

TOWN OF SEABROOK PLANNING BOARD MINUTES

Tuesday, May 4, 2010
NOT OFFICIAL UNTIL APPROVED

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

Hawkins opened the Public Meeting at 6:33PM, and said the first order of business would be dedicated to the Seabrook Master Plan Steering Committee's work updating the Chapter on Transportation. One factor that keeps coming up is that development is going faster than people would like to see. In order to do a decent job on the Route 1 corridor area, the Rockingham Planning Commission attended an earlier Planning Board meeting and volunteered to assist in re the focus on the future of Route 1. A first step is trying to find out what the townspeople want and then to develop some zoning changes that go in that direction. He introduced Jack Mettee who has been working with the Steering Committee and doing most of the drafting for the Master Plan update, and would conduct the Listening Session for the benefit of the professional team that will subsequently offer suggestions, options and recommendations for the Steering Committee and the Board's consideration. The participants will be asked to speak about what people want to see for Route 1, and to offer ideas for future changes and improvements.

LISTENING SESSION – Route 1 in Seabrook

Professional Team: Jack Mettee, Mettee Planning Consultants; Julie LaBranche, Senior Planner, Rockingham Planning Commission; Shannon Alther, AIA, Project Architect/Designer, TMS Architects; Douglas Greiner, ALA, Project Landscape Architect/Designer, g2+1 LLC; Dana Lynch, PE, Engineer, Civilworks;

Participants: Members of the Planning Board, (*indicates Steering Committee); Robert Jones, Steering Committee; Paula Wood; Aboul Khan, Selectman; Max Abramson; Sean Whelan, Carol Ritchie, Michelle Gorman

Others in attendance: Cliff Sinnott, Executive Director, David Walker, Senior Planner; Malcolm McNeill, McNeill, Taylor and Gallo; Robin Bousa, Transportation Director, VHB; Nancy Reinman, Hampton Union;

The dialog took place between 6:30 and 8:30PM.

Mettee said that the recurrent question for the Steering Committee has been *what to do about Route 1*. Seabrook seems to have lost the Village Center that existed in that area. In searching for the solution, the Steering Committee recommended joining forces with RPC to look at the Lafayette Road/Route 1 Corridor in a systematic way and come up with ways to make it more habitable and attractive to smaller stores and customers. Mettee said he had recommended that the Planning Board and the Steering Committee, as well as other interested Seabrook persons, express their concerns about what they would like the roadway to look like twenty years from now in a listening session with a professional design team. Mettee introduced the professional team indicating that he and LaBranche were the team leaders. He explained that the team would meet within a few weeks to assemble their thoughts, ideas, suggestions, renderings and recommendations in a report to the Planning Board. The outcome of this process would become part of the Master Plan.

Participants were asked write down the things they like about the Route 1 corridor, the things they dislike about Route 1, and what changes they would like to see in the future. Mettee called upon each participant in turn to express one thought at a time until everyone's comments had been heard.

Mettee's summary of the Listening Session is incorporated by way of reference and attached to these minutes.

PUBLIC HEARINGS

NEW CASES

Lowry recused himself from Case #2010-10E

Case #2010-10E – Proposal by Mike Lowry to establish a landscaping business at 177 Lafayette Road, Tax Map 9, Lot 150.

Attending: Mike Lowry

Lowry said the previous owner had never completed the site. Items to be done included paving the entrance area, resetting the granite curb and the sidewalks, planting the liberty elm, a security gate at the front of the property, and creating storage bins for loam and mulch. There would not be a dumpster. The business will be for the sale of outdoor and related products such as stone. They would not be selling fertilizer or manure. Hawkins asked if there would be flowers or plants. Lowry said possibly they would. Moore asked if there would be a sales office. Lowry said the hours would be from 6AM to 11PM, but probably 7AM to 7PM. There would be no other paving or lighting except for the security lights. Hawkins asked what would be displayed near the pond. Lowry said picnic tables and firewood. Kelley asked if this is a year-round business. Lowry said it would. Hawkins asked about the type of vehicle traffic and volume, and if there would be large-truck delivery. Lowry did not think this would be a heavy use and there would be a turn-around area in back.

Hawkins asked about deliveries and the customers. Lowry said there would be deliveries to local customers, and mostly pick-ups by local landscape contractors.

Hawkins asked Foote if there were concerns about the proximity to the newly dredged pond. Foote said if the bulk landscape material is kept on the south side, and the typical landscape architecture areas are to the left of the detention basin and between the building and the pond, are used for items like picnic tables, and the detention area is installed and functioning, there would be no objection. Lowry said only the front apron is paved, and the signage exists. Moore said this proposal is only for a change of use. Foote thought the use preferable to boat sales. Janvrin thought the proposal straight-forward, and to note on the plan that the ripped-open building is to be closed. Lowry said it would be nicely landscaped. Hawkins said the Board was counting on the landscaping as this would be a key feature in the master Plan. Kelley said to depict the location of the loose materials. Hawkins said a motion could be made to denote the only area where bulk materials would be allowed.

