



**Town of Seabrook
Planning Board Minutes
Tuesday, April 19, 2016
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

MINUTES

April 19, 2016

MEMBERS PRESENT

Jason Janvrin, Chair, Don Hawkins, Vice Chair, Michael Rabideau, Aboul Khan, Ex Officio, John Kelley, Ivan Eaton III, Dave Baxter, Alternate voting member, James Sanborn, Alternate, Steve Zalewski, Code Enforcement, Tony, TEC, Tom Morgan, Town Planner, Maria Brown

MEMBERS ABSENT

Michael Lowry, Paula Wood, Alternate, Robert Fowler, Alternate

Janvrin opened the meeting at 6:32pm.

MINUTES

April 5, 2016

Motion:	Hawkins	To approve the April 5, 2016 Minutes with the following change; Motion to spend as little attorney's time as possible and as little tax payer money as possible.
Second:	Eaton	Approved: Janvrin, Hawkins, Rabideau, Eaton, Baxter Abstain: Khan, Kelley

CORRESPONDANCE AND ANNOUNCEMENTS

A letter of acknowledgement was received from Market Basket regarding the potential widening of Route 1 North.

The meeting on Thursday will be moved to 9:00am for the Route 1 subcommittee.

John Starkey sent an email regarding the update for the storm water permit. Janvrin stated that they are looking for anything the Planning Board has done this past year relative to storm water pollution prevention plans, and any enforcement activities. Tony from TEC stated that AECOM contacted them yesterday and they are working on the request. Morgan will work with TEC on this matter.

Janvrin stated that a tree will be planted at the town hall as part of the condition of approval for the Benoit Case. The tree has been purchased will be delivered on Wednesday of next week. The Liberty Elm Tree will be planted on Arbor Day April 29, 2016 at 11:00am at the Town Hall. The public is invited to attend.

Hawkins stated the request from DOT expenditure was already approved by the Selectmen to come from the exaction fees. Eaton asked if we have enough to pay the bill. Janvrin stated we have 1.2 Million in the exaction fund.

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2007-11, Beckman Woods Subdivision, 11 Beckman Woods Map #13, Lot #50, 51, 52, 53, 54, 67, 71, 90, 91

Mr. Green requested that the Planning Board would approve the request to go before the Selectmen for Road acceptance. Mr. Green has been plowing road for many years and would like to turn it over to the Town of Seabrook. Janvrin stated that he spoke with Starkey, DPW. Starkey is still concerned about the plantings and he would like them removed. Starkey would also like to see the areas seeded per the Planning Board conditions of approval. Janvrin feels this issue needs to be dealt with at the Town level and not the Planning Board. Khan stated the he doesn't see any reason to hold up the Road acceptance and he feels Mr. Green has done everything the Planning Board asked him to do. Khan asked that the Planning Board release their obligation and let the Selectmen handle the matter from this point forward. Tony from TEC stated that the grass is growing and he feels that the Roads are ready to be turned over to the Selectmen. Boyd stated that this case had legitimate concerns and the owner has addressed them all. Mr. Green has spent many hours and a lot of money to take care

of all the issues and the subdivision is beautiful. Boyd feels that the subdivision has the nicest Roads in Town.

Janvrin asked if we had any abutters that wish to speak.

