



Town of Seabrook Planning Board Minutes

Tuesday, May 15, 2012
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Albert (Max) Abramson; About Khan, Ex-Officio; Francis Chase, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer;

Members Absent; Paul Himmer, Alternate; Paula Wood, Alternate; Sue Foote, Alternate; Robert Fowler; Dennis Sweeney; Roger Frazee; Michael Lowry, Alternate;

Hawkins opened the meeting at 6:35 PM.

MINUTES OF MAY 1, 2012

Hawkins distributed the May 1, 2012 Minutes and tabled consideration to June 5, 2012.

SECURITY AND EXTENSIONS

Hawkins noted that no requests re security or extensions had been received.

COMMUNICATIONS AND ANNOUNCEMENTS

Hawkins called attention to two communications from Jim Kerivan of Altus Engineers re drainage issues concerning Case #2011-34.11-03, Demoulas south. Kravitz pointed out the memo from Kerivan indicating that both issues had been resolved.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:40PM.

NEW CASES

Case #2012-12.12-02 – Proposal by Edwin & Maureen Adams and Waterstone Retail Development to amend a site plan approval for the construction of a 13,000 square foot store at 337 Lafayette Road, Tax Map 9, Lot 62.

Appearing for the Applicant: Bob Clarke, Allen & Majors; Wayne Morrill, Jones & Beach engineers;

Hawkins noted that this proposal amended Case #2012-02, Waterstone-West Marine, and asked Clarke to respond to Morgan's memorandum. Clarke said they had shifted the building forward 3 feet for architectural purposes. The goal of adding six parking spaces was achieved by reducing pavement to 27.5 percent (less pavement) in the drive aisle, and changing to sloped curbing. Hawkins asked for Morgan's view. Morgan thought the changes were good, and reduced the hardtop. Hawkins noted that they had added three new spaces, and changed three double to single spaces. Morrill commented that the sloped granite would be like that at the Kohl's and Market Basked sites. Janvrin asked where the conditions for Case #2012-02 were located. Clarke said on Sheet C-1.

MOTION:	Janvrin	to accept Case #2012-12.12-02 as administratively complete for jurisdiction and deliberations.
SECOND:	Khan	Approved: Unanimous

Clarke said they had filed for the sign permit for two directional signs, and the monument sign in the rear, set back for visibility. Hawkins asked for the height. Clarke said it would be 4.3 feet on a



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stone base; the directional signs are 3 x 3 feet. Janvrin asked if they were electrical or back-lit. Garand said there compliant with no issues. Abramson asked if they were low and block visibility. Clarke said they would face the traffic. Morgan asked about other changes. Clarke said they had adjusted the landscaping to move a tree from the corner to show the sign; 19 trees would remain. Morgan asked if they intended any more changes. Clarke hoped not.

MOTION:	Janvrin	to approve Case #2012-12.12-02 – Edwin & Maureen Adams and Waterstone Retail Development to amend a site plan approval (Case 2012-02) for the construction of a 13,000 square foot store at 337 Lafayette Road, Tax Map 9, Lot 62, conditioned on: (i) showing the changed sign locations on the revised plan; (ii) revising the May 10, 2012 planset, (iii) all of the conditions of approval inserted on page 1; and (iv) the revised site plan being entirely satisfactory to the Town Planner.
SECOND:	Chase	Approved: Unanimous

Khan asked for the position of the main entrance. Clarke said it would be located south of the building.

Case #2012-13E – Proposal by Seabrook Scooter Co. LLC, Elliott Lindquist, and the Seabrook Village District to lease scooters at 210 Ocean Boulevard, Tax Map 26, Lot 91.
Attending: Elliott Lindquist, Motoretta, LLC; Richard McGuire, Chair, Seabrook Village Beach Commission.

Lindquist had leased the left unit in the Beach Village building for the purpose of renting electric motor scooters/mopeds to the public. Hours of operation would be from 8AM to 7PM. The business is seasonal, with limited hours for the rest of the year. Two helmets would be provided upon a scooter rental; a valid driver, motorcycle or moped license would be needed. The scooters travel at less than 30 miles per hour. Janvrin asked if Lindquist had tried to open in Hampton Beach. Lindquist said he had. Morgan asked if there would be outdoor displays and, if so, how this would be limited. Lindquist wanted a few scooters placed at the sign to be seen when people drive by; they would be stored inside at night. Reservation staging would be on the south side. Morgan wanted the drawing to be amended to show the maximum display area. Lindquist

Janvrin asked where the sign was located. Hawkins said at the front.

