



**Town of Seabrook
Planning Board Minutes
Tuesday, May 3, 2016
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

MINUTES

May 3, 2016

MEMBERS PRESENT

Jason Janvrin, Chair, Don Hawkins, Vice Chair, Michael Rabideau, Aboul Khan, Ex Officio, John Kelley, Michael Lowry, Dave Baxter, Alternate nonvoting member, James Sanborn, Alternate nonvoting member, Steve Zalewski, Code Enforcement, Rick Friberg, TEC, Tom Morgan, Town Planner, Maria Brown, Planning Board Secretary, Aeriss Felch, Planning Board Clerk

MEMBERS ABSENT

Ivan Eaton III, Robert Fowler, Alternate

Janvrin opened the meeting at 6:35pm.

MINUTES

April 19th, 2016

Motion:	Hawkins	To approve the April 19, 2016 Minutes
Second:	Rabideau	Approved: Janvrin, Hawkins, Baxter Abstain: Khan, Wood

CORRESPONDANCE AND ANNOUNCEMENTS

Janvrin stated that a simple ceremony took place for the planting of a Liberty Elm Tree on Arbor Day. The Elm Research institute gave the Town of Seabrook a Plaque to be placed on the Elm Tree when it is old enough to be done. There is also an opportunity for the town to place one of these trees in a pot to be planted in honor of a loved one, family member for \$99.00 per tree, which is tax deductible. That also comes with a plaque. Janvrin state that if the town sells fifty trees they would donate to the town a plaque commemorating 250 yr anniversary in 2018. Janvrin stated that the board members did not have to take any action on this.

The Planning Board received a Memorandum from an abutter, concerning Case # 2016-5, 270 Lafayette Road, Wal-Mart Stores, Inc., (please refer to copy of memorandum attached). Friberg stated that the importance of cross connections. The plans for the cross connections will be presented at the next TRC meeting, which will be on May 17, 2016. Wood stated her concern on behalf of the cross connection and Boynton lane.

NEW CASES

Case #2016-5, 270 Lafayette Road, Walmart Stores Inc., C/O Bohler Engineering, Brixmore GA Seacoast Shopping Center, LLC, 2 – Lot Subdivision, Map #9, Lot #49

John Arnold from Hinkley Allen, representing for Walmart, was present at the meeting. He stated he was there for questions and concerns from the board members. Wood had concerns pertaining the maintenance and upkeep of the lot. Wood asked if the condition of the property could be maintained and kept better. Wood went on to ask if the fence along the backside of the lot, along Boynton Lane, could be maintained and kept due to the growth of weeds and invasive species. Janvrin had asked that the rail way project would not be touched or effected and stated that there was an unregulated drive-thru and had asked that presently the town of Seabrook does not have authority of the thru way; Mr. Arnold had said that there would be no changes to the thru way, no changes to the railway. Janvrin added that the flood drains and drainage systems have not been maintained, and that the drains overflow and invasive species are on the north side of Boynton lane. He asked if the drains could be better kept.

The cross connection public safety department needs the cross connection open, so when something is built on the Shaw's project and the service door is there because it is extremely narrow. Walmart members need to meet with the TRC and the fire apparatus.

The cross connection and easement would be we will hold off on administrative and the case will be heard at the TRC meeting on May 10, 2016. Janvrin then asked if Mr. Arnold would need further time, from the TRC date, to add and revise anything from the site plan and case. Mr. Arnold said he believed they would have everything together for the next Planning Board Meeting date which will be on May 17, 2016.

Janvrin gave the approval to continue case #2016-5 for hearing in front of the TRC on Tuesday May 10, 2016 and hearing in front of the Planning Board on Tuesday May 17, 2016.

OTHER

Rt. 1 Committee Update

Baxter and Hawkins both discussed the matter of the Northern part of US 1 in Seabrook.

Dave Walker was contacted Via Email, which is attached to the board packets (refer to printed email).

Market Basket was invited to the meeting and they sent two representatives to the meeting and they said they are trying to find tenants for their property but until they do, they have no plans to do anything on or in the plaza and unless they do, there will most likely not be any opportunity for the DOT to say okay you need to handle your front door during the construction period, because of course Market Baskets financial situation had drastically changed last summer, so they look at projects differently and evaluate them differently and cost is most certainly an issue. When the DOT is saying, you must do this, this, and this, they take longer and if Market Basket says they are ready to put in an application with the planning board, we have to make sure that we have our ducks in order. Dave walker agreed that trying to get some design work done before that happens is a good idea. We need to sit down with them and ask how to go about the project. At least with Rockingham planning they agree with the order of how things are planned out. Everything will be done according to if Market Basket redevelops, and when they do.