Abutter Mr. John Watkins stated that he felt that this matter was all set after the last Planning Board meeting. He was under the impression that the plantings were not an issue. As of yesterday he had an area in front of his driveway covered with grass seeds and his stone was removed. Mr. Watkins feels the Board needs to agree or not on this matter. He feels like he needs to put his shrubs on rolling carts so he can remove them and put them back when no one is looking. He will have to buy more stone for the area at the end of his driveway to fill it back in. Hawkins has no problem with people trying to make their homes look better. Hawkins feels that Starkey will say he doesn't want to be buying shrubs when his crew plows the snow on top of them and doesn't want to be planting grass or replacing plantings due to pushing snow off the Road. Janvrin likes what they did in the development and if DPW is plowing his plantings they would be taking out the mailbox and telephone pole. The property owner has agreed to sign a release for the Town that if he has any damage to his plants he will not ask the Town to replace them. Janvrin stated on the flip side Mr. Green has been told by Starkey what he wanted him to do. Boyd would like us to understand that part of the agreement stated the home owners agree to maintain the property to the pavement. Boyd would not encourage everyone in the subdivision to plant out to the sidewalks as it may cause drainage issues. However he feels that Mr. Watkins is at a high point and he is one of the two properties in the entire subdivision that has plantings which would not interfere with the drainage. Boyd agreed a hold harmless agreement may be a good idea and he feels that Starkey has enough to do without worrying about damaging plantings. Khan stated that if the Planning Board decides to let the Selectmen take over the Road decision they will also hear from the Department Heads. Khan stated that the Selectmen will visit the subdivision and see if they are ready to take over the Roads. Janvrin asked for the name of the three streets and they are Locke Lane, Halls Way, and Holman Court. Boyd will re-submit hard copies of the paper plans and a digital copy of the as-built. Baxter was wondering if the Board should include the two properties that would not cause any drainage issues and would like the plantings to remain. Janvrin feels the DPW would take a letter of release on the plantings. Eaton made a motion to include a condition that the two properties owners sign a letter to releasing liability to the Town for any damage caused to the plantings. Mr. Green stated that he cannot compel anyone to sign anything and this will be Town property. He asked that before a condition is put on that he cannot satisfy as one owner will not sign to please reconsider not making it part of this vote. Eaton stated that the property is Mr. Green's and he can sign the letter of release. Mr. Green stated again he will no longer own the Road once the Selectmen accept them.

Motion:	Eaton	The Planning Board recommends that the Selectmen accept 11 Beckman Woods Subdivision Roads, Halls Way, Locke Lane, and Coleman Court as Town Roads.
Second:	Hawkins	Approved: Eaton, Hawkins, Khan, Janvrin, Rabideau, Baxter, Kelley

Case #2016-02 - 103 Ledge Road – Proposed Use – for personal auto storage and repair of vehicles, Map #5, Lot 80/#7

Mr. Mitchell presented to the Planning Board on behalf of the owner Gretchen Grasso. Mr. Mitchell and Mr. Noonan attended the TRC meeting and had an opportunity to speak about the concern and how to fix it. The only concern he can recall was the 16 gallon storage container. The applicant has since satisfied that by adhering to the 5 gallon container ordinance. Janvrin asked if he has seen the memo regarding a conditional use permit. Morgan concurs that this case falls under the conditional use and the applicant will provided a spill prevention plan. Hawkins asked if the spill prevention plan was in our file. Janvrin stated not at this time. Mr. Noonan will have spill kits onsite and a written plan for a potential spill. Mitchell stated that Mr. Noonan would need a business license and wondered if it was fair to say that the spill prevention plan would be part of that. Janvrin stated the business license is handled by the Board of Selectmen and he didn't have the answer for that question. Janvrin feels if this Board decides they will approve the use and make the spill plan a part of the conditions. Janvrin stated that the spill plan should be giving to the Planning Board Office, Water and Sewer Office prior to occupancy. Tony from TEC stated that the spill prevention plan should spell out who Mr. Noonan would be calling in the event of a spill. Janvrin stated that most people in the area use safety clean. Janvrin brought up the ventilation requirements. Zalewski stated he felt that was a building issue for his office to deal with. Khan asked if Mr. Noonan would put one of his cars in the Memorial Day Parade. Mr. Noonan stated that he would.

Motion:	Janvrin	To approve case #2016-02 with the following conditions; 1) Applicant will provide a spill prevention plan to the Planning Board, Water Department, and Sewer Department prior to occupancy, 2) Security to be set at zero, 3) All outstanding
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		invoices paid prior to the Chair signing the Notice of Decision.
Second:	Hawkins	Approved: Hawkins, Khan, Janvrin, Rabideau, Baxter, Kelley Opposed: Eaton

Case #2016-4, 19 Rocks Road, Site Plan Review, Proposed use – storage of cars for sale and 3 cars outside in proposed parking area, Tax Map #7, Lot #99

Baxter excused himself from this case as he is a neighbor.

