



Town of Seabrook
Planning Board Minutes
Tuesday, June 7, 2016
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

MEMBERS PRESENT

Jason Janvrin, Chairman, Michael Lowry, David Baxter, James Sanborn III (Alternate voting member tonight), Aboul Khan, Michael Rabideau, Stephen Zalewski, Code Enforcement, Rick Friberg, TEC, Maria Brown, Planning Board Secretary, Aeriss Felch, Planning Board Clerk

MEMBERS ABSENT

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

Janvrin opened the meeting at 6:33pm.

MINUTES

May 17, 2016

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| Motion: | Janvrin | To approve the May 17, 2016 Minutes as written |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn Abstain: Khan |

CORRESPONDENCE/ANNOUNCEMENTS

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

Applicant requested a continuance until June 21, 2016.

Grant Funds

Janvrin, Friberg, and Mr. Morgan have spoke about the \$300,000.00 total grant money available for coastal adaptation. The Applicant must request a minimum of \$40,000.00 and a maximum of \$100,000.00. This grant has a match requirement of 50% which would be \$20,000.00 for a \$40,000.00 grant. Janvrin stated that we have several recommendations for the Master Plan over the next 10 years and he would propose that the subcommittee along with the Rail Trail Committee work together on this Grant. The Grant is due by July 21, 2016. Janvrin mentioned the dam, stone arch, and flood zone property would be an area to focus on and use this Grant money for. Janvrin stated he will have the agenda posted for the meeting.

The Planning Board Application will be reviewed at the end of the meeting.

The memo from Mr. Moore will also be discussed later.

ONGOING CASES

Case #2016-05, 270 Lafayette Road, Walmart Stores Inc., C/O Bohler Engineering, Brixmore GA Seacoast Shopping Center, LLC, 2 – Lot Subdivision, Map #9, Lot #8-49

John Sokul from The Law Firm Hinkley Allen and Snyder is representing the Wal-Mart Stores and Mr. Nathan Mahonen from Bohler Engineering.

On behalf of both Wal-Mart and Bohler Engineering, both Mr. Sokul and Mr. Mahonen stated they have adjusted their plans and added the requests of the Planning Board and TRC Members. They added the overall layout and operation of the site, the maintenance plan, outlined existing utilities on both lots, submit an Operation Maintenance Plan for Wal-Mart's proposed lot 1. TRC and the Planning Board Members shared their concerns of illegal dumping behind the facility and as a result the property maintenance team has been contacted and is aware of the illegal dumping and has been called to do onsite maintenance and clean up. This clean up will be on a weekly or monthly basis, until the lot is sold to a new tenant.

The garden center currently has a drain in the ground, and if the new tenant of the building does not need or have any use for the drainage it will be removed. The drain will be pumped out as needed. They have also agreed to the cross connection which connects the shopping center to Boynton Lane which is displayed on the most recent plans submitted to the Board.

Additional recommendations that were brought up by TRC and board members relevant to Lot #2 are the number of valves on both lots vs. the number of occupants. Brixmores property owner looked into this and said there are 3 valves on site. The 3 known valves

are located at Wal-Mart, one for the old Shaw's location, and one for the inner/middle stores on the lot.

On the Brixmore site, the town had requested a granted access for the cross connect over the Rail Road tracks, in case of emergency. They stated they are fine with granting the easement to the town. There is a shut off valve that is not working to the rear of the old Shaw's building, the property manager is reaching out to the water department to get this resolved. As far as drainage and storm water drainage Brixmore is not opposed to a drainage plan, much like the one set up for Wal-Mart and they are looking at this to see how it compares with their other shopping centers.