MOTION:	Moore	to accept Case #2010-10E as an expedited application and as substantially complete for jurisdiction and deliberation.
SECOND:	Hawkins	Approved: Unanimous

Hawkins asked for other comments. Morgan agreed with Foote on the location of the materials. Kelley asked about the lighting. Lowry said the hours would be limited. Hawkins asked for abutter comments; there being none. Garand thought this was less impact than the prior usage.

MOTION:	Foote	to approve the expedited application for Case #2010-10E – Mike Lowry to establish a landscaping and related supplies business, at 177 Lafayette Road, Tax Map 9, Lot 150, conditioned on (i) any of the bulk landscaping material being stored on the south side of the lot, and (ii) the display area adjacent to the pond be for portable items not having runoff that may endanger the pond, and (iii) as depicted on the plan drawing dated []].
SECOND:	Kelley	Approved: Unanimous

Lowry resumed his seat;

Case#2010-14 - Proposal by Christopher D Baker, Smithtown Property Management LLC, and Marjorie Knowles, to expand the Old Time Animal Hospital at 3 Walton Road, Tax Map 10, Lots 25 & 26.

Attending: Dr Christopher Baker, Old Town Animal Hospital
 Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineering;

Hawkins distributed the Town Planner’s memorandum and checklist.

MOTION:	Foote	to accept Case #2010-14 as substantially complete for jurisdiction and deliberation.
SECOND:	Lowry	Approved: In favor: Lowry, Foote, Himmer, Moore, Hawkins; Opposed: Kelley, Janvrin

Morrill said this small business had existed in Seabrook for quite some time. The intention is to purchase the lot just to the east which is currently an existing single-family residence with a mobile home and sheds on the lot. The lot currently owned by the applicant is 7784 square feet with approximately 68 feet of frontage; the lot to be purchased is approximately 9988 square feet with approximately 80 feet of frontage. The wetlands have been delineated on the plan. The proposal is (i) to knock down the existing building, (ii) do a voluntary lot-merger eliminating the property line, (iii) putting a 14 x 30 foot addition on the easterly side of the building, (iv) increasing the parking area to the easterly side, and (v) adding an animal recreation area, (vi) and a “level spreader” used for run-off before it goes down the bank. Morrill said this development actually reduces the amount of impervious surface from 51 percent to 48 percent. In this regard they intend to ask for a waiver for a drainage analysis. Because there are two six-foot lighting poles, they will also ask for a waiver from the illumination levels.

Hawkins asked Morgan to go through his review memo. Morgan said a voluntary lot-merger application is needed. This is mostly procedural but as they have not applied, it cannot be approved. Note #15 on Sheet C2 is incomplete because they forgot to set forth the hours of operation. This type of use has the potential for animals making noise; this should be addressed. There are no legend or specification for the light fixtures. The water and sewer services are not depicted, and a stormwater management plan has not been received. Although the water flow in the rear is shown, Morgan wondered if it flows to the front in heavy rain, and thought there might be more landscaping in mind than the one tree depicted. The signature and revision blocks are not in the right location. He could not find the wetland markers at the rear of the property. The architectural elevations are missing.

Hawkins asked Morgan to speak to the required checklist items that haven’t been included. Morgan said the drainage notation referred to not being sure how the flow is being dealt with. The ordinance requires that the dimensions be to 1/100 of a foot, and in places it is not. Sewer and water services are missing. There may be plans for signs but they are not on the plan. The lighting and landscaping details are incomplete. The revision block is in the wrong place. Architectural elevations have not been submitted. Hawkins asked for questions from the Board. Kelley said if this application is so incomplete, it should be tabled or continued. Hawkins asked about the applicant would manage the effect of the runoff close to the brook from the small area which dogs would use as a toilet. Morrill thought refuse would not stay there while other dogs use the area. Baker said this is an exercise area for dogs in the hospital or staying for a weekend; they are not unsupervised. They clean the “poop” off and there would be no more runoff than existing now. Cats are inside only. Lowry asked if they would board dogs or provide day care. Baker said this is not a boarding facility. Foote said urine is not considered a contaminant as it is essentially sterile when leaving the body. The fecal matter contains the bacteria that could possibly be detrimental to the Cains Brook watershed. She felt sure they would patrol the fecal matter. Baker said they want an attractive, appealing and nice neighborhood. He thought the brook was significantly away from this area. Morrill pointed out they are not planning to go near the bank. This is in a flat area. They are talking with the neighbor to the east to assure that any fencing is appealing to her. This abutter apparently wants a lower fence than planned.

Foote asked if the 6 x 10 foot building addition adjacent to the front entrance was just closing in that area. Morrill said it was, although when there is a new entrance it may not be needed. Moore asked if the 14 x

30 foot addition would be on the side of the building. Morrill said it would, and would have a residential look with a little lower elevation, noting it was near a residential neighborhood. Hawkins said as this is a residential neighborhood, how would the Board know that it wasn't creating a problem if the lighting grid were waived. For example, how late would they be on and how bright. Morrill said it would be during regular business hours that currently 8AM to 5:30PM. Garand asked if the application were incomplete and if the Board would take any action. Hawkins said that would come next. Baker said there would be motion detectors for side activity and as people approach, and not much [other] lighting except for safety and parking. The fixtures would be low-level. Morrill said this would be like residential driveway light in three locations, and wall mounted lights to allow people to get to their cars. The hours of operation would stay the same and a noted on the plan would indicate that illumination levels would be reduced during non-operational time. Janvrin asked if there were a reason, such as cost, that the fixtures could not be selected. Morrill thought they could be selected in time for the Board. Foote thought getting the cut-sheets for the proposed lights would not be difficult, but a photometric grid might cost \$2,000. Hawkins asked for other questions; there being none.

