



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, May 17, 2016**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**MEMBERS PRESENT**

Jason Janvrin, Chairman, Ivan Eaton III, Michael Rabideau, Michael Lowry, Teresa Kyle, Ex-Officio, David Baxter, Alternate-voting member tonight, James Sanborn III, Alternate-voting member tonight, Tom Morgan, Town Planner, Rick Friberg, TEC, Stephen Zalewski, Code Enforcement, Maria Brown, Planning Board Secretary, Aeriss Felch, Planning Board Clerk

**MEMBERS ABSENT**

Donald Hawkins, Vice Chairman, Paula Wood, Alternate, Robert Fowler, Alternate

Janvrin called the meeting to order at 6:41pm

**MINUTES**

May 3, 2016

<b>Motion:</b>	<b>Lowry</b>	<b>To approve the May 3, 2016 Minutes</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Janvrin, Sanborn, Lowry, Rabideau, Baxter</b> <b>Abstain: Eaton, Kyle</b>

Jason had made a point to the members that the Planning Board Minutes were submitted by Aeriss Felch, Planning Board Clerk.

**Case #2016-08, Casa Tequila, Peter Kokaras, 620 Lafayette Road, Expedited Application, Existing Business to allow for service of food and alcohol on existing rear deck, Map #8, Lot #53**

Mr. Henry Boyd lost his mother’s sister who was like a second mother to him and great Seabrook lady. He is very appreciative that the Board moved his case up as he needs to spend some time with his family.

Mr. Boyd is seeking simply to allow food and alcohol to be served on the deck. It was determined to meet with TRC. The only concern came from the building inspector who

wanted to make sure the deck was structurally sound. Zalewski also asked that the plan show the door locations. The building has 4 doors, one service entrance, one main front door entrance, emergency door, and the door in the back. One concern from the Planning Board is that the double door in the back be closed off and that was done. Zalewski also noted that he wanted to make sure the ramp in the back entrance was of sufficient width and ADA compliant. Mr. Boyd stated the ramp is of sufficient width and they have added 6 lights on the deck for ambiance. Mr. Boyd will assure that the deck will hold sufficient weight and it is about 8" off the ground. Mr. Boyd will make sure if it needs any updating it will be done. Morgan asked about the access and if he talked with the property owner. Mr. Boyd spoke to the owner about the cross easement and as long as the owner wasn't asked to cover any cost. Mr. Boyd stated that there is an existing opening with a beautiful fence. Mr. Boyd stated the current owner of the restaurant will pay for the fees associated with Mary Ganz drawing up the easement. Eaton asked Mr. Boyd what would happen if the owner refuses to pay the cost. Mr. Boyd stated the owner of the business has paid for everything to this point and he believes he will be fine with this also. Morgan stated that he feels the owner will see there is an obvious benefit to having that easement. Janvrin stated that the case was brought forward as it had never had a site plan for this site. Janvrin spoke with Tom after the TRC met and the only issue seemed to be the easement which sounds like it is all set. Janvrin stated that all the changes the TRC recommended have been done and will be placed on the plan. Janvrin asked about waiving jurisdiction. Morgan is making the recommendation to waive jurisdiction tonight. The owner of the restaurant would have to go several more weeks before they could use the deck. Janvrin asked if the code enforcement officer has any issues with taking jurisdiction. Janvrin asked if we could waive jurisdiction and make the easement a condition. Morgan is hesitant to say yes as he doesn't want this case to appear that it is a site plan review. Morgan is very comfortable with what Mr. Boyd stated tonight and he believes the easement will be honored. Mr. Doug Richardson from Waterstone Retail wanted to express his concerns with the easement. He has a structural issue with the parking. The parking from the restaurant on the weekends is causing him to lose tenants for his buildings. Mr. Richardson believes that the added 28 person seating on the deck will require 9 more parking spaces. Jason brought up another case where the restaurant wanted to add deck seating and they were told they had to reduce seating inside in order to do it. Mr. Boyd stated that the seating numbers have already been approved and they are not adding any seats. The restaurant has approval for 196 seats which includes the 28 for the deck. The limit for the deck is 7 tables with 4 seats. Baxter stated that the current parking requirements are irrelevant as this restaurant is approved and grandfathered. Mr. Boyd appreciates the concerns of the parking on their property and suggested signage may help. Mr. Richardson stated that signage has already been put up and they updated them recently. Baxter understands the abutters concern with parking but feels the Planning Boards hands are tied. Janvrin asked if there would be an objection to placing signs on the fence concerning parking. Mr. Boyd stated the fence is beautiful and he doesn't think the owner of the business would have a problem adding signs. Eaton asked if the owner can take notice and let people know not to park in the other parking lot of the abutters. Baxter stated again that we either got to take jurisdiction or not take jurisdiction. Baxter and Eaton agree this is a grandfathered lot and we legally have no

