March 16, 2010

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Donald Hawkins; John Kelley; Keith Sanborn; Robert Fowler; Jason Janvrin; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Barbara Kravitz, Secretary;
Members Absent: Tom Morgan, Town Planner;

Foote opened the public meeting at 6:35 PM

MINUTES OF FEBRUARY 23, 2010 AND MARCH 2, 2010;

Foote tabled the Minutes of March 2, 2010 and asked if everyone had had the opportunity of reviewing the Minutes of February 23, 2010.

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| MOTION: | Sanborn | To accept the Minutes of February 23, 2010, as written. |
| SECOND: | Moore | Approved: Unanimous Abstained: Kelley |

CORRESPONDENCE/ANNOUNCEMENTS

Foote referenced the announcement from the **Town of Newton Planning Board of a March 23, 2010 hearing re village district zoning**. The ordinance text is on the Newton website and might be of interest given Seabrook's consideration of a Route 1 village concept. .

Foote called attention to the sign-up sheets from the **Rockingham Economic Development Corporation re two CEDS Visioning Sessions – Planning for the Future of Southern New Hampshire. Keynote speakers are Peter Francese – March 26 in Salem and April 2 in Portsmouth, and Ross Gittell – in Raymond March 31 and Nashua April 7.**

Foote noted the request from Jones & Beach to **reschedule the Case #2010-01 – Carbone Technology Review Committee session to March 22, 2010 at 10 AM in Seabrook Town Hall.**

Foote referenced the request from Millennium Engineering to continue Case #2009-15 – Felch to April 6, 2010. Foote continued Case #2010-01 to April 6, 2010 at 6:30PM in Seabrook Town Hall.

Foote referenced the **letter from Attorney Craig Salomon in recording the mylar for Case #2008-16 Janvrin subdivision on Parkersville Lane.**

Appearing for the Applicant: Attorney Craig Salomon;

Noted that there had been a request not to record this mylar because certain personal differences. By the time those differences were resolved the original surveyor had retired and his license had run out; it was not clear that a plan could be recorded with an expired license. Attorney Salomon had recently communicated with the Rockingham Registry of Deeds who responded that the plan could be recorded as long as there is evidence that the surveyor had been licensed at the time he signed the plan. AS that seems to be the case, there should be no issue with recording the plan. Foote asked Salomon if he had communicated with Kravitz as to whether the recording fee had been paid with the application submission and whether the LCHIP check, if submitted, was out of date. Salomon said the fees would be paid. Kravitz said there was a question as to who could sign the Stormwater Operation and Maintenance Manual. Foote explained that the Manuals, which must be signed, are being recorded at the Registry to



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assure its availability. Salomon said that an engineer is currently looking at that issue; he did not expect a problem. He said that the reason for bringing this to the Board's attention at this meeting was because the buyer for the project wants to take advantage of the federal incentive for home-buyers and needs quickly to have contracts to get into the ground and be completed by June 30, 2010. Salomon wanted to know what is still needed, and asked if [recording the mylar] could be conditioned on receiving anything outstanding. Foote said she was authorized to sign the plan; the problem had been whether she could do the signing given the expiration of the surveyor's license. Kravitz said the Board's practice was for the property owner to sign the manual. Salomon said that Janvrin would sign the manual.

Foote noted that a condominium proposal for parcels on Parkersville Lane had been submitted and would be heard at the April 6 Planning Board public meeting, and asked if Salomon had received the Town Planner's comments. Salomon said he had anticipated there would be some comments. Kravitz said Salomon received those comments at this meeting. Foote called attention to the Town Planner's comments in re the woods road, and suggested that Salomon might want to review the discussion for the subdivision case. Salomon said there is a note about the easement on the subdivision plan. Foote said that has to be incorporated into the condominium plans. Salomon said that the Town Planner's notes are clear and easy to understand. Foote said she would sign the mylar following this meeting. Sanborn asked about the required security. Foote said that would have to be in place before the building permit would be issued. The mylar could be recorded because a lot of times the owner needs that for bank financing. She asked for other comments; Salomon said the town planner's comments would be addressed at the April 6 meeting.