Hawkins stated that in the future when a plan comes to the Board he wants it to be complete, so that it is not necessary to keep going back for information. Attention should be paid to the requirements that are listed. He thought the Board wastes a lot of time doing things over and over; eg talking about waivers that aren't required. The Board's choice is to accept an application as administratively complete, or not accept it at all, sending it back for work on the things that are listed. Hawkins wanted to see the Town Planner's memo(s) listing deficiencies go to the applicant/ representative quickly so some of those things could be addressed beforehand. He did not want plans to be submitted to the Board that are not laid out as Seabrook always wants them, and wanted this procedure to be improved. There is not a problem accepting plans that are administratively complete. He pointed out that the application form provides that if an incomplete application is submitted there is a \$75 additional fee and possibly a \$100 fee for resubmission. The details are in the regulations and the application which are on-line so that applications are fully complete when the Board gets to see them. In the future, this will save money and will make the process faster. Hawkins wanted the Board to spend a lot less time looking at items that were not submitted at the outset.

MOTION:	Foote	to accept Case #2010-14 as administratively complete for jurisdiction and deliberation.
SECOND:	Lowry	Approved: In favor Lowry, Foote, Himmer, Moore, Hawkins; Opposed: Kelley, Janvrin;

Hawkins asked if this case should be forwarded to Technical Review Committee. Garand said there is existing water and sewer, but there may be comments about termination of some of the existing service. Foote said this would relate to the structure that would be removed, and asked if this is covered by the demolition permit. Garand said the issue is capping the water and sewer service. Foote noted that when she did a demolition, she had to get the sign-off from the water and sewer departments. Hawkins asked Garand if the department heads needed to look at this plan. Garand confirmed this, suggesting that department heads might be asked to look at it. Morrill knew there needed to be a sign-off to terminate service; they would go to the TRC is needed. Foote questioned if this warrants a full tech review, or just communication with the two departments that are affected. Moore thought it probably did not need a full tech review. Foote asked if the department heads still got the plans just as the Board did. Kravitz said when the timing for the TRC meetings was changed [to occur after acceptance], plans went to department heads only after acceptance by the Board, which then determined what happens next. Garand pointed out that this is the first time the Board had viewed this application, and after acceptance the plans can go to department heads.

Hawkins said he would rather be cautious, and did not want department heads to feel they were not being included. He asked for the TRC dates. Kravitz said the next scheduled date would be the following Monday, however the selectmens meeting room would not be available as the auditors were occupying that room for about 10 days. Foote thought it wouldn't be fair for department heads to get plans on Thursday to review and comment the following Monday. Kravitz said the kitchen is the only other space.

Alternatively, TRC could be May 20. He **instructed that the Case #2010-14 siteplan be sent to department heads - requesting written comments by May 14, 2010.** By consensus the Board agreed. Hawkins wanted Morrill to get the comments in advance. Kravitz said additional paper copies of the plan would be needed for the department heads.

MOTION:	Foote	to waive the lighting grid for Case #2010-14 and require cut sheets for the proposed fixtures to be submitted.
SECOND:	Kelley	Approved: Unanimous

Hawkins called attention to the waiver requested for the stormwater management plan, and asked for Foote's comments. Garand had no objections.

MOTION:	Foote	to waive the stormwater management plan for Case #2010-14 provided the project is built to the original plan.
SECOND:	Lowry	Approved: Unanimous

Baker asked about the lot-line adjustment [voluntary Lot Merger] and whether he had to buy the other parcel first. Foote said he would have to own both parcels. Morgan agreed Baker must own the parcels for the voluntary lot merger. Foote noted that Case #2010-14 is just a proposal that might not go through. The signed VOL could be a condition of approval; she was not sure it would be mandatory. Moore noted this is a matter of ownership and not violating the setbacks. If there is approval and the parcels sold, then the paperwork for the voluntary lot merger would be filled out. Hawkins asked if Morgan had further comments. Morgan noted there are 15 proposed parking spaces, and was concerned that 4 of them would cause cars to back out onto Walton Road. He asked if the business could run successfully with fewer than 15 spaces eg 11. Baker said he needs to rely on them and did not want to take up the green space in the back. This situation might be relieved when the other entrance is open; he would like to attract people to that entrance and they might park closer to it.