say about this matter. Eaton stated in reality it is neighbors that work together side by side with each other. Boyd feels that if the fence was blocked off it may not be a bad idea. They have plenty of entrances and exits without this easement. Mr. Richardson stated again the patio has never been used and it would be a change of use. Eaton stated the patio has been used as far back as when his parents owned it. Morgan feels that it is not an appropriate role for the Planning Board to get involved with the parking issue. Janvrin agrees but worries that the cross easement may be at risk as Waterstone has not signed an agreement yet and the current owner of Casa Tequila has not done anything in writing. Janvrin stated again they are 196 seats and wonders what the required parking spaces would be. Morgan didn't do the calculation as he felt this business is grandfathered and has been there for 30 years. Baxter stated the deck is there. Eaton and Boyd stated that the deck has always been there and has always been used. Janvrin asked Morgan for his recommendations. Boyd stated they have a seating chart and it is grandfathered. Janvrin stated that an approval was needed for the 1 day cinch de moil and would he need something for the liquor approval. Kyle stated the Selectmen gave a one day approval for the celebration and they did not approve alcohol she felt that is up to the State. Mr. Boyd appreciates all of the cross connections but again feels that it is not so important at this area. Mr. Boyd feels again that the opening seems to cause more problems. Mr. Boyd would have listened to Waterstone and blocked the area. Eaton asked about the median. Mr. Boyd feels the only to prohibit parking is to close off the through way. Eaton feels there is no reason to have that access. Zalewski would recommend closing it off and each side would pick up a few parking spaces. Janvrin asked if the opening is of any benefit to the Fire Department. Zalewski stated it is a good question. Mr. Boyd stated that fence would not stop the Fire Department. Baxter stated if we don't take jurisdiction and they close the fence it is a mute point. Eaton excused himself from the meeting due to a family emergency.

<b>Motion:</b>	<b>Baxter</b>	<b>To waive jurisdiction on Case #2016-08</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Janvrin, Baxter, Lowry, Kyle, Rabideau, Sanborn</b>

\*Jason stated we will need to refund this case, and will work with Boyd on this.

**CORRESPONDENCE/ANNOUNCEMENTS**

Janvrin stated that Mr. John Kelley has resigned citing health issues. Janvrin stated that the Planning Board can leave the spot open until the next election or the Board may appoint someone. Janvrin recognized they have 4 alternates and the Planning Board may leave it open or fill it. Morgan suggested the Planning Board should fill the seat.

<b>Motion:</b>	<b>Janvrin</b>	<b>To appoint David Baxter to fill Mr. Kelley’s seat until the next election.</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Janvrin, Lowry, Rabideau, Sanborn, Kyle</b> <b>Abstain: Baxter</b>

Janvrin shared that the RPC has an opening that was Donald Hawkins. Janvrin stated the Planning Board makes a recommendation to the Board of Selectmen and they appoint the RPC member.

<b>Motion:</b>	<b>Janvrin</b>	<b>To recommend the Selectman appoint Donald Hawkins as the commissioner to the RPC for a period of 3 years.</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Janvrin, Rabideau, Baxter, Lowry, Sanborn</b> <b>Abstain: Kyle</b>

Morgan is working on updating our Planning Board Application and it will be taken up at the next planning board meeting.

**ONGOING CASES**

**Case #2016-07, Scott MacKenzie, Mackenzie Properties LLC, 28 London Lane, Amended Overall Site Plan – Site Expansion – Continued Business use with 4,000 square foot building, Map #5, Lot #8-43**

MacKenzie asked for a continuance through Attorney Brown. Janvrin continued the case until June 7, 2016.

**Case #2016-06, Waterstone Retail Development, LLC, ASKJA Real Estate Holdings, LLC, Arleigh Green, 570 Lafayette Road, Amended Overall Site Plan – Site Expansion, Map # 8, Lot # 90**

The prior proposed restaurant was for 2800 square feet with 4 parking spaces, the new request is for 2400 square feet with 8 parking spaces. The inside will seat 20 and have an outside seasonal seating area. They are proposing a chain fence around the cemetery and ask that the site plan fee be waived. No changes to water or sewer. Janvrin asked for the applicant to go over the recommendations. Friberg stated that the TRC review plan was pretty quick. Friberg noted that the applicant has a smaller building with more parking which is a good thing. The water and sewer has already been approved. Friberg felt they met the request to enclose the cemetery and the applicant would add the location of a dumpster to the plan. Friberg spoke to Curtis today and reminded the Board that they are taking care of a hydrant they believe is leaking. The applicant is addressing the leak. The applicant will install granite post with chain. The opening would be facing the parking lot. Janvrin was looking on the plan for a place to park a bicycle. The applicant agrees to place a bike rack at the facility. They have a 6" curb and they will add metal black fence around the seating area. Baxter asked about the impact fee and feels that we need to calculate the fees. Baxter feels with the square footage changed it may reduce the impact fee and he wants to make sure that the impact fee is consistent. Janvrin stated the DDR had Panera Bread came in an argued that the calculation was correct but in the end DDR was correct. When that happened Waterstone came back and used the code for the whole site. Baxter respectfully disagreed. When DDR came for Panera they stated they would only develop a certain amount. Baxter gave Waterstone a heads up with Hobby Lobby and it could be a wash with the new one. Baxter feels we must do this to protect our self. Friberg stated that it depends how the calculation was done and he feels it is a matter of updating the plan and it may be a wash. Friberg agrees with Baxter that we need to recalculate it. Baxter stated that we are looking at the fees so we can be fair; Stating that everything is \$820. Baxter feels we did Waterstone the correct way and stated maybe we may want to go back and redo it for the next person that comes along. Janvrin asked Waterstone if they agree to do this and share it with TEC review. TEC will bring it back to the Board if it is more or less. Janvrin stated they didn't pay the exaction they made a donation. If it is more they will have to pay it. Janvrin agrees with Baxter to do the review and have TEC get back to him. Also, The North bound traffic signal on Route 1 seems to go through 2 or 3 cycles before it changes. Mr. Richardson will look at that as they are making adjustments. Janvrin mentioned adding a sign and a do not enter and stop. The other curb cut is full access and deliveries will park in the bypass lane for quick drop offs. Janvrin stated that the case comes before the board, and is accessed at 50% which was about \$45,000.00. They have paid administrative fees and the abutter's fees. They have asked that we waive just the application fee.