The other concerns the board had were a request by The Town of Seabrook with respect to a point of access at the rear of the shopping center which goes across a railroad track into the Seabrook Public Library and other municipal buildings. The piece of land is on the plan, which crosses the railroad track. The original request from TRC was that Brixmore was willing to maintain the status quo. Mr. Sokul stated that he went to observe the 'through way' earlier that afternoon, because he was not exactly sure what it was. He stated that what he observed was many vehicles using the throughway, also stating he could not believe how many 'out of state' cars travel that path. Mr. Sokul stated that he had concerns that once the Rail Trail is up and running, and being used by many town members, they do not want the rail trail users to be using the parking lot(s), disrupting their new tenants business, and them having to explain to new tenants of the buildings that on the weekends there will be at least 10 or more spots on their lots that will be taken up by the rail trail users. Janvrin stated that presently, the crossing over the tracks is not sanctioned by the State of New Hampshire who owns the property. The town of Seabrook has interest in opening that and one of the things they need to do is present a formalized agreement to the New Hampshire Department of Transportation, between Brixmore and the Town of Seabrook stating they will allow entry, and exit, to and from their lot(s) from the crossing of the railroad track area. Khan spoke on behalf of the town, and the selectman, stating that to have an actual paved through-way in that area is a goal, of the towns. There is also not a formalized entrance way, with signs, stating that the through way is open to public vehicles. Mr. Sokul brought up that upon his brief visit to the crossway, he saw the only sign that was up, he stated that the throughway was only to be used by Emergency or Authorized Vehicles only. Mr. Sokul said, Brixmore will agree to grant the general public right away access to the cross way, under a couple of conditions: they do not want to have to maintain the property, they do not want to be held responsible for signage, and they do not want to be held responsible for informing their new tenants, in the future, that their parking spaces will be used by the rail trail users. Janvrin and Khan both spoke and stated the town will make sure that those conditions are adhere to the agreement of Brixmore that grants just the general public right away. Khan spoke and stated that one of the

conditions of the Planning Board will not allow the rail trail users to not park on their lot and use their spaces. The town will make sure that one of the conditions of the approval is that the Planning Board will not allow the rail trail users to park on their property. Janvrin said he cannot speak to that. Grant an easement to the general public to the benefit of the general public. Safety and Parking are the only concerns. Jason stated that the Town's anticipation is to place signs. The town of Seabrook does not yet own the property and any agreement will Subdivision approval and timing wise. Janvrin asked for a memorandum of understanding upon both lots. Morgan stated that it would be in Brixmore and Wal-Mart's best interest to bring the points up that the current throughway, over the tracks, is an access point and way used by many. Morgan stated that it will benefit the operations of the tenants to have that access open. We know there is not a pedestrian connection. Janvrin asked if they would be willing to produce a memorandum for the Planning Board. It is a good idea to take the storm water and drainage plans to the registry to be recorded. Janvrin asked if the manual for lot 1 would also be the manual for the second lot. Janvrin asked Friberg if the board is going to want to see an updated trip generation for the exaction fees. Janvrin asked if they could somehow superimpose a storm water manual now that the lots are being subdivided, Janvrin wants to make sure that all the subdivision conditions are made. Storm water infrastructure that is currently there has the storm water from lot 1 naturally running off onto lot 2. Janvrin asked that if they are granted the right to subdivide, the pylon sign on RT 1 was not on the property owned by Wal-Mart. The sign is on the TD bank property. Lot 2 will have off sight signage and lot 1 will also have offsite signage. At some point after the subdivisions, they may have to go to the zoning board of adjustments for the signs. Janvrin asked for more input from the board on the cross connection onto Boynton lane. Janvrin said the abutter had posted escrow to pay for the work needed to have the cross connection done. We are just looking for an access easement for the benefit of the general public to grant access between lot 1 and the adjacent lot. Mr. Sokul stated that they are in support and are willing to do this. The memo from accessing stated that map and lot number need to be separated. Morgan stated there were no zoning problems.

Baxter spoke and stated he owned the Former Wendy's, now Amatos, Baxter stated there was a chain linked fence that was on Brixmore side of the property and he stated it would be a good idea to remove the fence due to visibility from Rt 1 South. Baxter stated he personally contacted Brixmore with this concern and matter. Brixmore said they are willing to allow Mr. Baxter to remove the fence if he wants to. Baxter just needs an official sign off. Brixmore is willing to give permission to Baxter, via email stating he may remove the fence.

Morgan wanted to address that the subdivision plan needs to be updated, needs to have a stamp of approval, subdivision requirements state that monuments need to be

placed on the line of subdivision. The property lines are mostly on the paved area. Morgan stated that the board should discuss the issue being it is approved. Janvrin asked if there was a plan to set monuments on the new property lines. Most of the new property lines are located on paved areas and if there are alternates to placing a monument in paved areas and or in a building. The furthest south point could have a set monument point, along with the furthest north point. Jason asked if light poles along the property lines could have monuments placed next to the light poles. There would be 5 monuments on the plan. Morgan stated, the registry will not take or accept a plan unless there is a surveyor's stamp on the plan that will be recorded.