Hawkins asked Morrill if May 18 would be a good date to continue the case. Morrill did not think they could turn around the revisions that fast. As June 1 is a work session, **Hawkins continued Case #2010-14 to June 15, 2010 at 6:30PM in Seabrook Town Hall.**

[Himmer exits the meeting]

Case #2010-13E – Proposal by Timothy Johnson and Seacoast Poker LLC to convert Unit #3 at 920 Lafayette Road, Tax Map 7, Lot 91-203, into a function hall;

Attending: Timothy Johnson; Lester Nishi, Managing Partner, Tony Capone, Seacoast Poker; Robert Bialobrzkeski, 920 Lafayette Road One Two;

Appearing for the Applicant: Attorney Mary Ganz; Henry Boyd Jr, Millennium Engineering;

Hawkins asked if this is an expedited application. Kravitz said the application had been delivered as an expedited application by Ganz. Hawkins said one of the Board's decisions is whether to accept as an expedited application or if more is needed. Ganz said after speaking with Garand, she had submitted the proposal as meeting the requirements for an expedited application. Hawkins said expedited petitions are (i) no discernable impact on abutters, (ii) no adverse impact on the public or the environment, and (iii) no building expansion. The determination would be whether the threshold on those items had been met. Ganz said that currently the site is approved for a restaurant. The last tenant, New Country Buffet, was authorized for a capacity of 180 persons excluding employees. The applicant does not intend to exceed 180 persons. As Morgan has pointed out this is very similar to the previous use and had once been a "greenhouse" function hall. Ganz said no building expansion is planned so there wouldn't be any greater impact on the abutters than the restaurant. She thought that the building inspector had recommended this use.

Hawkins asked Kravitz to explain if there had been an issue with notice. Kravitz said Tocky Bialobrzkeski had called that day indicating that she and her husband had just recently learned that this case would be heard at this meeting, and that they had not received a notice. The abutter list that had been submitted with the application was checked with the assessing office. Anne Bialobrzkeski was correct – the 920 Lafayette Road One Two entity was not on the list that was provided. Ganz said the assessor had prepared that list. Ganz said that Anne Bialobrzkeski was in attendance. She hoped that because so many charities had were also in attendance they would be allowed to speak. Also, there is a [timeframe] urgency. Seacoast Poker LLC, her clients, had been operating as a charitable organization at the dog track for four years but their lease would not be renewed beyond July 1, 2010. Ganz said this would significantly affect the charities as during the last five years local charities had received over \$5,000,000. She asked that the applicant be allowed to present their case at this meeting, although she acknowledged that Morgan and Garand had raised the issue that the prior site plan approval had deficiencies that Johnson had not corrected. Ganz said that Boyd could speak to the prior site plan approval issues that would be proposed as an amended site plan on May 18, 2010. She hoped interested parties that were in attendance would be heard. Kravitz pointed out that the abutter list for the case to come before the Board on May 18, 2010 did have the 920 Lafayette Road One Two entity listed as an abutter. Accordingly, those abutter notices would go out later in the week.

Hawkins asked Morgan if a case can be accepted if it has not been properly noticed. Morgan stated the law says there needs to be notice. However, his view was that the purpose of the notice was to make sure that everyone who is an abutter knows about the proceedings. As the abutter is in attendance that is not nearly as important an issue as it would have been if they did not know about the meeting. If the abutter had not received notice and did not know about the meeting it would have to be dropped; he view this differently because that abutter was at the meeting and the purpose of the notice had been served. Moore said he did not have a problem with the people being heard. Foote said there were a lot of questions that need to be answered, and agreed with Morgan as far as the purpose and intent of the abutter notification especially where they were present. She also agreed with Morgan that if they knew nothing about the meeting that would be different. Foote said she had read court decisions in re abutter notification that does not specifically state that certified mail must be received; in a lot of towns the police department hand delivers abutter notices. To her knowledge the courts have ruled that if a person was aware of a meeting that means they have been notified.

Hawkins asked Morgan to tie this case into the related case coming up on May 18. Morgan called attention to the Subdivision Regulation (p51) that says if a prior application had not been satisfactory completed, a new proposal cannot go forward. In this case Johnson was granted site approval on this property and a number of things did not get completed. A few weeks ago the Building Inspector was helpful by the applicant with a list of the outstanding items, but the status isn't known e whether the owner would be completing the items on the list. Morgan said the Planning Board has to deal with the regulation in terms of what happened nine years ago. Hawkins asked if these cases were done simultaneously, would a condition be that the unfinished items be completed. Morgan said the intent of the ordinance is to do the old items before moving on. As this is a subdivision regulation, technically the Board could waive that requirement for a good reason. Foote said the issues are (i) the site plan not built as approved, and (ii) the change of use application. Hawkins asked if the purpose of the regulation was to get people to complete prior plans before turning in a new proposal. Foote said this was not altering a plan – only a change of use through an expedited application. Kelley thought the site plan should be completed first. Morgan said the proposal in re the site plan (Case #2010-16) includes changing the grading toward the back of the building, presumably to accommodate stormwater flow.

Foote thought if nothing is changing to the building, all that is happening is what's going on inside the four walls ie changing from a restaurant to a function hall. She did not see how that affected compliance with subdivision and site plan. Janvrin asked if a surety was in place. Foote said that was long-gone. Kelley again said to complete the site plan first. Morgan suggested that Boyd address this issue as to what exactly is being proposed in re improvements to the 2001 site plan. Foote did not see how that case could be discussed at this meeting because the [2010-16] case had yet been noticed; she thought that would tred closely on pre-judgment. Morgan agreed, but said it would be hard to comments on the change of use proposal with knowing what is being proposed for the entire site. Ganz thought the board would not be addressing the site plan issue if Johnson were proposing a restaurant. Foote said they didn't come to

the board when changing from a Chinese restaurant to New country Buffet – it wasn't a change of use. Moore said the regulations do allow commercial/entertainment as a proper use. Ganz said either way the charities win; the proof was the \$5,000,000 raised for them during four years. Ganz said there were letters from charities. Nishi, said they had raised \$2,500,000 in 2009, and \$10,000,000 overall.