INFORMAL CONVERSATION

Seacoast Youth Services

Attending: Bruce Pierce, Minister, Church of Christ; Vic Malone, Mellissa LeBrun, Seacoast Youth Services;

Foote said that Malone had called her earlier in the year to learn how to proceed. Seacoast Youth Services is located in the church of Christ on Route 1, and do a lot of great work for area kids and also employ a lot of them. They are looking to expand because they have run out of room. Malone wants to know what sort of application he needs to submit for the expansion – the full-blown application which can be costly or the expedited application. Foote said the expedited application had been used for what common sense would say would be normal expansion of an existing business. Foote said as a board member, and not as the Chair, she thought the request would be classified as normal expansion of an existing business. She said that along with the expedited application, some form of site detail such as a photo copy of the relative section of the prior siteplan with the proposed expansion area drawn in would be needed. The Board would be looking for compliance with the zoning regulations including the setbacks, and good pedestrian traffic flow, Foote explained that the Planning Board could not waive any of the zoning regulations. However, after a written request and discussion, the Board could waive subdivision or site plan regulations provided the proposal complies with zoning. A waiver request should have a brief explanation as to why the applicant believes a regulation is justified to be waived. Sanborn asked if this would be a treatment facility. Foote said it would not. Sanborn said that the letter doesn't really say what would be happening. Foote said it is multi-use and is not a medical facility.

Malone said the expansion is needed to expand the services of the Seacoast Youth Services, as well as other church services including Food Pantry and community kitchen. As part of the services a psychiatrist would be brought in to work with adolescents on a day basis. This is not a residential program but does involve mental health and substance abuse services from 3 – 6 PM, and will be the only program of this kind in New Hampshire. Malone said that on this evening there were 16 young people at the facility of which 12 were from Seabrook. It is part of the mission to fill an unmet need, and is a very holistic approach. Moore asked if they had consulted the building inspector. Malone said he had met with Garand



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and also the Fire Chief. They are working with a builder and want to do things right, and as quickly as possible to take advantage of about 20 contractors from the power plant to help with construction. Foote said the expedited application form is on the town website and can be downloaded. Contact Kravitz or Garand who can help if there are questions. The deadline had passed for April 6, 2010. If the application is in by Tuesday March 23 at noon, the hearing would be on April 20. Kravitz said the interval gives time to get the public and abutter notices out and the labels need to come in with the application.

Hawkins asked for the dimensions of the space. Malone said the addition is for 1,200 feet on one floor. The minister's office will be moved from the brick build so youth services can be all together. Pierce said that the food pantry patronage is on track to reach 900 from the 600 persons in 2009, so extra room is needed. They also want to provide storage for the food which is now stored off-site. The addition will allow a section to be dedicated to make the Community Table more accessible and efficient to manage. More and more people are using these services. Foote asked that the Board consider waiving the fee as has been done for certain other Seabrook non-profits and churches, although the abutter fees would have to be paid. It would be helpful if the Board were to decide about the fee at this meeting so they know the amount that has to be submitted with the application. Thibodeau said the group does a lot of good work so it makes sense. Foote said anything that would ease the financial burden would help to serve meals to those that need them. Kravitz said if this would be an expedited application the only fee would be \$25 plus the cost of the abutter mailing.

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| MOTION: | Janvrin | to waive the \$25 administrative fee for the application expected from the Church of Christ and Seacoast Youth Services. |
| SECOND: | Sanborn | Approved: Unanimous |

Foote asked for further questions; there being none;

Sanborn asked when a Vice Chair would be nominated. Foote said the Board Reorganization Meeting is the first meeting in April (April 6) to allow sufficient time for new members to be sworn in.

PUBLIC HEARINGS

NEW CASES

Case #2010-06E – Proposal by Charles Mabardy and Cristen Realty Trust to expand Dunkin Donuts by adding a 15' by 25' cooler/freezer at the rear of 720 Lafayette Road.