Janvrin asked if this would take away any parking spaces. Hawkins said they only needed six spaces by the square-footage. Garand asked about the number of scooters overall. Lindquist expected to begin with 20 scooters. Lindquist explained that he worked for the Motoretta Scooter Company that had franchise locations in Newburyport, MA and Portland, ME. Garand said if there were two employees, at least 10 spaces would be needed; on-site parking issues could come. Lindquist said employees would park to the right of the building on the village district side – up to 6 spaces. Janvrin asked if the scooters were 110 volt. Lindquist said they were and could be plugged in anywhere a local business had an electric strip; there were six of those locations in Newburyport. The scooter could be plugged in at a home. Janvrin noted that in Hampton the proposed location was at the north end of the beach crossing cross-walks to get to the street. He



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thought the Seabrook site was more conducive for Lindquist's purpose. Abramson wanted to know how scooters are allowed on the road. Lindquist said they would be plated and renters would have to take the insurance. Hawkins noted the maximum speed would be 30 mph. Abramson commented that mopeds seemed legal on either side of the line on Route 286.

Khan asked about the parent company. Lindquist said it was located in Newburyport where there were two locations, as well as in Cambridge, MA, on Massachusetts Avenue and in Gloucester, MA. Khan asked about the insurance. Lindquist said it covers the vehicles; renters would be charged \$15 daily for insurance. Khan asked if they had talked with the Seabrook police. Lindquist had not. Abramson commented that in Holland mopeds and scooters have 2 or 3 x fewer accidents. Hawkins noted that this location is a government building. Therefore, the Planning Board could vote on the application or waive jurisdiction to the Beach Commission. Khan commented that years ago gas scooters had problems with the Hampton police. Hawkins said they would have to follow the rules. Abramson asked if they had met with the civic association. McGuire said that Lindquist met with the Commission which was satisfied, as the landlord, that this business would be beneficial for the district. The Commission would grant a rental agreement to the Applicant and saw no issue with parking at this time. He agreed that the Board could either vote at this meeting, or send the proposal to the Commission.

Garand wanted to limit the outside display to a defined 10 x 18 foot section. Lindquist said no outside display had been depicted. They envisioned three scooters on each side of the sign, and three to the left of the door for advertising. Khan thought the CEO would be the best to designate the outdoor placement. Garand wanted display to be six feet along the building, and at the sign as requested. Chase recommended waiving jurisdiction to the Commission, noting that the Beach building Inspector would do the enforcement.

MOTION:	Khan	to convey jurisdiction for Case #2012-13E the Seabrook Village Beach Commission, subject to getting an acknowledgement letter from the Seabrook Police Department.
SECOND:	Chase	Approved: In favor: Chase, Abramson, Khan, Hawkins; Opposed: Janvrin

PUBLIC HEARINGS/WORKSESSION

PROPOSAL BY THE PLANNING BOARD TO ADOPT AN ACCESS MANAGEMENT AGREEMENT (now the "Understanding") WITH THE NH DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROMULGATING POLICIES GOVERNING ACCESS TO ROUTES 1, 286 & 107.

Attending: Steven Ireland, Assistant Engineer, District 6, New Hampshire Department of Transportation (the Department).

Hawkins said the current draft Memorandum of Understanding between the Town of Seabrook and the Department represented a better opportunity to coordinate driveway cuts on Route 1. The DDR driveway cuts were not where the Board wanted. The document is comprised of a broad-based understanding with appendixes for specific roadways. This current draft includes



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Appendix #1 for Route 1. The Understanding may be amended for updating, or to add appendix(s) for other state roads in the town. Ireland said the document drafted by the Rockingham Planning Commission was similar to the model used by the Department. Hawkins said the Understanding was the result of the dialog among the Master Plan Steering Committee, the RPC, and Ireland. The procedure would be for the Planning Board to recommend it to the Board of Selectmen for their signature. Janvrin liked the format. Garand suggested adding language promoting cross-connects to Article IV. Morgan said that was already in the Site Plan Regulations; Janvrin added this was also in the Master Plan.