Hawkins said the questions were whether (i) whether this would be accepted as an expedited application, or (ii) to send this back and have it returned as a full site plan review. Hawkins agreed that since there were so many persons attending, they should have the opportunity to speak. Robert Bialobrzkeski, read from the expedited application “b. A list of Abutters and mailing labels for any person whose property is located in NH, and adjoins or is directly across the street or stream from the land under consideration by the Planning Board, per RSA 672:3.” He wanted to see the abutter list and find out why he wasn't on it as he owned the property for 15 years. Anne Bialobrzkeski sand it is fine and good to say they were lucky to find out about the meeting. When she found out her husband would attend, she said she had not had the opportunity to review the materials or to prepare a response. Ganz asked if the charities representatives could be heard. Hawkins said given the comments from abutters there was no reason to “accept” the case [2010-13E] because it had to be properly noticed and taken up in the proper order. Janvrin said to continue the case. Anne Bialobrzkeski said did not mind hearing what people had to say ie to open the hearing and not accept the application.

Foote said the first decision is whether to accept the application as expedited or to demand a full application. Hawkins said no action would be taken at this meeting, but the Board should have an idea as to whether this would be an appropriate expedited application; this is really up to the Board to decide. Lowry wanted more information before making a judgment. Kelley did not think it should be expedited. Moore agreed and said the Board should not do anything out of line. Janvrin said it hadn't been noticed. Hawkins did not favor an expedited process. Foote asked how a full application would be different. Hawkins said there would be different requirements, and the notice would have been sent. Foote said if the applicant has to go through the full site plan procedure when there is no change to the structure or the parking lot. Anne Bialobrzkeski said they are making changes. Foote said these are two separate cases. Hawkins said there would be guidance on what to bring back to the Board. Foote recalled that the expedited application was created for minor changes to keep track of changes in businesses so they would not be a surprise. This case seems to fit into that. There are no changes to the building, parking, or adding anything or taking anything away. Instead of serving plates of food they work with poker chips and cards.

Hawkins asked Boyd for comments. Boyd said that if Robert Bialobrzkeski had been noticed, the Board might be considering the expedited application; he asked if that could still be considered. Hawkins said it was to be determined if this use would have a discernable impact on abutters, and he did not know who was, or was not, an abutter or if there were an issue. Lowry thought the case should be properly noticed as an expedited application and be brought back for the Board to decide that question. Anne Bialobrzkeski Stated that this does represent an impact on an abutter, it is a considerable expansion. She did not think there were ever more than 180 people in the Chinese restaurant. However, just before coming to this meeting she saw 103 cars outside the Greyhound facility. If they are that busy at the track, she believed there would be many more cars with this change of use. It should not be an expedited application. Ganz said there are two businesses at the track and it would be hard to which cars are for which. They want to be good neighbors and would look at alternatives such as valet parking. Hawkins asked for any Board comments in opposition to requiring a full application for Case #2010-13E; there being none.

MOTION:	Hawkins	not to accept Case #2010-13E as an expedited application and to require a full site plan application for this proposal.
SECOND:	Kelley	Approved: Unanimous

Hawkins said he would allow 20 minutes for audience comments.

Capone said he and his partner Neshi had looked at had Robert Bialobrzesk's space and were close to signing a lease. They did not sign because the China Buffet has a kitchen and adequate bathrooms which would save approximately \$150,000 in renovations. He thought the Bialobrzeskies had full knowledge of

what was going on, and were willing to accept them in their property. It just wasn't cost effective to do \$250,000 in renovations in that space. Robert Bialobrzkeski said he investigated the entire situation before he would sign any lease.

Hawkins asked for comments from the charities. Betsy Allen said Arts and Reach was a non-profit organization serving Seabrook and other Seacoast towns. They had been a recent beneficiary. This was an incredible opportunity to direct money to so many worthwhile organizations that are doing good in the community. Kristin Forselis said she is on the Arts and Reach Board and was in support of the group that does so much. Not much of their donations come from Seabrook. They serve homeless and disadvantaged kids in this community to bring them hope and inspiration, so [Seabrook Poker] is important to them. Michael Painter of the Brain Injury Association on NH which reaches across the state, said it is a blessing to have the money from games of chance come in during this economic downturn to keep the level of educational and prevention services up to par. Sue Centner said she is the Community Director for the Community Alliance for Teen Safety, founded in 1996, which provides services for substance abuse, bullying, violence that help troubled youths survive. Because of these challenging times charitable giving is down which affects communities, kids and families. The poker is a savior and lifeline for their budget, and they a run a very professional operation that helps many charities. Tony Rabbia said he is a state commander for the American Legion. Since 2008 they have taken in over \$270,000 [from Seacoast Poker] which has been donated to scholarships, baseball, youth sports, the Salvation Army and many others. Without these funds they would be looking for nickels and dimes. The money is not going into someone's pocket; they file IRS [form] 990 and are incorporated with the Secretary of State.