Appearing for the Applicant: Michael Lowry;

Garand asked to clarify this proposal which is similar to the proposal that previously came to the Board for the Dunkin Donuts across from the Southgate Market Basked. They are looking to add a cooler which did not need sprinklers. It is just a refrigerator section made of stainless steel or aluminum with a unit on the top so the sound would be pushed to the back. Garand said It is a minor application and recommended expedited processing. Foote called attention to the overhead photograph. Sanborn asked if this would be on the other side of the walkway. Lowry confirmed this, and said it is going into a small landscaped area where the sidewalk leads to the drive-through. Not having the sidewalk there is more of a safety factor so someone doesn't walk through the drive-through. The traffic flow and parking are not affected. Foote thought a drawing might be needed for the ordinance and read the ordinance language: (i) no discernable impact to abutters, (ii) no adverse impact on the public or the environment, and (iii) no building expansion.



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The abutter notice fees have been paid. Lowry said he could do a drawing when applying for the building permit. Foote said her concern was that this met the zoning setbacks. After viewing the photo, it is obvious because there is a lot more of the lot outside of this area. For clarification for this and future cases, the application form and the new regulation language needs to be looked at. For example if it says "plan" it might want to add "...or other representation that indicates where the alteration would be. She noted that the town Planner's memo says the photo with the [box] drawn in gives a much better idea of what's going to happen. Moore noted the lot overview is useful. Garand said this is very viable also because they are blocking the sidewalk going out through the drive-through area making it a much safer area. People walk through the drive-through area and there are no cross-walks; this was an oversight of the Planning Board during the approval process.

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| MOTION: | Moore | to accept Case #2010-06E – Proposal by Charles Mabardy and Cristen Realty Trust to expand Dunkin Donuts by adding a 15' by 25' cooler/freezer at the rear of 720 Lafayette Road as an expedited application. |
| SECOND: | Kelley | Approved: Unanimous |

Hawkins asked if the regulations said no building expansion. Foote read the final motion was to add to Article V of the site plan regulations *...notwithstanding the foregoing in those cases in which code enforcement and/or Planning Board staff determines that a site plan proposal meets all of the following criteria – (i) no discernable impact to abutters, (ii) no adverse impact on the public or the environment, and (iii) no building expansion, then the proposal may qualify as an expedited application consistent with RSA...and the abutters shall be notified and the fee for abutter notices shall be paid. The Planning Board reserves the right to determine that the proposal does not qualify for expedited status.* Garand clarified that he referenced this is as an accessory structure because Dunkin Donuts is an approved use at that location. Given the recent power outages there have been a lot of food issues with refrigeration which is prompting this remodel for storage. If an accessory structure were limited to no expansion of a building it is basically tying everyone to a major. For example if a gas station wanted to put an attendant place underneath the canopy it doesn't help if they cannot expand the building a minor expedited application. Lowry said it is not increasing the sales area. Foote said during the prior discussion her interpretation of building expansion would have been egg for a restaurant building with seats, or a convenience store that would add more aisles.

Hawkins called attention to anything that would require department heads to have input, and said for the future to clarify what will or does not qualify and maybe expanding what the Board can waive. Foote said it wouldn't be necessary to address [waivers] in that ordinance because it is covered through the regulations. Garand said another person will be applying for a smoking deck which has been allowed in the past for an expedited application. It is a useful tool and lets the small "mom and pop" establishment go through the application process without going through all of the procedures and cost for a full application. Foote said "no building expansion" should be tweaked. Thibodeau said to insert the word major. Janvrin said there is the option not to accept an application as expedited. Moore said when he had the job it used to be within his discretion to determine that a small item like a freezer on the back of a commercial building caused no interference on the lot and a building permit was granted. Then there is no cost or delay when it is obvious that a kiosk for an attendant for gas pumps is sitting out of the way. Foote said this type of item came back to the Planning Board because too many people were taking advantage as well as having people complain that a compressor was not bothering an abutter. The expedited application requires abutter notification. Moore said part of the decision is to consider that no parking was taken away, or the drainage fouled up, or a reefer put in place. Foote asked for abutter comments; there being none. She asked if Board Members had comments, questions or observations; there being none.



