



Town of Seabrook
Planning Board Minutes
Tuesday, June 6, 2017 @ 6:30pm
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

MEMBERS PRESENT

Jason Janvrin, Chairman, Michael Rabideau, Vice Chairman, David Baxter, Alternate(voting member tonight), Michael Lowry, Francis Chase, Theresa Kyle, Ex-Officio, James Sanborn III, Tom Morgan, Town Planner, Rick Friberg, TEC, Stephan Zaleski, Building Inspector, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Paul Knowles, Robert Fowler and Joseph Jones, Both Alternates

Janvrin called the meeting to order at 6:35PM

Motion:	Lowry	To Approve May 16, 2017 minutes as written.
Second:	Chase	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn Abstain: Baxter

CORRESPONDENCE/ANNOUNCEMENTS/ INFORMAL HEARING

Event being held at the Regional Economic Development Center in Raymond on June 21, 2017 at 1:30PM. The topic will be solar power.

Chase – should be mandatory for someone from the town to go. We need to learn about the nuts and bolts of the event. Rabideau is going and Janvrin would like to go.

June 21, 9-11am Carol Shea Porter rep will be here at the town hall and the Public is welcome to attend.

Janvrin stated that the RPC Annual Meeting is next Wednesday at the Portsmouth Country Club, the cost is \$35.00 per person. Janvrin stated that in the past the individuals paid for their own dinner. Janvrin stated that all members are given a \$50.00 gift card each year for volunteering on the Planning Board.

Motion:	Chase	To pay the \$35.00 fee for the RPC Annual Meeting attendees.
Second:	Rabideau	Approved: Rabideau, Chase, Baxter, Lowry, Kyle, Sanborn Abstain: Janvrin

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2004-22,23,24,25, 24, London Lane, Bulbman Holdings, LLC, Release security and close.

Friberg from TEC stated that the Parking and Sidewalks were not as depicted on the plan. They were unable to locate the water shut offs. Friberg suggested the applicant provide an As-Built and the Board can decide at that point whether or not they will give back the security. Zalewski stated that the domestic is tapped inside.

Janvrin continued this request until the July 18, 2017 meeting.

Hersey Lane, Attorney Mary Ganz is working on this case and asked that the Planning Board extend the case until the July meeting.

Janvrin continued the meeting until July 18, 2017.

Motion:	Chase	To cancel the July 4, 2017 meeting.
Second:	Lowry	Approved: Janvrin, Rabideau, Chase, Baxter, Lowry, Kyle, Sanborn

Case #2015-20, Kardanid Properties LLC, Mr. Dolan, 12-16 Stard Road, 3 Lot Subdivision, Request for return of security

Friberg, proposed subdivision came before the Board, the water retention basin to treat and infiltrate to allow him to subdivide. Friberg stated that everything is in accordance with the plan. Friberg recommends releasing the entire security.

Motion:	Chase	To release the entire security for Case #2015-20.
Second:	Kyle	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Baxter, Sanborn

CASE #2017-6, 549 Lafayette Road and 2A Smalls Avenue, Site Plan Review, To construct a 2,886 SF restaurant, existing structures will be removed from both lots, Amaral Revite, Morzia Real Estate, LLC, SN Rental Nominee Trust, Furmer H. Souther III, TTEE, Map # 8, Lot #11 & 12-1

Baxter excused himself at 6:54PM for this case.

Wayne Morrill from Jones and Beach Engineering presented this case to the Board. Morrill stated they made some changes reflected on the new plan presented tonight. The tenant slid the building back away from Lafayette Road and the exit is pulled back on the lot making room for 4 cars stacking in the left hand turned. The two driveways were right on top of each other. 30' landscaped island. The cars can now go around the board to avoid stacking of cars, designated spaces near dumpster areas, employees will park toward the backside of the lot.

Abutter Mr. O'Hara met with Jones and Beach. Mr. O'Hara stated that the retaining wall on the abutting side of Mr. O'Hara's property is fine as Mr. O'Hara would prefer visibility. The he fence was modified from a 6' fence vinyl to a 4' black chain link fence to allow visibility for the abutter. Morrill is also requesting a waiver to allow the two lights to trespass adjacent to the O'Hara property they would request that they not have shields the abutter would like the extra light on his property.

The estimated cost for the license contractor was \$77,000.00. The Board wanted the pavement extended and the water service extends with 8" water line to the end of Small's Ave. The applicant will add a hydrant at the end of Small's Ave. The work was \$77,000.00 which is \$7,000.00 over the exaction fee and the applicant has agreed to pay that. DOT has jurisdiction of Route 1 only. Peak hour stack on Small Aves will allow a car at drive through and they have space so a car can pass.