Mr Balgenti representing a Portsmouth charity, said they raised \$150,000 which helped keep the lights on and for capital needs. [Seacoast Poker] helps them meet their mission. They put about \$100,000 annually back into the community sending kids to camp. He thought it was unfortunate that things have come to a halt because of mistakes with an abutter and items not done for nine years, so it seems [Seacoast Poker] has a process in front of them. The downside is that the charities that work with Seacoast Poker are given dates when they will be the featured charities. If a date is missed, the charity is out for the year. The delay in the process because they are trying to get up and running as quickly as possible because every day they're not running a charity like his is not benefiting. So it is not just about his one charity it is about the other charities in the Seacoast towns that could lose out. Vic Maloney, of Seacoast Youth Services, said they have received an estimated \$150,000 over the last four years that has gone directly to programs and services in the Winnacunnet School District and about 60 percent is in Seabrook. There is a very professional staff and do things right. It's a shame for a paper glitch. He said any consideration the Board might give would be appreciated.

Doug Vazaset said he is employed at Seacoast Poker for about four years, and is a resident of Seabrook. All this bureaucracy is affecting his livelihood as he now has to worry about where he will be working. They are always providing work for people to get extra money and that is important in this economy. they do not turn anyone away. The employees are not being left in limbo. They do a lot of good work for the community. Steve Scott of Portsmouth said he'd been positively affected by several of the charities, for example, the Seacoast Repertory Theater Summer Camp and music therapy. [Seabrook Poker], helps with an inordinate burden. Avril Cate, Chairperson of the Concord American Legion, Concord Lions Club, and Concord Retired Citizens echoed the other speakers. Carol Richie of Seacoast Feral Cats Rescue said they spend a lot of time in the Seacoast area. She has worked with Nishi for four years. Before that they had to turn people away who needed help with cats. [Seabrook Poker] is very professional and she hoped the town would see clear to approve [the proposal]. Ganz said Stacy Loffland, President of the Seabrook PTO had been there earlier in the evening to report that in their 10-day period they received \$18,000. They are hoping for another 10 days in July, and they need time to ramp up. Kelley said this almost makes it sound like Seabrook is the only community benefiting and that this is the only location where this operation could take place. The Board is not the bad guys for following procedures. He asked if there were another choice venue where they could be successful.

Hawkins asked for abutter comments. Anne Bialobrzkeski said Seacoast Poker did come to them and they were very excited. Her husband Robert did a lot of research, including visiting Seacoast Poker and observing the operation, and concluded that this was too big an operation for the complex. That was the problem from the very beginning. They think the charity operation is great and would have loved it had it

worked out. They just don't think it can fit in that parking lot. Anne Bialobrzkeski They never were given the opportunity to decline the [lease] to Seacoast Poker because apparently someone from the Planning Board suggested they go across the street where it is already a restaurant. They need a bigger place and also figure out a way not to impact the other businesses in the complex. Hawkins asked if there were other abutters. Paula Wood said she is not a direct abutter but did live behind the complex. This meeting is about businesses, businesses. There are almost 200 people that live behind the complex in 52 homes that will be impacted. There is a school bus stop for young children that will be impacted by the traffic. Wood said she went by the area on her way to this meeting. There was a function going on at the bar at the end and about 50 cars were parked all the way up to the restaurant entrance. She said there is no way that 150 cars could fit in that complex area – that would be impossible. She thought that places for adult entertainment should be in a certain part of town. She has not had problems with the other businesses. But gambling all the time is not good near a residential area. Wood also said the numerous comments from the charities spoke of Concord, Nashua etc. and not in the Town. Seabrook charities that have gotten help are very few and far between. People can't get out of that complex because of the traffic now, going north and south. Wood said people could view her photographs, and said residents will be impacted and not in a good way. One of the speakers emphasized that the service areas of the charities include Seabrook. Wood said she wanted to see the list of abutters because there were a lot who would have been at this meeting.

Hawkins said this case needs a full application. Ganz asked what is being looked for. Hawkins said it would be a full site plan application as was voted. Foote said needed items were proving the parking for the proposed venue, traffic, security, hours of operation. This is not an issue as to whether Seabrook supports and endorses gaming. The need for additional revenue sources for government and non-profits is understood. The issue is not one of endorsement or not. The issue is procedure and can that location support the proposed venue. **Hawkins continued Case #2010-13[E] to May 18, 2010 at 6:30PM at Seabrook Town Hall and closed the Public Hearings.** Kravitz said the related case concerning the site improvements would also be heard on May 18. Hawkins asked if there were any reason Case #2010-13E couldn't be continued, or whether they are at the beginning again because the right for was not presented. Ganz asked that this case be kept in the queue. Hawkins asked if the regulations speak to this issue. Morgan said they did not. Kravitz said that in two days the abutter notices for Case #2010-16 would be sent out for which the abutter list is the same ie the very same people would be notified. She asked whether case 2010-13 could be added. Ganz said they could quickly submit an amended site plan. Hawkins asked if there were any objection to continuing this case with the full application. Foote believed the intent of the expedited process was to make it easier and quicker in some instances without having to do various waivers. She saw no reason not to transform the abbreviated, expedited application into a full site plan application; they should not have to go back to step 1, only to supply the information that would have been submitted with a full application.

