



NOT OFFICIAL UNTIL APPROVED

Members Present: Jason Janvrin, Chair, Donald Hawkins, Vice Chair; Francis Chase, Ivan Eaton III, Michael Lowry, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, engineering peer reviewer, TEC;

Members Absent: Alternate; Paula Wood, Alternate, David Baxter, Alternate; John Kelley;

Hawkins opened the meeting at 6:58 PM.

MINUTES OF MARCH 17, 2015

Janvrin asked for comments on the March 17, 2015 Minutes; there being none.

MOTION:	Chase	To accept the Minutes of March 17, 2015, as written.
SECOND:	Lowry	Approved: Unanimous

MINUTES OF APRIL 7, 2015

Janvrin asked for comments on the April 7, 2015 Minutes; there being none

MOTION:	Chase	To accept the Minutes of April 7, 2015, as written
SECOND:	Lowry	Approved: Unanimous Abstention: Khan

SECURITY/EXTENSIONS/ROADWAYS

Case # 2013-15 Waterstone Retail Development

Attending: Arleigh Greene

Janvrin referenced the field report of Jim Kerivan of Altus Engineers concerning status of construction and the potential return of security. Janvrin said it would be prudent to wait for Kerivan to check with the department heads. Greene commented that he had not known of any delay. They were working on Provident Way; the mast arms for the signal were in place. NextEra had agreed to tapering the roadway after the signal and that work should commence in about 15 days.

CORRESPONDENCE/ANNOUNCEMENTS

Janvrin reminded that the CAW workshop and scientific findings was scheduled for April 30, 2015 at the Discovery Center in Stratham at 5:30PM.

Janvrin called attention to the May 2, 2015 Office of Engineering and Planning Conference scheduled for May 2, 2015, and said interested Board members could contact the Planning Board Secretary by April 24, 2015 to arrange for the reservation and fee payment. There were 6 informative plenary sessions including on planning and transportation issues.



Case #2014-10 DDR, Outback Restaurant

Attending: Anthony Smith, Blooming Brands

Appearing for the Applicant: Mike [redacted], contractor;

Smith explained that the pylon sign had to be relocated because it was over a gas line. Janvrin asked the distance from the SUNOCO Station. Mike [redacted] said there was a 15 foot setback; Janvrin said it looked more like 30 feet. There could be no changes to the sign dimensions. Zalewski said the bottom of the sign should be 6 feet above the platform; the sign set-up was ok; he had no other issues. Hawkins asked about the road setback. Morgan noted that the new location was not grandfathered; it would be 15 feet. Lowry thought this would be a minor change, and asked if abutters had to be notified. Morgan said it was up to the Board – either way.

MOTION:	Hawkins	to find the request of Case # 2014-10 to relocate the pylon sign a minor site plan change.
SECOND:	Khan	Approved: Unanimous Abstention: Lowry

MOTION:	Janvrin	to waive jurisdiction to the Code Enforcement Officer for the relocation of the Case #2014-10 Outback Restaurant pylon sign, provided it meets all of the regulations for Zone 6M.
SECOND:	Chase	Approved: Unanimous Abstention: Lowry

Janvrin announced that the Goodwill Industries ribbon cutting would take place on April 29, 2015.

Janvrin announced that the Outback Restaurant would open on May 4, 2015 at 5:30 PM

SITE SECURITY - continued

Case # 2014-29 Greenhead Lobster

Attending: Boyd Dodge

Appearing for the Applicant: Arleigh Greene;

Janvrin called attention to the form of letter of credit for Case #2014-29, explaining that the Board’s policy was for a payment demand to be made in New Hampshire under NH laws. Although People’s United Bank had branches Hampton and other New Hampshire branches, they were insistent that the demand be made only by express courier to their headquarters in Bridgeport, Connecticut; the Bank was unwilling to allow presentation in New Hampshire. Janvrin had conferred with the Town Treasurer who said the Bank had a 3 day period after the demand to make the payment by check to the Town. He noted that the letter of credit would be “construed by the laws of New Hampshire”.