Hawkins explained that the intention was for the understanding to apply to all of the state roads in the Town. Ireland thought generically this would be ok; an appendix which would be the "meat" of the understanding. His view was this is a planning tool for the future and recommended an addendum with drawings or photographs to demonstrate the specifics. Hawkins said this document was more specific than the Master Plan, calling attention to the data for every lot now being prepared by the Board's traffic consultant. The objective is to envision where access should be so that vehicles could move among businesses without going out to Route 1. If there is a plan, it is more likely to be put in place.

Ireland said the document is not "locked-in" forever. It can be changed or updated as long as the Department's policy is not violated. Khan was happy with the vision for Route 1 in the RPC Corridor study. Hawkins noted that Seabrook's ideas for the Town Hall area (Smithtown Village) would be in the updated Corridor Study. An important point is to foresee how to have shared driveways with fewer curb cuts. Janvrin said signal lighting needed to be coordinated. Hawkins agreed that was a big item to keep vehicles moving; ultimately the State maintains the signals. Janvrin suggested putting lighting coordination into an exaction plan.

With regard to the document language, Ireland wanted this to be an "understanding" for consistency purposes, commenting that it formalizes communications. Kravitz noted that originally a memorandum of understanding and a separate Access Management Agreement had been drafted through RPC. The current format is the memorandum of understanding with appendixes for specific state roadways. Ireland will send a letter when there is either a minimum driveway cut project, as for a small resurfacing, or an invitation to a scoping session. Janvrin noted that an increase of 50 trips per hour triggers an exaction in Seabrook. Developers will know the expectations up front. Ireland explained that the District Engineer, currently Doug DePorter, can deem any drive as major, for example, because of a bad location. Khan referenced Smithtown Village as an addendum to the Route 1 Appendix. Ireland said that the Department formulated generic understandings with Barrington and Northwood, and was working on a draft with Plaistow (Route 125). The Rochester Understanding accounts for the Route 11 Corridor Study. He favored a graphic depiction for all parcels, including cross-connects, and no right in/out access on Route 1. A temporary permit could be issued if the cross-connect was incomplete, and that access closed when all of the cross-connect was built. Ireland said that graphics in an appendix would show the Department's expectations. Morgan said to use the Corridor Study scale.

Ireland said sometimes the right in movements should be retained to take some pressure off the signals and reduce conflicts for safety. The Market Basket right in/out would show there can be no left turn. It comes down to the traffic study, and what is allowed per the Department policy. He did not see a need for right in/outs when a parcel has two signalized entrances. This is site dependent. The traffic study is the tool to use for traffic flow. Morgan said that left turns are the issue. Ireland said other factors are the closeness to the intersection and the existing cross-connects. In any case, he must allow for temporary access and not land-lock a parcel. The



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objective is to reduce the overall access points i.e. the conflicts with Route 1. Access points can be adjusted when adjacent parcels are developed. Kravitz thought this would give developers an inducement to provide on-site flexibility.

Certain adjustments were made to the Memorandum language:

- (i) Understanding replaced 'Agreement';
- (ii) paragraph 5 B (1) of the Appendix Access Management Standards would be repeated as Article IV (6);
- (iii) In Article V (3) "waiver" would replace approved; and examples of resurfacing and residential property would be added;

Certain adjustments were made to Section B of the Route 1 Access Management Standards:

- (i) Insert Item 5 - "Minimize use of right in/out unless as an improvement to Route 1 traffic flow." Renumber thereafter;
- (ii) Insert 150 feet in Item 6;
- (iii) In Item 7 "among" would replace between; remove everything after "roads".
- (iv) Remove "within one" from Item 8.

[Secretary's Notation -- In a subsequent Steering Committee meeting, "Smithtown Village" was inserted at the beginning of C 2 and 3, and the reference to a Corridor Study figure was changed to reflect the Town's traffic reconfiguration.]

Hawkins said the draft would be reviewed at the May 17, 2012 Steering Committee meeting. and revised by Julie LaBranche of RPC, who would send the revision to Ireland for review. Hawkins wanted this Item to be addressed by the Board at its June 6, 2012 meeting.