MOTION:	Janvrin	to authorize the Secretary to send the public notice for Case #2010-13 to the abutter who did not receive it previously.
SECOND:	Moore	Approved: In favor: Lowry, Foote, Moore, Hawkins; Janvrin Opposed: Kelley,

Hawkins noted that the June 1, 2010 Planning Board meeting is a work session. Kravitz suggested that everything that the applicant needs to submit should be in the Planning Board Office by Tuesday, May 11, at noon.

MINUTES OF APRIL 6, 2010 AND APRIL 20, 2010

Hawkins tabled the minutes to May 18, 2010

SECURITY REDUCTIONS AND EXTENTIONS

There being none.

CORRESPONDENCE

Hawkins called attention to the May 12, 2010 meeting of the Rockingham Planning Commission which is being held at the Seabrook Library at 7PM. He noted that the Seabrook Adaptation Report and sea level rise issues would be discussed.

Hawkins called attention to three cases heard at the Zoning Board of Adjustment. Garand said the case involving **Hannah International** would go first to the Planning Board. Kravitz said that application had been submitted and would be on the May 18, 2010 Agenda. The case involving the **Baker Old Town Animal Hospital** had been withdrawn. **A Demoulas-Market Basket request to adjust the parking was granted.**

Hawkins referenced a memorandum from the Department of Public Works expressing concern re Almena Way drainage issues. Foote said this was a wooded swale that had experienced two 100-year storms without erosion. The problem occurred only in re the subdivision with a house in the middle of forested woodlands. Hawkins asked if anything needed to be done by the Board. Moore said after the new house, the runoff is onto Walton Road; there is no outfall pipe or stormdrain. Foote said when Almena Way was created it was a wooded swale and it functioned through two hundred-year storms without extreme erosion. Only after the big lot was resubdivided and placed a house in the middle of what was forested woodland that absorbed the flow and impact that it became a problem. Garand said the maintenance would be on town property, but nothing protects the town. These easements don't work; the town loses control of the property. It wasn't built properly Hawkins asked if any action by the board was required. Garand said the developer, Mity Dog would have to return to the Planning Board, and at that time detention pond and other stormwater issues can be addressed. Foote said the engineer puts their knowledge, license, and bond on the line with stormwater design; the owner might have recourse. Garand added that the recent storms have been much heavier and the basins need to be addressed.

Hawkins said that aside from cases that had to be heard for acceptance, the **June 1 meeting would be a work-session including a review of expedited application procedures.** It would be good to put thoughts down in advance so it did not have to be an overly long meeting. Another discussion item is when the two-year expiration date begins. Foote said the courts have upheld the date of the decision or the date the decision is published to the applicant. Hawkins said the town has sent out language for security policy. He pointed out that according to the regulations security can be collected after two years, unless an extension had been requested. Hawkins asked if the Town just takes that money automatically. Foote said the Board must vote to authorize the Treasurer to go through the legal channels with the town attorney; it usually ends up in court. A bank won't issue another letter of credit if the Treasurer says it is being called. Hawkins said there is reference to a maximum of two years, and asked if the town gets "stuck" after two years. There has to be some way to deal with an open ended instrument. Foote said two years is too long for some cases. It may be ok for the Planning Board but not for town policy. Janvrin said these are non-lapsing, self-renewing, letters of credit.

OTHER BUSINESS

There being none.

Hawkins adjourned the meeting at 11:15 PM

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board

Attachment: memorandum

Date: May 14, 2010

To: Master Plan Update Steering Committee
Planning Board
Seabrook,, New Hampshire

From: Jack Mettee
Mettee Panning Consultants

Re: Results of Community Listening Session on Route 1 Corridor

On May 4th the Planning Board held a Community Listening Session at the Seabrook Town Hall. Approximately 20 people attended. The participants are listed on **Attachment A**. The purpose of this forum was to elicit from the Planning Board and the public what they see as both the value of the Route 1 Corridor as well as the challenges or dislikes. The Listening Session also gave the participants an opportunity to express a desired future for the Corridor.

The Listening Session was led and facilitated by Jack Mettee of Mettee Planning Consultants with the assistance of Julie LaBranche of the Rockingham Planning Commission and Dana Lynch of Civilworks. Shannon Alther of TMS Architects and Douglas Greiner of g2+1 Landscape Architects were present as part of the design team that will be part of a one day design workshop for the Route 1 Corridor in June.