Hawkins said in the past the Board's counsel had been adamant that New Hampshire law apply, and the same with notices. He wanted to bounce the wording off counsel and to make no changes without counsel's ok. The letter of credit should be sent to counsel for confirmation - ok or not. It would be too risky to get this wrong. The Applicant wanted to break ground as soon as possible; the earliest preconstruction meeting would be the next Monday provided counsel was ok with only the reference to New Hampshire laws. Janvrin was ready for a vote to allow the Chair to sign the plans. Chase thought about waiving this provision overall. Hawkins thought the one different item would be a minor change once the Bank provided the executed letter of credit.

MOTION:	Chase	to request the Planning Board Attorney to review the language in the letter of credit draft from People's United Bank provided by Greenhead Lobster on April 21, 2015; if the attorney expresses his satisfaction in writing, and the executed letter of credit has been provided, the Planning Board Chair shall be authorized to sign the siteplan and the preconstruction meeting can be scheduled.
SECOND:	Lowry	Approved: Janvrin, Hawkins, Lowry, Chase, Khan Abstained: Eaton

Greene asked if Greenhead could start clearing in advance of the preconstruction meeting; they would mark the buffer zone. Zalewski said they could apply for that site work permit.

ACCESSORY BUILDINGS

Zalewski said his reading of the regulations is that one building per lot included accessory buildings. There was no definition of "main building" – as not a dwelling unit; only one building per lot was allowed. He asked for suggestions from the Board. Janvrin asked for Morgan's view. Morgan said they could accomplish the goals by consolidating family apartments and duplexes. Janvrin referenced the page Z3 definition. Morgan preferred to use "principal building" not "main building". Zalewski wanted a definition. Eaton recalled that when he wanted to build a shed, the former CEO said it needed to be attached because there was one building on a lot. Morgan disagreed with that position – look at the context. Chase an accessory building to live in could be up to 750 square feet. Zalewski repeated that "building" meant one per lot. The question was about 2 buildings or dwellings. Hawkins said that Zalewski was pointing out a conflict in the zoning in re 1 or 2 buildings on a lot. Zalewski expressed the need for a short term fix. Morgan said that Section 7 referenced 2 residential buildings. Hawkins said there was still a conflict.

Morgan thought to improve the wording on Section 5 and do the best on interpretations in the short term. Hawkins wanted to know how to clarify and fix conflicts. Morgan said to state the vision. Hawkins said to enable the Building Inspector to resolve this or go to the Zoning Board of Adjustment, and this should be established now. Morgan noted this could be considered administrative gloss; counsel could explain this. Hawkins said if there were no limit to the number of accessory buildings it would be a mess. This must wait for the Town Meeting. Janvrin asked to clarify the intent so the CEO could proceed. Zalewski thought the reference might be to coverage on the lot and the intent to allow accessory buildings, until the language could be fixed at the Town Meeting. Morgan said adoption by the Board could be after Labor Day. Janvrin asked



Zalewski and Morgan to confer, to consult the Master Plan as a guide, and produce a mark-up for the next work session. Hawkins wanted to discuss what the language should be at the next work session, and then make the changes. Chase asked about a single family dwelling plus one shed. Eaton said it had to be built on to the first building. Hawkins said it was unclear as to how many buildings were allowed. Zalewski said it was not his intent to limit the number of accessory buildings.

OTHER BUSINESS

Us Foods Permitting

Zalewski said that US Foods had a partial permit and wanted their full permit; Zalewski and Friberg would need to inspect overall. The issue was whether the final certificate of occupancy for the building could be granted at this time. The parking and sidewalks were close to completion. There had not been a request for return of security. Hawkins said that jurisdiction had been granted to Zalewski for the primary building; that should cover the certificate of occupancy. Eaton said signage identifying the entrance was needed. Zalewski agreed because the trucks that go further than the entrance cannot turn around, so they have to back up. Also they have been told they cannot queue up in the road. Chase suggested using a digital message sign in the near term. Hawkins said this would be the company's responsibility. Janvrin asked if the site work was ok. Zalewski said it was for the main facility to open in about 2 weeks. By consensus, the Board supported Zalewski moving ahead.