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| MOTION: | Sanborn | to approve Case #2010-06E – Charles Mabardy and Cristen Realty Trust to expand Dunkin Donuts by adding a 15' by 25' cooler/freezer at the rear of 720 Lafayette Road. |
| SECOND: | Kelley | Approved: Unanimous |

OTHER BUSINESS

Foote made reference to the new zoning regulations, and noted that potential future changes cannot be discussed before August or September. Given the last two storms, she thought the stormwater regulations have to be looked at very carefully. In driving around last Sunday she observed that almost every subdivision detention ponds were in failure. It was not a surprise as in looking out at her two acres and the adjacent parcels it was a big lake. However, the detention ponds that were built as wet ponds behind Home Depot, Kohl's and Lowes were cresting but not spilling over. Hawkins noted that there had been eleven inches of rain. Foote said current standards were to build to a 50 year storm but cannot exit the site at greater than a 25 year storm if it drains into a town stormwater swale or a town brook or stream. This standard was established after a storm draining at more than 25 years blew the town's stormwater pipes out of the ground. Foote recommended changing the 50-year standard to 100 years but not reducing the 25 year outflow requirement.

Foote explained that detention ponds, especially in subdivisions, are on private property and the town has easements to maintain them. She thought that some of the detention ponds on private property failed so badly because subsequent owners have filled in the ponds/swales. Putting detention ponds on private property allowed developers to put in more lots. In hindsight, Foote wanted the Board to consider changing the subdivision/siteplan regulations so that any drainage swales that lead to detention ponds and the detention pond overflow should be incorporated just like the deed and be transferred to the town if and when the town accepts the road. That way the detention pond wouldn't be put on a private citizen's property, and there would not be future problems when the town's excavator arrives to clean out the pond. This action would avoid unnecessarily infringing on the purchaser of such property, and would serve to provide defense in re protecting the detention pond. Hawkins asked how likely that would be to affect the size of a lot. Foote said the size of the lots would be the same but there might be one less lot, and there would be suitable swales to run the excavator. Hawkins asked what would change in the size of a pond with a 100-year event. Foote said an engineer would have to make those calculations, but she did not think that should limit actions to protect the Town's stormwater. Moore said overall the town did ok. Foote noted the problems on Dow's Lane, Ledge Road, Mill Lane, Greenleaf, and Whittier. The last storm was about three times greater than the Mother's Day storm. Moore noted that that when the rain stops, the water stops.

Kellley noted the new board members and Foote welcomed and congratulated Jason Janvrin and Robert Fowler who were elected to the Planning Board at the town Meeting. Moore asked if they had received the new state and town regulations. Kravitz said they did have the new state regulations and the Seabrook Land Use Ordinances were on line and would be distributed at the next Board meeting. Hawkins asked about redoing the zoning map. Foote said a new zoning map would be incorporated as part of the Master Plan, and noted that Jack Mettee had been producing a lot of maps.

Hawkins asked if the town planner's memo on application deadlines. Foote thought it had been resolved at the last meeting. Wayne Morrill was correct that the submittal deadline was 25 days in advance of a



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Planning board hearing. It usually falls on a Friday – at noon. She thought that there had been a snafoo between Christmas and New Years, and the public hearings for zoning regulations, Kravitz added that three meetings in a row had been cancelled, and noted that the town planner had recommended looking at the regulations for consistency in re Tuesdays and Fridays. Foote thought that the 25-day deadline was in the state statute, and that the calendar was figured out by the prior secretary, the Board's attorney and herself. It couldn't be stretched backwards. Hawkins asked if the town planner's recommendation of 28 days was not doable. Foote said that was correct, and noted that the correspondence deadlines are within the Board's discretion once a plan has been accepted. Thibodeau said holidays are taken into account. .

Foote asked for other questions or comments; there being none.

Foote adjourned the public meeting at 7:36 PM.

Respectfully submitted,

Barbara Kravitz, Secretary