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| Motion: | Janvrin | To grant a waiver for the 5 monuments on the subdivision property lines. |
| Second: | Khan | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

Janvrin stated that when the rail trail project is finished the signage will be put into place by the town.

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| Motion: | Khan | To approve Case #2016-05 as Administratively complete |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

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| Motion: | Janvrin | To approve Case #2016-5 with the following conditions; 1) Water Department must be satisfied with the shut off access and easement to the shut offs, 2) operation and maintenance manual included on the recorded plans, 3) Memorandum of understanding between the two lots, between Brixmore and the town of Seabrook understanding the guided access to and from the rail tracks, 4) Easement for the access of Boynton lane, 5) Plan be acceptable to the town planner, 6) Waiver for request for the monuments, 7) All Invoices must be paid in full to the Planning Board prior to approval of |
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| | | occupancy. |
| Second: | Khan | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

Ocean state Job Lots will be the new tenant of a portion of the Wal-Mart building

Janvrin recessed the meeting at 7:30pm and opened the meeting at 7:35pm.

NEW CASES

Case #2016-09, 72 Stard Road, Amended Sit Plan, Proposed Go Kart Facility, Dan Jennison, Map #4, Lot #14-1

Request to change the use of the existing facility to the interior of the building, and no large changes to the exterior of the building. The case had gone in front of TRC, they also went in front of the board of adjustment and variances were granted.

They are proposing that no change to the exterior building will be made. They are asking for waivers upon the site review requirements. The use of the building will be electric motorized go kart facility. The entire track will be indoors. The Facility will have no more than 8 karts continuously on the track at a time. The Karts will be operated by individuals, themselves. The karts will be governed remotely by a lifeguard who will have the ability to override the conduct of the operators on the track if anyone is getting into a dangerous situation, the entire course and or that specific driver can be shut down. The Karts are expected to not penetrate the noise barriers of the building, leaving zero to no sound disruption to neighbors. There are also no negative environmental effects from the karts.

Mr. Morgan produced a memo and stated that there was no indication of signage on their plans. Mr. Derek Doucette, the facilities manager, stated they plan to comply with the towns sign ordinance and hope to have their permits as soon as possible for signage. Also noted, wall signage already exists on the property, which they will also be in compliance with. Jones and Beach contacted Mr. Navaroli and his business partners, after Mr. Morgan’s memo was sent. They had requested that the applicants name be put on the plans and resubmitted to the Planning Board.

Mr. Doucette made a calculation of what he anticipates the appropriate new trips will be to the facility. Looking at the trip generation rates, there is really nothing that is ‘apples

to apples' to this facility from the ITE trip generation manual. Some calculations they have worked out to be relatively close and comparable, are batting cages, which are 2.22 trips per cage and amusement park trips which set their trip units at just over 4 per acre. Mr. Doucette stated that if you analogize the number of karts to the number of batting cages, you will get a better understanding of what the approximate trip outcome may be. About 17 trips per hour, if you use the amusement park designation, saying that there is an acre of useable land, then you will have roughly 4 trips per hour.

Mr. Doucette has based his business hours upon other facilities he has worked on and around. He believes they will be busiest on weekends. They hope to have their business hours Monday through Thursday Noon to 10 pm, Friday 11am-11pm, Saturday 10AM-11PM and Sunday 12 noon – 8pm.

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| Motion: | Janvrin | To approve Case #2016-09 as Administratively Complete |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

Janvrin stated that in order for the Board to take any action on waiving requested items from an application, there must be an Administratively Complete vote. Jason stated that normally, the Planning Board would request a written letter, stating what the applicant is looking to waive, and why.

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| Motion: | Janvrin | Having sufficient information, the motion to waive the 20+ items requested by the applicants of Case #2016-09 listed under Case #2012-19 for the application review checklist. |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

Janvrin had asked if there were any abutters who would like to speak on behalf of Case #2016-09. An abutter whom has a young child spoke his concerns about the business' proposed hours of operation. The abutter lives directly across the street from the lot and is concerned that the business will create extra traffic and light pollution. The abutter had stated that the old business, SustainX, was an industrial work place, having employees come in at a specific time, and leaving no later than 6pm through the week, and not operating on the weekends. Janvrin had proposed that the applicant be okay with changing their hours of operation based upon being a good neighbor and working around the abutter's request. Baxter stated that as a property owner, there are zones and condition ordinances such as commercial, industrial, etc. But by the applicants getting their special exceptions notices from the Zoning Board of Adjustment. The traffic to and from the building is going to be different from that of an industrial business. The hours of operation do need to be in compliance with any abutters and neighbors. Mr. Doucette had spoke and said that the business' peak hours of operation will be into the later afternoon, around 4pm and 5pm, when people are out of work. The abutter had agreed to working with Mr. Friberg and the applicants to resolve the light pollution issue, by placing vegetation in front of the abutter's home. The applicant had said they do not want to be held responsible at the moment for the vegetation being placed due to funds and other reasons.