Listening Session Process Includes All Participants

As the facilitator, Mr. Mettee first asked the participants to identify what they liked about the Route 1 Corridor. Each of these “likes” was listed on newsprint sheets that were attached to the walls of the room. Once all of the dislikes were listed, each of the Listening Session participants were asked to vote for priority dislikes. Each participant was given two (2) sticky dots which were to be attached beside the two priority items selected by that participant. Once the voting was completed, the votes were tallied. All of the identified dislikes with the vote tallies for those receiving votes are listed in **Attachment B**

Top “Like” is Remaining Green Strips

The eight (8) highest vote getters are listed below with the top ranked at the top. Each of these received two or more votes with “maintain green strips-natural vegetation” receiving the highest number—5 votes. Based on these results, it would appear that the participants liked not only maintaining green strips, but also the potential opportunity for the Old South Meeting Hall and the land around it as an area of significant historic value. “Maintaining the remaining small business component of

Route 1” was also highly valued. Each of the fifteen (15) identified likes with the vote tallies for those receiving votes are also listed in **Attachment B**.

8 Top Ranked Likes:

- Maintaining green strips
- Old South Meeting and adjacent land—historic significance
- Small business component
- Cains Brook and Ponds—passive recreation
- Town Hall area—more diverse and green space
- Proximity of residential activity
- Not a divided highway
- Unique situation—shopping & gateway for tourism

Top “Dislike” is Poor Access from Side Streets

The group was then asked to go through a similar process to determine the key “dislikes” about the Route 1 Corridor. Again each participant was given an opportunity to identify the “dislikes” which were noted on the newsprint sheets. Each participant was then asked to prioritize the dislikes through the same type of voting process that was used for determining the top “likes”. Each of the identified dislikes with the vote tallies for those receiving votes are also listed in **Attachment B**.

A summary of the voting for Route 1 Corridor dislikes is noted below. The six (6) highest vote getters are listed below with the top ranked at the top. Each of these received two (2) or more votes with “poor access form side streets” receiving the highest number at 7 votes. Based on these results, it would appear that the participants had a significant dislike for side street access as well as alternative routes from north of Route 107, lack of mixed use development, inconsistent landscaping and uncoordinated signals/ poor traffic management.

6 Top Ranked Dislikes:

- Poor access from side streets
- Lack of mixed use development
- Signals not coordinated
- Inconsistency of landscaping
- Lack of alternative routes from the north and east of the Route 107/Route 1 signal
- Poor traffic management

Top “Future” includes More Locally-owned Businesses and Small-Town Feel with more Residential Character/Diversity of Uses

The group was then asked to go through a similar process to determine identify what they would like to see in the future in the corridor (10-20 years). Again each participant was given an opportunity to identify specific activities they would like to see

in the future which were noted on the newsprint sheets. Each participant was then asked to prioritize the future activities through the same type of voting process that was used for determining the top “likes” and “dislikes”. Each of the identified future activities with the vote tallies for those receiving votes is also listed in **Attachment B**.

A summary of the voting for Route 1 Corridor future is noted below. The seven (7) highest vote getters are listed below with the top ranked at the top. Each of these received two or more votes with “Promoting small business” and “Retaining small town feel” receiving the most votes –four (4) each. Based on these results, it would appear that the participants preferred the concept of small town character that could be achieved by encouraging small locally businesses mixed with a residential component.

7 Top Ranked Future Activities:

- Retain small-town feel, residential character including associated services
- Locally owned businesses
- Improvement in traffic flow
- “Master” landscape design and standards
- Proper management of emergency vehicle access
- Clearly defined “future vision”—make sure zoning/regulations reflect it.
- Guiding development to advantage of community

Summary

Based on the items identified and in particular the top ranked items it would appear that the major dislikes focused on traffic problems and corridor appearance whereas the likes concentrated more on the types of uses/activities and remaining visual (green strips) and historic character of the corridor. The future corridor scenario concentrated primarily on trying to achieve a small town feel with a mix of uses and high quality landscaping with improved traffic flow.

Next Steps

Based on the results of this exercise, the Steering Committee will sponsor a one day “design” workshop for the Route 1 Corridor. This workshop will use the Listening Session as a basis for considering areas for mixed used villages or “pods” with illustrative graphics that can be used as the basis for future development standards for building, landscaping and traffic management.

Attachments



Town of Seabrook Planning Board Minutes

Tuesday, May 04, 2010
NOT OFFICIAL UNTIL APPROVED

Attachment A

Seabrook Public Listening Forum May 4, 2010

Design Team: Jack Mettee, Mettee Planning Consultants; Julie LaBranche, Senior Planner, Rockingham Planning Commission; Shannon Alther, AIA, Project Architect/Designer, TMS Architects; Douglas Greiner, ALA, Project Landscape Architect/Designer, g2+1 LLC; Dana Lynch, PE, Engineer, Civilworks;

Participants: Members of the Planning Board: Donald Hawkins*, Chair; Sue Foote*, Vice Chair; John Kelley; Jason Janvrin; Paul Himmer*, Alternate; Michael Lowry, Alternate; Robert Moore*, Ex-Officio; Paul Garand*, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz*, Secretary;

Participants: Robert Jones* Provident Bank; Paula Wood; Aboul Khan, Selectman; Max Abramson; Sean Whelan, Carol Ritchie, Michelle Gorman;

Others in attendance: Cliff Sinnott, Executive Director, David Walker, Senior Planner; Malcolm McNeill, McNeill, Taylor and Gallo; Robin Bousa, Transportation Director, VHB; Nancy Reinman, Hampton Union;

*Member of the Seabrook Master Plan Steering Committee.