PROPOSED AMENDMENTS TO THE TOWN'S SUBDIVISION AND SITE PLAN REVIEW REGULATIONS THAT WOULD GOVERN DEVELOPMENT IN THE NEW SMITHTOWN ZONING DISTRICT THAT IS SITUATED IN THE VICINITY OF TOWN HALL

Abramson asked if this would be a rigid regulation or guidelines. Hawkins said that with "shall" throughout, it would be for enforcement. Garand said that the signage regulation would be most important. Hawkins said this meant dealing with height and backlighting. Janvrin asked if this should be compulsory or subject to waivers. Chase asked how would something "grandfathered" be handled, and how this would apply to an expedited application. The Board needed to address the ordinance, implementation and enforcement. He suggested deciding on the signage and adopting just that part at this meeting. Morgan recommended adopting the entire proposed language, and amending it at a later date as may be needed. Hawkins determined that this document would be considered first on the June 5 Agenda. Abramson suggested it be adopted as an alternative code. Morgan said the procedure for changes would be to ask for a waiver; it would be used for e.g. signage, not zoning. Hawkins asked whether everything would be grandfathered. Garand wanted to adopt the draft at this meeting. Morgan agreed, and asked if free-standing signs should be eliminated. Hawkins said the issue is visibility; the Board can't envision everything. Garand wanted a maximum height. Morgan said that zoning trumps the site plan regulations, and the dimensions are missing. The level of enforcement should be addressed for conformity.



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Janvrin questioned how many members needed to vote on this ordinance, and whether only elected members could vote.

Abramson asked about the signage. Hawkins wanted a maximum height of 10 feet, to prohibit back-lit signs, and to allow front lit from the top to the bottom. Morgan said that there had been public notice, and this could be approved so it would be temporarily in effect. He suggested that standing signs for multiple businesses have a 24 square-foot maximum per side, and a 12 square-foot maximum per side for a single business. Morgan will research the status of pre-existing, non-conforming signs. He thought that if property had been abandoned for more than a year, grandfathering would not apply. Garand said if a sign is dark or unlit for one year, the current zoning would apply. Abramson was concerned this might be a big expense. Khan noted there are restrictions in Smithtown Village had been adopted by the voters. Morgan said to amend for the specifics. Abramson thought the case law should be researched. Khan said the Board would look at hardship to determine if relief would be appropriate. Garand asked if, and if so, how expedited applications would relate to this issue.

MOTION:	Hawkins	to adopt the siteplan regulations for Smithtown Village as modified by the Planning Board on May 15, 2012, and to review these regulations on June 5, 2012 for any changes that may be appropriate.
SECOND:	Khan	Approved: Unanimous

OTHER BUSINESS

HAMPTON FALLS – POKER ROOM TRESPASS

Hawkins called attention to Garand's email correspondence with Hampton Falls about the Poker Room using Seabrook land for parking. The response was essentially that there was nothing that Hampton Falls could do about it. Garand said the property owner would be returning to this country the following week. Garand would recommend he go to the Zoning board of Adjustment for a non-conforming use permit. Morgan thought that the Poker Room proposal was never referred to the RPC Regional Impact Committee. Hawkins acknowledged this process going on and asked that the Board be kept informed.

11-34.11-03 DEMOULAS SOUTH DRAINAGE MATTERS

Attending: Earle Blatchford, Hayner Swanson;

Morgan said that Altus Engineering was resolving certain drainage issues, and was satisfied. However, the Planning Board must vote on proposed changes in the field. Janvrin saw this as being put on the as-built. Blatchford said they ran the numbers on one item, and it was an immeasurable change. The second issue related to a 150-foot area near utilities and a concrete 18-foot drain line that they tried to offset, but there was no room. They added a base section and the hydraulics work fine. This would be a critical maintenance item.

MOTION:	Janvrin	to approve the changes specified for Case #2012.12-02 referenced in the Altus Memorandum of May 11, 2012; conditioned on the changes being shown depicted in the as-built.
SECOND:	Abramson	Approved: Unanimous



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Abramson commented that some rules are not good from a safety point of view. Hawkins said these should be taken up at the next Board work session; he will formalize the items to be considered. Janvrin said some work could be prepared in a sub-committee. Morgan said to submit a written outline for items members want to be considered. The June 5, 2012 meeting would take up the MOU with the NHDOT, and any adjustments to the Smithtown site plan provisions. Chase asked about workforce housing. Abramson asked if this had to be addressed. Hawkins said that 5 unit buildings could be done in Smithtown Village which would give the Town compliance in the future.

Hawkins adjourned the meeting at 9:50 PM.

Respectfully submitted,

Barbara Kravitz, Secretary Planning Board