The applicant agreed to shorten their hours of operation to, Sunday through Thursday 12pm to 10 pm, Friday-Saturday 10am-10pm.

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| Motion: | Janvrin | To approve Case #2016-09 with the following conditions (1) Security set at zero, (2) To have the Police Chief review the application and write a letter of support, (3) Permeable Surfaces be denoted on Plan, (4) Compliance with Seabrook's sign ordinances, (5) Special Exception Notice from the Zoning Board of Adjustment be placed on updated plan, (6) add a stop sign on driveway access along with a painted STOP bar, (7) Hours of operation be placed on plan and be resubmitted, (8) Abutter has appropriate vegetation to block excess lighting from headlights, (9) All invoices be paid in full to the Planning Board before final plans are submitted (180 Days of approval), (10) Acceptable to the Town Planner, (11) There is no need for a recorded Mylar |
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| Second: | Khan | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |
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Case #2016-10, 308 Lafayette Road, Expedited Application, proposed retail business in existing structure, Nick and Irene Havas, Phase Zero Design, Justin Alpert, Map #9, Lot #49.2

The previous location was West Marine, and was approved by the Planning Board. The Site contains 30,000 square feet and is in the commercial district of town. The intent of the project is to turn the building into the new Sherwin Williams Store. This will include a face lift, including the signage on the front and sides of the existing building. Installing Sherwin Williams’ signage and notable exterior look. Construct a new concrete delivery ramp on the backside of the building, to clean up the existing landscape. Lighting, Landscaping, and Signage were previously approved and reviewed and will be using all the same items. It is an expedited application, so they did not go to TRC. Khan had asked that there was a cross connection between this parcel and Wal-Mart parcel, and they are planning to keep everything the same. The only thing they are changing is the dumpster location, and the ramp for delivery access. Janvrin asked if there was any possibility that there could be signs placed facing to the north on-to route one, a sign that there is only a Right-in, Right-out. The applicant had said there should be no problem with installing those signs. Janvrin noted that there was damage to the exterior of one of the corners; the applicant said it will most definitely be fixed.

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| Motion: | Janvrin | To approve Case #2016-10 as Administratively Complete |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

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| Motion: | Janvrin | To grant approval of three waiver requests on behalf of Case #2016-10 (1) Existing signage (2) Existing landscaping (3) Existing light poles and exterior lighting on the property. |
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| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |
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| Motion: | Janvrin | To approve Case #2016-10 with the conditions of (1) All Invoices be paid in full prior to the chairman signing off on plans, (2) Security be set at zero, (3) Landscaping be in compliance with the plans of Case #2000-06, (4) The signage on the property be in compliance with the towns ordinances, (5) The No-Entry Sign be facing the north of the building |
| Second: | Lowry | Approved: Janvrin, Baxter, Lowry, Rabideau, Sanborn, Khan |

Janvrin took a 5 minute recess at 9:15 and re-opened the meeting at 9:20pm

OTHER

Janvrin is postponing the discussion on the Coastal Hazards and the Planning Board Application.

Janvrin will follow up at a later date for an update from the Route 1 Committee.

Case #2010-24, Jean Drive

Janvrin stated that this case has been ongoing. Janvrin stated that he notified the property owners that the Board will be discussing this tonight. Janvrin stated the developer was sent an invite to tonight's meeting. The developer is not in attendance and some abutters are in attendance. Janvrin, Morgan, and Starkey visited Jean Drive to look at the existing issues, reviewed plans, and reviewed reports from the Engineers. Janvrin understanding is that the developer has communicated that he is not going to make any further improvements. Janvrin also mentioned Millennium Engineering, Mr. Boyd has spoke at prior meetings on this matter and reinforced that the developer has no intentions of doing anything further on this property.

