

Town of Seabrook Planning Board Minutes

Tuesday, July 1, 2014

NOT OFFICIAL UNTIL APPROVED

Members Present: Don Hawkins, Chair; Jason Janvrin, Vice Chair; Mike Lowry, Rodger Frazee; Ivan Eaton III; Francis Chase; Aboul Khan, Ex-Officio; Dave Baxter, Alternate; Tom Morgan, Town Planner;

Members Absent: Sue Foote, Alternate; Paula Wood, Alternate; Barbara Kravitz, Secretary;

Hawkins opened the meeting at 6:45PM.

MINUTES OF JUNE 17, 2014

Hawkins said the minutes would be voted on at the next meeting.

CORRESPONDENCES / ANNOUNCEMENTS

Janvrin announced a meeting sponsored by the Seabrook-Hampton Estuary Alliance to discuss PREPARING FOR CLIMATE CHANGE IN THE SEABROOK HAMPTON ESTUARY on July 17, 2014 at the Seabrook Library from 6PM to 8:30PM. The meeting is open to community members from Hampton, Hampton Falls and Seabrook including residents, Businesses, Town Boards & Commissions and Town Staff & Officials. The topics will include sea level rise and potential impacts on your community and what other communities are doing to prepare for the impact of sea level rise and storm surge. Janvrin thought it was a great opportunity to network with representatives from Hampton and Hampton Falls.

Chase reported on progress of the Scenic By-Ways committees representing Hampton, North Hampton and Seabrook. Public meetings have been concluded and a final report is expected by year end.

PLANNING BOARD WORK SESSION

Route 107 steering committee update

Hawkins gave an update on the RT107 sub-committee activities. He referred to the presentation made by Julie LaBranche at the last PB meeting. He said our grant time and money expired on June 30, 2014 and the project needed to come to a close. Tom Morgan will review the Aquifer Protection Ordinance presented at the June 17th PB meeting and incorporate it into the Seabrook Zoning Ordinance. A public hearing will be scheduled in September to review the final changes and the PB will vote at that time. Hawkins read a list of deliverables that are due on the project which include the new Aquifer Protection Ordinance, a list of water resource documents to develop a best practice manual for Seabrook, economic development information for the town web site, a PDF on regulated substances that could contaminate ground water, a ground water reclassification application for the NH DES, meeting minutes and marketing materials for the proposed zoning change. Hawkins reviewed the meetings that were held with the town's hydrologist on well location and future development, NH DES on ground water reclassification, NH Economic Development representatives on what Seabrook can do to attract more industrial businesses to Seabrook, Rob Roseen, a ground water consultant on what Seabrook can do to protect its ground water and wells and finally a meeting with the residents of the neighborhoods in the Aquifer Protection Zone to discuss their views on development in that zone.

Gambling Questionnaire

Hawkins explained that one of the deliverables from the RT 107 sub-committee would be an on line questionnaire about gambling to try to understand how the town's residents feel about allowing expanded gambling and/or a casino in Seabrook. The PB and the Selectmen do not know how the residents of Seabrook feel about expanding gambling. We now allow charitable gambling but don't know how the residents feel about a casino or other variations. The survey has been completed and is ready to put on the town web site but it needs to be approved by the Board of Selectmen. There are issues with using these surveys to ensure the feedback is really coming from Seabrook residents. Janvrin said another option is to put a warrant article on the town ballot to get resident feedback. Khan said he would like a better explanation on the survey so people know why the survey is being taken and to explain that there are no imminent plans for a casino in Seabrook.

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The group talked about the need for an economic development function in the town to promote development in Seabrook. Other towns in NH are doing a much better job promoting their towns to potential developers because they have spent the money on an economical development professional to work for the town.

Hawkins suggested the PB get on the Selectmen's agenda to get permission to use the town web site for the questionnaire. Kahn suggested using a motion instead.