<b>Motion:</b>	<b>Janvrin</b>	<b>To waive the application fee, only, for Case#2016-06</b>
<b>Second:</b>	<b>Lowry</b>	<b>Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn</b> <b>Abstain: Kyle</b>

Mr. Richardson stated that the roofs, sidings and layout of the outer buildings color scheme all match and go along with the other surrounding businesses in their lots such as Kume and Goodwill. They also stated they have a small sign identifying a drive through and they will have an awning over the drive through. All air conditioning systems are on the roofs and they will have none on the ground. The applicant got a variance for the added signs. Starbucks has a signage package they will be looking to install.

<b>Motion:</b>	<b>Lowry</b>	<b>To approve Case#2016-06 as Administratively Complete</b>
<b>Second:</b>	<b>Kyle</b>	<b>Approved: Janvrin, Baxter, Lowry, Kyle, Rabideau, Sanborn</b>

Janvrin asked if there were any abutters in the room that would like to be heard and or speak their concerns.

Janvrin would like a bike rack added, no site security for this matter, Janvrin asked if the Board should put a 30 day limit on the calculation. Janvrin asked if they could put a picnic table in the cemetery area. The patio will have table and chairs and they will add a park bench and bike rack at the cemetery to be used by Starbucks customers and employees as they please, also by any visitors of the cemetery. Mr. Richardson stated they plan to do the area landscaping and outside layout the same as IHop. Janvrin feels that after the preponderance of evidence added tonight he feels that they may want to close the fence opening between Casa Tequila and Waterstones' properties.

<b>Motion:</b>	<b>Janvrin</b>	<b>To accept Case #2016-06 with the following conditions: 1) Security set at \$0, 2) Add a bike rack, 3) After 30 days the TEC will bring forward an updated calculation for the whole site, 4) All invoices be paid prior to occupancy, 5) Final plan to be acceptable to the Planner, the approval will expire on November 17, 2016 – which is 180 days.</b>
<b>Second:</b>	<b>Baxter</b>	<b>Approved: Janvrin, Baxter, Lowry, Kyle, Sanborn, Rabideau</b>

Janvrin called for a five minute break at 7:50pm and returned at 7:55pm.

## **OTHER**

### **Route 1 Update**

Baxter stated RPC asked DOT to meet with the board. Baxter had given them two separate possible meeting dates, June 6 or June 13. Janvrin and Morgan both asked that Baxter get back to them as soon as possible with a set in stone date and time.

### **Coastal Hazards**

The next date for an update to the master plan will be in July of 2016. Janvrin stated all the board can do is to revise and rewrite draft of the master plan to accommodate all revisions.

### **Tuck away Tavern**

The Tuck away Tavern is located in Raymond, NH. The owner and had contacted the town, asking for any information on 663 Lafayette Road. They were interested in proposing a ‘food truck’ on that location. The planning Board cannot take any action at 663 Lafayette Road because it is before the Supreme Court. If the food cart was on another lot for the request it would fall under the ordinance as a permitted use. Kyle asked about the hot dog trucks at the Beach. Morgan stated that either the Planning Board doesn’t want to get involved with this or if they do than they need to establish some criteria. Janvrin stated that when Home Depot opened a hot dog stand in the parking lot. Due to it not being on the site plan the Code Enforcement did a cease and desists. Janvrin feels that this type of request go before the Selectmen and the Code Enforcement Officer. Janvrin feels if it was any other lot he feels we would not have an issue. Kyle suggested that they come back and talk to Mr. Manzi within the next couple of days. Baxter fees it is a seasonal thing a onetime thing. Kyle feels that this is just a trial run. The applicant is giving it a trial run and come October he will pack up and leave. Janvrin stated that the State law covers you in Towns that don’t have a peddlers

permit but Seabrook has one so it is regulated locally. Kyle will follow up with the interested party and she feels they have a very good reputation.

Janvrin stated they have had 3 applicants come in for an occupancy permit and the invoices were paid rather quickly.

Janvrin adjourned the meeting at 8:20pm

Respectfully Submitted,

Aeriss Felch Planning Board Clerk