Janvrin and Morgan after reviewing the area found the following issues; 1) 3 abutters driveways needed to be paved, 2) The Cul-de-sac still needs work to be completed, 3)

The light pole is still misaligned with the Road way even though it is on Town property, 4) Town treasurer security amount on this case at this time is \$43,375.83. Janvrin will take public comment from the abutters but he is of the opinion given the fact that the developer doesn't intend to make any further improvements on this project it might be in the best interest of the Planning Board to recommend to the Selectmen to cease the amount that is necessary to finish the work and return what is left from the security after all outstanding issues listed above have been met. Janvrin welcomed the abutters to speak at this point.

Gina Lawton, 23 Jean Drive spoke about her concerns. She stated that this issue has been ongoing for 7 years. She is speaking for 23, 24, and 27 Jean Drive. Mrs. Lawton stated that the Planning Board gave her the letter from Millennium Engineering dated August 31, 2015. The letter stated that Mr. Walsh was not going to do anything further on this project. Last year Mrs. Lawton recalls that the Board was going to review the letter, give the letter to the attorney for review, and get back to the abutters. The Board added a note on the letter from Millennium that the Driveway overlay for 3 abutters needs to be done. Mrs. Lawton stated again that it is clear in the letter that no further work would be done which was a year ago and presented to the Planning Board on September 1, 2015. The Board was going to have a private meeting with the abutters after everyone reviewed the letter including the attorney. Mrs. Lawton stated that she has sent numerous emails regarding this issue last year. She also stated that November 5, 2015 New England Paving came out and accessed all three driveways and told Mrs. Lawton that the driveways were going to be done and the Town was going to pay for it. The cold months came and she started again with emails to all involved. Mrs. Lawton doesn't know who Janvrin contacted about this meeting but she found out for another abutter. Mrs. Lawton's house will be on the market on Monday. She doesn't want to have to discuss this matter with her prospective buyers. Mrs. Lawton wants the deed to her property as she was promised. The deeds will be signed as soon as the work is complete. Anna has a lot of work that needs to be done and a yard that is horrible and a ditch that is really bad. Mrs. Lawton wants her driveway done and deeded asp. At this point abutter Cindy Man spoke about her driveway being paved. She is in the yellow house and you can clearly see she has a patch driveway that goes down and then up. The water collects at the bottom of her driveway and the drainage sits on both sides of driveway and fills up. She has a huge crack across her driveway in that area which she will doesn't want to be discussing in a few years when she sells her house. The drainage is not done and was not completed and was not done right. The driveways don't need to be sealed they need to be done right where it was cut so that and the driveway is done right. The abutters first got involved when the developer was taking out the cul-de-sac and the abutters expected their driveways to be finished. The finished work was never done. The street light is on Town property at this time but if it was moved and the deed went back to Anna it would be on her property which would

than need to be moved by Unitil. Mrs. Mahn asked if the Town accepted Jean Drive as a Town Road which it has not. Janvrin stated the Board of Selectmen declared Jean Drive as an emergency Lane and the Town is doing winter maintenance such as plowing. Mrs. Mahn asked if the weeds that are four feet high by the fence will be maintained. Janvrin stated that it is Town property and after speaking with Starkey considering man power and equipment he would only maintain that area 1 or 2 times per year. Mrs. Lawton stated that the property owned by Anna is really bad and at this time her husband maintains it. Anna has a major issue she has a lot of land. Mr. Mahn stated that if the Planning Board is going to take the funds as proposed the abutters would like a date or something in writing. The abutters have come to the Planning Board multiple times and have nothing in writing.

Janvrin stated that administratively the Planning Board if they chose to would recommend to the Selectmen to cease the funds. Janvrin would propose that the DPW contract out the work to be done and pay for it out of the funds. Janvrin stated that the work would have to meet the plans and satisfy the DPW Director. The Engineer will be overseeing the job and when it is complete Janvrin will ask that the deeds be updated and the abutters would take control of their property. The abutters at that time would also have to maintain the weeds and the abutters agree. Mrs. Lawton stated that so long as the Planning Board is going to fix what needed to be done at 23 Jean Drive she would like a date. Janvrin stated that the Planning Board after they vote would then leave it in the hands of the Board of Selectmen. Janvrin stated at that point the Town Manager along with DPW would put the work out to bid. Janvrin wouldn't want to put a date at this time. The abutter asked if 60 days was reasonable. Janvrin again stated he is being honest this process will take a little time including the bidding proposals. Mrs. Lawton stated that Janvrin is telling her that her house that could sell within four weeks that she has to explain to her prospective buyers that she doesn't have a deed to give them. If that is the case she apologizes but she will have to bring a lawyer into this matter.