Motion:	Chase	To recommend to the Selectmen that the town web site be used to conduct a gambling survey for the town of Seabrook.
Second:	Eaton	Approved: Unanimous

Storm water recharge regulations in the Aquifer Protection Zone

Hawkins explained that the RT 107 sub-committee identified a need for the PB to develop a Best Practice Storm Water Resource Manual that could be used by developers in Seabrook as a guide when they are proposing new development. He said it was a large undertaking but would eliminate confusion around what the town expected for storm water management. Right now the PB does not distinguish between cleaning and recharging the ground water and just recharging which is an important distinction especially in the Aquifer Protection Zone. The PB could ask the conservation commission for help putting this manual together. Other options would be to ask RPC for help or to apply for a grant to complete the project. Dave Baxter suggested we incorporate the new manual into our site plan and sub division regulations to provide better guidelines to the developers regarding storm water requirements. He thought we should try to get a grant and hire Rob Roseen to put the manual together. Hawkins will contact Julie LaBranche about the procedure to get a grant for this project.

Janvrin asked about controlling point wells in the Aquifer Protection Zone. Hawkins said that the Water department did not have strong evidence to say point wells were affecting the water table in the well head area and that the sub-committee was reluctant to raise the issue and risk voter reaction against the new Aquifer Protection Ordinance. Janvrin thought developers outside the Aquifer Protection Zone should be encouraged to use point wells for irrigation and that development inside the Aquifer Protection zone should be encouraged to use rain water collection techniques.

Impact Fee steering committee update

Hawkins gave an update on the work of the Impact fee Committee. He said a meeting with an impact fee consultant was very interesting in that there were some significant opportunities for Seabrook to use impact fees to pay for future water, sewer and other infrastructure projects. Hawkins said the consultant explained how new development could be charged a fee based on the unused capacity of the water and sewer plants. The money could be used on future upgrades that would need to be identified in advance. This method can only be used if the town has built facilities with excess capacity such as the water and sewer plants. Hawkins passed out a list of the top water consumers in Seabrook and an example of how an impact fee might be calculated for different users. He said a new house that used 70,000 gallons per year might pay an impact fee of \$576, a restaurant similar to Chili might pay a fee of \$8700, a food manufacturing plant similar to Hanna might pay \$15,800 and a new apartment complex similar to Cimmeron might pay a fee of \$146,000. All these fees are one time fees that are based on the new development's projected water consumption and its proportional share of the water plant cost. Dave Baxter thought these fees would discourage new business development. The board had an extended discussion on the pros and cons of using impact fees to pay for future projects. Kahn suggested that the town start with an impact fee on just water and sewer where the association to the proportional use is clear. Hawkins said the impact fee committee should not spend any more time on this subject if the PB does not support its implementation. Janvrin asked about the cost of the accounting requirements to track impact fees. Hawkins said a commitment was needed by the town to maintain the tracking system. He did not think it would be too complicated but detail tracking of who contributed and to what project was critical in case refunds were ever required. Dave Baxter suggested that the impact fee be limited to just

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water at this time. Hawkins said according to the consultant, the selectmen had the power to implement a System Redevelopment Charge for water and sewer to recover cost from new uses based on consumption without having to implement an impact fee. Dave Baxter said he thought we should recommend the selectmen take that action now. Kahn agreed. Chase did not think the fees should be limited to just water and sewer. He wanted to support the committee's effort to implement other fees, not just water and sewer. The committee discussed the pros and cons of just implementing water and sewer and how it might be done. Kahn said he thought the fee committee should continue with their work on water and sewer only. He said the selectmen would support that position. Chase did not agree with eliminating the other fees.

Motion:	Janvrin	To supports the efforts of the impact fee committee for water and sewer only at this time.
Second:	Eaton	Approved: unanimous

On August 5, 2014 the Planning Board voted as follows:

MOTION:	Janvrin	to restate the motion made on July 1, 2014 and revise the Minutes accordingly: to support the work of the Impact Fee Committee and ask it to continue with its investigation and return with a recommended ordinance to the Planning Board in time for the 2015 Town Meeting, and to thank the committee members for their efforts.
SECOND:	Eaton	Approved: In favor: Hawkins, Janvrin, Eaton, Frazee, Khan Abstained: Lowry

Sigh committee update

Chase gave an update on the sign committee work. He said they have collected ordinances from 5 neighboring towns but have not made much progress from there. Janvrin thought that action on LED lights was important to do now. We have no regulations on LED brightness at this time. Hawkins said zone 6M did not allow LED lighting.