Master Plan/Coastal Hazards Update

Minutes from the TRC meeting on April 12, 2016 are attached to the Board members packets. There was a subcommittee meeting on behalf of the issues of the public notices. Draft document in June to the planning board for the members to review in July.

Billing/Invoicing

The Planning Board has been working on taking-back-over the billings and invoicing, due to the Planning Board working within its own entity; in doing so, Brown and Janvrin noticed that within the past six years, there are businesses who have either defunct and owe the Planning Board money. There was a case and a business owner who had passed, and since, it was brought to the Planning Boards attention via phone call, from a business owners ex wife, stating that while cleaning out documents and old files, she came across a bill from the Planning Board, stating that her husband had since passed and due to this, she was not sure how to pay or go about the process of paying for the debts (thought it is a small fee). Janvrin stated that there are many cases that have outstanding invoice balances, dating back to five or so years. It has been written in the audit report, that when a great sum of money is due, we continue to bill the business and necessary fees. Janvrin stated that within the past two years or so, the Planning Board has taken in \$15-16,000. Janvrin's main question to the Board is that, when we find someone who we know will not be able to pay what is owed to the planning board, back, what is the practice of which we should go upon.

Hawkins spoke and said that the practice has changed as of two years ago; before then, we never booked any money or income, until we collected it. It was then changed so that when we invoiced someone, it got booked as revenue and we set up an accounts receivable. As time would go by, the account would show the aging of the accounts receivables. When money has been booked onto the towns books as revenue and so until you collect it does not come off the receivables. If you d decide to write off uncollectable accounts you will lower your revenue for the current year. Hawkins said that before he would decide that was a good practice, we should put in a very significant amount of effort into trying to collect the money owed and we should investigate weather or not there can be a lean placed on the property you should not assume that just because the property is old, we should not try to collect. If we do not put in efforts to collect and investigate a property or business, and instead just write it off, what the result would be is the towns' tax payers will then be paying for the fees and property. Do everything we can to collect. Auditors always want clean books and will do anything and everything to write things off. As soon as you determine they are not collectable. If someone dies, you can always collect it from the estate. Janvrin added, to let the board

know, Maria has been calling accounts, trying to get money owed to the board into the office. Maria has collected around \$16,000 just in overdue balances to the planning board.

There was a case that was brought to the Boards attention within the past week; it was for \$214 on a subdivision. Since, this person has passed away and has no estate to put a lean on and his ex wife has called the office and ask if we consider paying it off. It was for \$214, Janvrin then asked if the board would possibly make a vote to write off the amount.

Motion: Baxter	To approve the write off of \$214 owed to the Planning Board, due to the passing of the property owner whom has no estate.
Second: Wood	Approved: Hawkins, Rabideau, Baxter, Morgan, Khan, Lowry

Conditional Use

Janvrin stated that the fees have changed for a home based business.

There is an allowance for a home office as a forbidden use in all zones except for zones 4 and 5. The only problem with that was there is only an allowance for no more than 3 employees-meaning vehicles which are needed to drive to and from work. The problem with everything outside of the business is the main concern due to neighbor complaints. For a conditional use permit, the fee would be \$100, an administrative fee of \$150 and public hearing notice fee of \$150, plus abutter fees at whatever the current postage rate is--this would be a good course to take if it was going to have an impact of the abutters and administratively the Planning Board will take a lot of time to go over the case but if we took the approach of buttering down the guidelines for conditional use properties, a very short review and abutter fees. If a business owner could show the board what they are doing at the property, and if there is anything more going on outside of the home business, it would be a different situation. If hours of operation, trucks, and employees go past a certain threshold, there will be no enforcement authority to make it cease. Janvrin stated that this could become an issue. A home office with one vehicle parked in the homes driveway, and work away from home, when he came into the building department to get a business license, he was informed he had to pay a permit fee at 100 and 150 administrative fee and \$150 for public notice and the abutter fees, the calculation was almost 600\$. Prior to the Planning Board taking control over the conditional use permit, it was 0. The fee has been waived to 0. If a home office and one

vehicle registered to the address, 600\$ starting out as a home based business is a hefty fee.

Don Hawkins stated that the only reason the Planning Board thought it should be involved in the conditional use permit, were the complaints from neighbors.

Steve was asked to create a checklist of some sort to bring to the next Planning Board meeting, which would be a simpler way of defining and deciphering the differences between a home-based business and an actual business conducting their practices in and outside of their property.

A checklist pertaining of two or so columns should be made up. Basically stating that, if you end up only fitting into the "A" column, without checking anything in the "B" column, you should be able to go ahead and get your business license. If there is anything checked off in the "B" column, you will then have to get your conditional use permit, etc.

Janvrin closed the meeting at 7:55 PM.

Respectfully Submitted,

Aeriss Felch, Clerk