Janvrin stated that he met with Mr. John Starkey, DPW Manager and he suggested that Smalls Ave be a right turn only and add signage. Starkey per Janvrin suggested sign should say right turn at Pine Street come around and exit the lights on Route 1. Instead of turning left and be put at risk. Offering a left turn may cause safety issues and liability. Janvrin stated that Mr. Starkey was happy with the new Road improvements being completed on Smalls Ave.

Morrill stated that signs will be installed showing how to exit at the drive through and showing a safer way to travel north. Morrill will add a sign on Smalls Ave if John Starkey would like that. Jones reminded us we have residents on Small Aves and really don't want to stop them from going left.

Morrill also added that when the lights on Route 1 are actually synchronized there will be natural gaps that will occur to help with turning out of Smalls Ave.

Friberg feels the applicant has shown a fine example of considering all input from abutters. Friberg also feels the applicant has given the Planning Board the best scenario with the new plan updates with a tight property. Friberg feels the second lane around the building is a good plan. Friberg doesn't think it is appropriate to remove the left turn out of Smalls Ave onto Route 1 as Smalls Ave also has residents. Friberg would suggest signs be installed on Smalls Ave and Pine Street for traffic flow heading north.

Morgan stated that everyone in town knows where Pine Street is so he agrees with Friberg signs will help. Morgan also stated the signs should be installed on town property. Morrill feels placing signs on Pine Street for direction makes a lot of sense.

Sanborn asked Janvrin if John Starkey asked that they have 2 lanes only on Smalls. Janvrin stated yes Starkey did ask that. Jones is fine with adding signage on Smalls Ave and Pine Street.

Janvrin asked if any abutters would like to speak. Janvrin asked Mr. O'Hara if he is fine with light trespass on his property and he stated that he is.

Mr. O'Hara, 22 True Road is an abutter, he feels the black chain link fence created good visibility, he is also ok with light trespass, and he was not notified originally on this case. The wall being put up with raise the property next door about 2'. The water drainage is a serious concern he will be in a hole. The water will come in from the lot onto his and flows to the front of abutter's property. Jones stated the water will travel along the ridge and going to the DOT system and now O'Hara water will be treated. O'Hara is not 100% sure it will flow the way the plan shows. Friberg stated that. Noise from speaker will it come to the property as O'Hara has residents on his lot. Jones stated actual speaker is facing the west so it will not trespass. O'Hara would have like to see across connectivity to Smalls Ave from O'Hara property. Janvrin stated it was discussed but due to a 2' rise for infiltration it could not happen. O'Hara has two retail business on the south side would like the signs used and visible. O'Hara the fence will be on top of the blocks which is good for snow removal.

Chase asked about black fence he stated black doesn't seem to be an attractive color. Jones stated it actually disappears and it doesn't rust out. Rabideau asked about the fence going on top and if a swale will direct drainage. Jones said it will hit the block and go to the drainage. Janvrin stated they have seasonal flooding so the new drainage will help. Chase asked about color reddish be added for the turning area. Jones said they will paint it brick red.

Morgan met with the abutter to the west with Ian; last they heard the pine tree was in question. Ian met with Mr. Small the pine tree is on their property was added to the demolition plan and will be taken down.

Janvrin front door work is giving credit and it was not at 100%. Morrill stated that the estimate was for work that is not part of this proposal for the pavement, water line, and add a hydrant. This will help clean up the road as of now it is all different elevations.

Kyle benefit the town, worked with abutters, and they put a lot of money in to the property, and the surroundings that they would not have had to do.

Chase stated that the \$70,000.00 estimate was \$7,000.00 more. Chase stated that we are gaining \$13,000.00 of value we would have only received \$63,000.00 if the applicant took the 10% reduction, and a local contractor is doing the work.

Motion:	Chase	To grant the waiver section 9010 for removal of shielding of the light along the North side of the property per abutter Mr. O'Hara's request to have light trespass onto his property.
Second:	Lowry	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn Abstain: Baxter

Jones they will be paving the entire road to the turn around the rest of it is someone's driveway.