Adopt parking changes in site plan regulations

Hawkins said this should be public noticed for the next meeting and asked if any other changes were required before a vote. Morgan explained that the change would apply only to plans not yet accepted by the PB. Hawkins said the main change was to establish a minimum parking requirement for retail.

Documentation needed to accept donation in place of exaction

Hawkins said the PB needed a document to define how the town could use a donation if the developer decided to make a donation to the town in lieu of paying an exaction as is allowed in the site plan regulations. The PB needs a legal opinion on how the ordinance is written and what if any changes are needed to give the selectmen the flexibility to use the donation in the town's best interest. Hawkins will refer this to legal for an opinion.

Landscaping requirements for lots less than one acre

Julie LaBranche has volunteered to write a landscaping ordinance for parcels of less than one acre which does not exist at this time.

North Village site plan update

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Hawkins said that the north village zoning passed town meeting in March but that the PB has not updated the site plan regulations. He said a lot of what was written for Smithtown will apply to the North Village but the site plan needs to be updated to include both. He asked for a volunteer to work with him for a couple hours to update the site plan regulations which would then be turned over to Tom Morgan for final review before adoption by the PB. Janvrin and Chase volunteered. Hawkins will set a meeting date. A separate section should be considered for the North Village.

Other Business

Hawkins set the work session schedule for the balance of the year. September 16, 2014 and December 16, 2014 will be PB work sessions. Baxter asked to include a discussion about how exactions are used and how the PB can influence NH DOT decisions. Janvrin thought the exaction ordinance should be expanded to roads other than RT 1.

The board discussed problems with traffic lights at DDR and the RT 1/107 intersections. Janvrin contacted the NH DOT and asked them to coordinate the lights at those intersections. They were intending to wait until all construction was finished but agreed to make some interim improvements.

Chase asked if the PB could get the NHDOT to do something about drivers heading north on RT1 taking left turns across 2 lanes into Prompto. Eaton thought a median strip was needed. Kahn asked the PB to write a letter to Prompto requesting a cross connect to Lowes.

Kahn asked if the PB can require a letter from the Seabrook tax office stating the applicant's taxes are paid and up to date. He would like to change \$25 as an additional application fee to cover the cost. Morgan said the PB could charge that kind of fee. Hawkins said a change would be needed to the fee schedule which could be discussed at the work session.

Janvrin thought a procedure was needed to decide if an application really qualified as an expedited application. Hawkins said if the PB was reviewing an expedited application and they thought it did not qualify they could change the status at any time to a normal site plan review. He noted the fees for site plan and expedited were the same.

Hawkins said he received a letter from a property owner that wanted to know if an application were required to open an electronic cigarette shop in an existing store that had been empty for more than a year. Hawkins told the applicant that generally an application would be required because the store had been empty for more than a year but would ask the PB if they required an application. The PB replied that an application would be required. Tom Morgan said we did not know how much traffic this business would generate. The board had a discussion about what was contained in the electronic cigarettes and decided to ask the Seabrook PD for a comment.

Zoning map updates

Hawkins asked to form a sub-committee to work with Tom Morgan to update the zoning maps. He thought it is more productive to use a sub-committee than to do the work in a PB meeting. Janvrin, Chase and Hawkins volunteered to work with Morgan. Thursday mornings were chosen for the meetings. An update will be given at the September 16th work session.

Janvrin made a point that the PB needs keep the ZBA updated with changes to our zoning.

The meeting was adjourned at 9:25 PM

Submitted by:

Donald Hawkins
Seabrook Planning Board Chair

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