Mrs. Lawton stated that she needs the deed in her hand and the work done asap. Janvrin stated that it is in the Board of Selectmen's hands. Mr. Lawton asked if she can go to the Board of Selectmen Meeting. Janvrin stated it is open to the public. Mrs. Lawton stated she needs to be at that meeting. Khan stated if the Planning Board decides to take a vote tonight than the Board has to take this as an agenda item and if they do the money has to be released by the treasurer and who is going to administer the project. The DPW Director has to get involved and state whether or not he can fix it. Once the work is finished the document has to go to Town Council before we could give the abutter the deeds. Khan stated that it is a process which included many people this is not in one person's hands. Mrs. Lawton stated that it shouldn't take long to get New England paving to come and do the work. Khan said she was right but it is not in one

person's hands at this time. Khan stated we do not at this time who is going to do what and he wishes we could finish it tonight. Janvrin stated that due to the amount of money involved the project has to go through a bid process and he doesn't want to give anyone unrealistic expectations. In order for the abutter to feel comfortable they would like it in writing that this will get done. Khan stated if the Planning Board takes a vote tonight the abutters should ask to see the Town Manager immediately when he has the time and request him to place this on the Selectmen's Agenda. Mrs. Lawton fears that ok this Board is going to take action to move and goes to the next level and it is not in two weeks but rather 6 months is the issue.

Baxter stated that the abutters would have an official document in their hands after the vote is taken tonight. Baxter also suggested that after the case goes to the Selectmen the abutters will have another legal document in their hands which should help with the sale. Mrs. Lawton said that having those decisions in writing would help with any prospective buyers. Baxter stated we cannot do anything about the time this process may take only the Board of Selectmen has the power to adjust this. The good news is the abutters will have the Notice of Decision in writing and the abutters may want to seek the advice from council. Baxter suggested the abutters ask if they could fix the driveways and would the abutters be able to get the funds back. Janvrin suggested that the abutters allow us until Thursday to contact the Town Managers Office. Janvrin will work jointly with the Town Managers Office on this matter in hopes to come up with a date to meet with the Selectmen. Khan asked that the abutters wait for the Minutes and Notice of Decision to put with the request to meet with the Selectmen. Janvrin stated the documents will be ready in 5 Business days. Janvrin is committed to meet with Town Manager. Khan asked about the type of mail Janvrin used to contact Mr. Walsh and Janvrin stated it was done through US Mail. Khan asked Morgan if everything has been done to reach out to the developer. Morgan stated that is his impression and he noted that Mr. Boyd the Engineer has spoke to the Board on several occasions about this pending situation. Morgan stated that this is a last resort. Khan wants to make sure everything is done that is necessary to avoid legal issues before we use any money. Morgan stated that he believes that if the Board votes the way he feels they will he is in support of the Board's decision. Morgan also suggested the Khan contact Town Council and asks for their guidance. Khan is asking about the Planning Board. Morgan stated that he feels the Planning Board is fine and everything has been done and we are seven years out and have documentation and statements from the Engineer that the developer is not doing anything more. Morgan stated that he feels what the Board is doing tonight is fine and he again suggested that the Selectmen check with council. Khan will meet with the Town Manager. Khan cannot recall every doing what the Board is proposing tonight. Janvrin stated that the Planning Board has done this process one other time and it was a last resort. The abutters again stated that the developer

has made it clear he is not doing anything further with this project. Khan stated that the former Chairman spent a lot of time on this case.

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| Motion: | Janvrin | In the matter of Case # 2010-24 that the Planning Board recommends to the Board of Selectmen to cease the Security being held in the matter in the amount of \$43,375.83 and that the work that is left undone will be finished with that money. Taking in to consideration the letter dated August 31, 2015 signed by Mr. Henry Boyd on behalf of Mr. Walsh the developer. |
| Second: | Baxter | Approved: Janvrin, Baxter, Khan, Rabideau, Sanborn |

Janvrin thanked the abutters for being patient and he hopes that this matter is rectified quickly. Janvrin stated that he is sure the Town Manager and DPW Manager would like this completed.

Janvrin closed the meeting at 9:53pm.

Respectfully Submitted, Maria Brown, Planning Board Secretary, Aeriss Felch, Planning Board Clerk