Friberg total of security would be \$250,000.00, \$20,000.00 for loam and seed, \$50,000.00 for water, \$30,000.00 for sewer, and a \$150,000.00 for storm water. Janvrin stated no site security for the pavement on Smalls Ave. Chase asked if we are all set with not requiring a site security for paving in lieu of work being done. Chase stated that Janvrin has made the comment that if we accept the proposal for updates to Smalls Ave we will waive security for that part of it. The drive through issue is cleared up so to help with stacking of cars. Friberg doesn't feel it is good to close off the left turn off of Smalls Ave. Morgan stated that it shows 3 different the places in the regulations all give the Planning Board latitude to do this. They are donating land for Smalls Ave so the applicant may be credited 50% for that. Jones site security is extremely a large amount of money if it is set at that amount he would ask that the applicant can come in more than once and ask for some site security on a normal basis is returned. Applicant would like security reduction throughout the project. Janvrin stated storm water would be the first thing worked on and returned. The rest would be sewer, water, and whatever else it covers. Letter of credit will be tough to give back partial amounts would be better if it was cash. TEC gives a favorable report; all

drainage done it could be cut in half from storm water amount for first phase. Chase asked if water gets done first. Jones stated drainage would be done first and done before the top coat is put down in august. Jones should be pretty easy to get now that we have done exactly what DOT has asked the applicant to do. Janvrin installing sidewalks on Route 1 right of way which will require the applicant to maintained the sidewalk. Jones and Beach stated that no the applicant would not agree to maintain the sidewalks. Morrill giving you a site plan with a bigger island and they will add all the landscape to the final set including the new driveways. Morrill stated no outside seating. The bike rack is on the plan. Morrill has met with water, sewer, and will meet with DPW. Janvrin met with the DPW director in the hallway didn't like the extra lane but Jason asked how he would you like a brand new road and Mr. Starkey liked that idea. Chase does the planning board have the right to require the parking lot to be restriped. Morgan stated we would not have jurisdiction over that.

Motion:	Lowry	<p>To Approve Case #2017-6 with the following conditions; 1) The applicant will work with DPW to develop circulation plan to and around Pine Street out onto Route 1 and the signage will be purchased by the applicant, 2) Sidewalk will be installed and the applicant will work with the Selectmen to get an agreement with DOT on who will be responsible to maintain them, 3) Invoices will be paid prior to Occupancy, 4) Plan must be acceptable to the Town Planner and Town Engineer, 5) Approval will expire in 180 days if all conditions are not met, 6) Site Security will be set at \$125,000.00 and will be considered as two phases (1st Phase will be Storm Water and 2nd Phase will be water, sewer, seed and loam) (\$250,000.00, \$20,000.00 for loam and seed, \$50,000.00 for water, \$30,000.00 for sewer, and a \$150,000.00 for storm water) , 7) The exaction fee will be set at zero dollars in lieu of the exaction fee the applicant will pave the whole of Smalls Ave, run a new water pipe for the whole of Smalls Ave, and add a hydrant at the end of Smalls Ave at a cost of \$77,000.00.(the work will be constructed by the applicant as depicted in the memo from Jamco), 8) The lot merger for Case # 2017-10 must be completed.</p>
Second:	Chase	<p>Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn Abstain: Baxter</p>

Case #2017-10, Morzia Real Estate, LLC, SN Realty Nominee Trust by Furmer H. Souther, III, Trustee, Seabrook Real Estate Leasing, LLC by Morzia Real Estate, LLC and SN Realty Nominee Trust Managers, 549 Lafayette Road (8/11) and 2A & 2B Smalls Avenue (8/12/1 & 8/12/100), Volunteer Lot Merger, Map # 8, Lot # 11 & 12-1, 8/12/1 and 8-12-100 (2A & 2B Smalls Ave)

Wayne Morrill from Jones and Beach presented the case on behalf of the applicant. Janvrin stated that the Planning Board has not right to say no we have to say yes to this request.

Motion:	Lowry	To Accept Case #2017-10 as Administratively Complete.
Second:	Rabideau	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn Abstain: Baxter

Janvrin stated the Site Plan was just approved and the applicant is requesting removal of one lot line.

Janvrin asked if any Abutters would like to be heard hearing none he asked for a motion.

Motion:	Lowry	To Approve Lot Merger for Case #2017-10 with the following condition; 1) The approval will be based on the Site Plan for a restaurant being built in reference to Case #2017-6
Second:	Rabideau	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn Abstain: Baxter

Janvrin recessed the meeting at 7:54PM until 8:05PM.

Dave Baxter joined the Board as a voting member at 8:05PM.