Mr. and Mrs. Raymond and Jennifer Mace presented this case to the Board. Mr. Mace has been in Business in Seabrook for over 30 years. Mr. Mace had a car Business at this address before. Morgan asked everyone to see the recommendations from the TRC. The Zoning Board of Adjustment granted a special exception in September of 2003 with the following conditions; hours of operation be 7:00am – 5:00pm, Saturdays by appointment only, and closed on Sundays, limit of 8 cars onsite all must be stored inside, no repair done onsite, and no uninspected vehicles onsite. Hawkins asked if the exemption granted goes with the property. Morgan stated that he believes it does. Mr. Mace stated that the only difference with this application is that he be allowed 3 cars outside in the parking area and he will put in a 2' swale as requested along side of the pavement in the parking area. The parking area for 3 cars is not a new paved area it was an existing area. This property was in 2R when the applicant went before the Zoning Board and it is now in 6M North Village. The applicant has 100' of frontage. Khan stated that the applicant has 4-5 cars parked on the property every day. The applicant has 6 cars that they privately own. Mrs. Mace stated that all of the cars for sale including the Business are in the backside of the property and the only thing out front is a sign. They will have no cars for sale in the front yard. Eaton stated that they can have no uninspected cars on the property. The applicant stated that all his cars will be inspected not registered. Hawkins wondered why this ever went before the Zoning Board. Janvrin feels that the variance is null and void and this case falls under the 6M North Village ordinances. Morgan suggested the Board look at it as a home occupation. Janvrin stated that would fall under the conditional use permit. Khan stated that Ray has sold cars for years and what is the difference this time. Mr. Mace would like to have 3 cars outside in the parking lot. World of Wheels is grandfathered and has not been closed for a year at anytime. Hawkins asked if car dealerships are permitted in 6M. Morgan stated no it is not. Hawkins stated that Mr. Mace has an exemption that allows the applicant to have more cars on the lot. Janvrin feels the Planning Board is bound to the ZBA decision and that the applicant will have to go before the Zoning Board again to

have the 3 vehicles outside for sale. Mr. Mace stated if all he can have is indoor storage for now that will be fine. Hawkins asked that Morgan if the special exemption stays with the property forever. Morgan believes that it does stay with the property. Eaton has properties with conditions and it stays with the property. Hawkins asked if the next owner will have the rights to the same use. Hawkins asked if the Board has the authority to reinstitute the special exception. Morgan stated they cannot and reminded the Board that the ordinance changed. Morgan is looking under home occupation. Janvrin stated that they will ask Mr. Mace questions for a home based Business and see if he meets the criteria's set. Morgan asked the questions and the applicant met all the criteria's set for a home based Business per the ordinance. Janvrin stated that the Board can permit a conditional use permit based on the home based Business criteria.

Motion:	Khan	That Case #2016-4 is administratively complete.
Second:	Janvrin	Approved: Eaton, Hawkins, Khan, Janvrin, Rabideau, Kelley *Baxter excused himself from this Case as he is a neighbor.

Motion:	Eaton	To approve a conditional use permit for Case# 2016-4 with the following conditions; 1) Applicant will have no more than 11 cars for sale on this property for this property, 2) All outstanding invoices must be paid prior to occupancy, 3) Security set at zero
Second:	Janvrin	Approved: Eaton, Hawkins, Khan, Janvrin, Rabideau, Baxter, Kelley

Baxter suggested we have the Route 1 update for discussion at our work session on May 3, 2016. Janvrin would like everyone to look at the conditional use and discuss at the work session.

Janvrin recessed the meeting for 10 minutes 7:27pm and returned at 7:37pm.

CONDITIONAL USE PERMITS

Home based Business's and portable storage containers fall under the Conditional Use Permits. Janvrin stated at this time we have no place on our applications for Conditional Use Permits nor do we have a set fee. Janvrin reached out to RPC and several other Towns to see what they are doing. The status does require us to notice abutters with a conditional use permit. We have a few coming forward in residential areas and our Zoning states we need to have something in place. Hawkins suggested we add conditional use permits to our agenda for the work session. A new business has to go the Board of Selectmen for a Business License and home based Business is exempted from the fee. The Planning Board will continue to have the abutters notice fees, public notice fees of \$150.00, administrative fees \$150.00, and we need to set a conditional use permit fee. Jason suggested that we set the fee at \$100.00 which could be justified. We are capturing the Planning Board cost.

Motion:	Janvrin	To approve adding condition use to our table with a fee of \$100.00 plus administrative fee, public notice fee, and abutters fee.
Second:	Eaton	Approved: Janvrin, Eaton, Hawkins, Rabideau, Kelley, Baxter, Khan

Respectfully Submitted,

Maria Brown, Planning Board Secretary