MAPS

Zalewski asked when the zoning maps would be available. Morgan said he was in a computer transition. Zalewski asked if they could be justified with the tax maps. Morgan said an overlay could be created.

SB146

Janvrin called attention to an email provided by the Chair of the ZBA concerning the proposed legislation in re accessory apartments. Morgan said there had been amendments. Chase said this had been addressed at the Rockingham Planning Commission Legislative Policy Committee (Kravitz is the Chair); this legislation would override town zoning. Chase said the House County and Municipal Committee would discuss this in executive session.

SUBCOMMITTEES

Janvrin said that each subcommittee should have a clear structure and purpose.

Impact Fee Subcommittee

Janvrin reported that the Town Meeting had passed the Impact Fee Warrant; volunteers were needed. He had asked Hawkins to head up the subcommittee for implementation of the impact fee ordinance; Chase had volunteered to serve. Janvrin would send letters of invitation to participate on this committee, and intended to attend the May 14 Budget Committee meeting, and also the School Committee Meeting to gain a balanced perspective. Hawkins said there would be issues, and town workers would have to gather data for the calculations, for example buildings square footage. Janvrin said help was needed to do the leg work. Hawkins' proposed to have the consultant provide the structure and information needs. There might be some cost; the Town Manager could find that money in a \$20,000,000 budget.



Sign Committee

Janvrin said that Chase had been leading this subcommittee; Eaton and Zalewski would serve. Chase would get the group together, noting that information had already been gathered. The next step would be to compile and digest the information and then make recommendations. Eaton will contact others to serve. Chase emphasized that this affects businesses now.

Grants and Economic Development Subcommittee

Janvrin would serve on this subcommittee and intended it to convene in May. Others participating would be the Town Manager, the Treasurer, and a representative from the Budget Committee. The objective would be to decide what to pursue, and to seek grant opportunities e.g. Fire and Police Departments, DPW, Library, Schools, Rail Trail. Eaton asked about hiring a grant writer. Janvrin said the subcommittee will first recommend the path; RPC could give assistance.

Route 1 Corridor Subcommittee

Janvrin said that Baxter, Eaton, Chase and he had shown interest and would meet together. He noted that if 4 or more Planning Board members attended a meeting there would need to be prior notice and minutes.

Janvrin wanted to avoid overtaxing individuals by being on too many committees. This discussion was more like a work session. Future work sessions would be in June or July. Subcommittees would report at each work session and sooner if needed. Morgan commented that he and Hawkins attended a Coastal Risk and Hazard Meeting and thought that some of those presentations would be appropriate for work sessions with data and GIS. Hawkins said town specific data was available. Morgan said the need would be to interpret the data. Hawkins said that GIS layers could make various data transparent over time.

Meeting Room Improvement

Chase asked if there would be a new table for this room. Khan said the Town Manager was considering this. Chase recommended a wall monitor so that the audience could see displays. Janvrin suggested that the screen could be bifurcated.

Exaction structure

Khan asked if there was exaction money that could be used to buy equipment. Hawkins said to use money from the Kohl's donations and continue with exactions to pay off other obligations (check 09-07-07 minutes). He thought that the Waterstone donation would be sufficient for Route 1 south of Route 107, but not enough for Route 1 north. Janvrin said no strings attached. Hawkins said the Town Manager had options. Khan said to talk with counsel and report for the next meeting. Hawkins said the Town Manager was already doing this and had options. The town was in good shape. The problem is that the state wasn't good about showing the cost figures. District 6 knows, but other NHDOT departments ignore this.

Janvrin adjourned the meeting at 8:35PM.

Respectfully Submitted

Barbara Kravitz, Secretary
Seabrook Planning Board

Town of Seabrook Planning Board Minutes
April 21, 2015 draft #2 Page 5 of 5