Case #2017-11, Martin and Melinda Towle, Henrietta E. Klefback, Brenda Kolbow, 85 Fogg's Lane, 2 Lot Subdivision, Map # 7, Lot # 3

Brenda Kowlbow, Engineer presented this case to the Board. She was also joined by Martin Towle and David Weiner. The applicant is proposing a 2 lot subdivision. They are requesting a total of 5 waivers. They are for non expedited application, the erosion

and sediment control plan, the storm water pollution plan, the maintenance plan, and the rare species section. Brenda believes that Tom Morgan's memo will be addressed upon the approval of the waivers requested. Brenda presented the fish and wild life inventory list, map showing no wetlands on the property, and a plan to help show the topography of the property. Janvrin explained that the expedited application request is not applicable. The following updates were shared regarding Tom Morgan's memo; Fish and Wildlife inventory mapping has been completed, No wetlands were observed, Non Expedited application, and a written statement from the Assessor renaming the lots is on file.

Janvrin asked about topographical contrast and there was no need for that. Morgan stated the section for procedure was merged together and the checklist will be updated. Morgan feels that the applicant has met the requirements. Janvrin stated as far as fees goes the area will not be disturbed. Morgan stated that they may have been some area of confusion in the regulations but the subdivision section has never been changed. Morgan feels the plan is very complete.

Motion:	Lowry	To Approve Case #2017-11 as Administratively Complete.
Second:	Chase	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn, Baxter

Janvrin stated that no meeting with Conservation Commission is needed due to no wetlands, waivers for section 4.500 should be approved, erosion - no disturbance, storm water - no disturbance, and no maintenance plan due to no disturbance. Janvrin asked on the plan shows gravel driveway the comments say impervious surface. Friberg stated because it is existing impervious surface and the noted on the plan it is fine. Chase asked if they have water and sewer to the lots. They do have two hydrants and two sewer man holes. Map 7 lot 3 already has existing services with nothing proposed for the other lot.

Motion:	Lowry	To grant the waivers from the letter from TSM dated April 17, 2017.
Second:	Rabideau	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn, Baxter

Janvrin stated two bill boards show on the plan and he thought they had only one. The signs are for Seabrook Inn and Kittery Trading Post. Two monuments will be set one on east side and one on west side. One lot has 215' feet of frontage and other lot has 430' of frontage.

Motion:	Lowry	To Approve Case #2017-11.
Second:	Kyle	Approved: Janvrin, Rabideau, Chase, Kyle, Lowry, Sanborn, Baxter

The Route 1 corridor widening has been dumped back into RPC. These things were moving along and we were hoping that we were 2 to 3 years out. Baxter suggests he and Morgan meet with Walker to follow up. Morgan thought we made the top 6 things were looking good. We need to involve our executive council at this point. Baxter stated that we are the only town contributed funds on the list. Market Basket came forward and said they may have a tenant for the old Ames but they are still in negotiations. They are saying the letter of intent for approval of a lease could be 30 days. Market Basket will take care of their front. Morgan feels we are in much stronger position now. Janvrin stated that the ZBA had a hearing for a place where the fireworks place once was and they may be looking for a variance to allow it again. There may be a sale of that property which may be purchased and it has not been redeveloped in a very long time. The right a way issue would disappear and would be over 6 figures coming in to help with the Route 1 widening cost. Nuke plant north will be taking care of by Market basket. Charlie's property is the only one left on that side. Chase feels we should meet with Prescott Executive Councilor. The State Representatives should reach out to invite the Governor, Executive Councilor, RPC and DOT. The meeting should be hosted by RPC in Exeter.

Morgan will reach out to Dave Walker to set up a meeting for the executive councilor and governor. Baxter asked if the Selectmen have discussed how much they will distribute to the Route 1 widening.

Janvrin stated that CMAK granting should be opened. Morgan will follow up with Dave Walker about the grant timing. Morgan will let the State Representatives know when the meeting will be so they can schedule more to attend.

Other

Janvrin stated that 2 Alternates did not take the oath of office. Mr. Don Hawkins notified the Planning Board Office that due to the fact he may be appointed to the Beach

Planning Board and he is a Beach Commissioner he asked that the Board give him a little more time to assure he can serve on all. Janvrin will reach out to Mr. Hawkins. Mrs. Paula Wood has not been in to take the oath of office her appointment expired March of 2017. If they are not interested we have two pending request to fill the seats.

Zalewski asked about the hotel on Route 286. No one is really allowed to claim that as a residence, no cooking facilities, and needs to be followed up on. No parking, no place cards, and they cannot register vehicles. Janvrin stated it is a domicile and Kyle stated it is not a domicile.

Zalewski will speak with the people involved with Stard Road storage. Kyle stated firecrackers are now legal in NH. Chase stated it is legal to buy them and sell them. Janvrin you can buy them and light them off up town but cannot light them off at the beach.

Janvrin adjourned the meeting at 8:43PM.

Respectfully Submitted,

Maria Brown, Planning Board Secretary