



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, June 21, 2016**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**MEMBERS PRESENT**

Jason Janvrin, Chairman, Donald Hawkins, Vice Chair, David Baxter, James Sanborn III (Alternate voting member tonight), Michael Rabideau, Stephen Zalewski, Code Enforcement, Rick Friberg, TEC, Maria Brown, Planning Board Secretary

**MEMBERS ABSENT**

Michael Lowry, Ivan Eaton III, Paula Wood, Alternate, Robert Fowler, Alternate, Aboul Khan

**Janvrin opened the meeting at 6:35pm.**

**MINUTES**

**June 7, 2016**

<b>Motion:</b>	<b>Janvrin</b>	<b>To approve the June 7, 2016 Minutes as written</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan</b> <b>Abstain: Hawkins</b>

**CORRESPONDENCE/ANNOUNCEMENTS**

**Dick's Sporting Goods – Tent Sale**

Janvrin stated this year they were advised they needed to come before the Planning Board. The tent sales have been held for the past two years. The store manager

wanted to go about the tent sale the correct way. Dicks will have a 20'x 60' Tent for the yearly clearance sale and will not block any parking. They will cone off 4 spaces and the tent will be the farthest to the right. They had to move the tent to a different place due to flooding last year. The number one concern is safety of their customers and the staff. If the weather is too hot the event will be inside if weather permitted. The two week event is due to start June 22, 2016 and end on July 7, 2016. The parking lot is kept clean, a fire extinguisher will be kept inside the tent, and sales associates walk the customer to the building to cash out. They will have no electricity inside the tent. Nothing will stay in the tent it is all brought inside as soon as it starts to get dark. They will have 500lb bags balusters holding down the tent nothing will be staked into the ground. The store is very small and it is very hard to put tables in the store. Janvrin recollected that last year the Code Enforcement officer gave them a notice they needed to come before the Planning Board. Zalewski stated tents tend to become a fire hazard and he asking the Board to put a stipulation in to have any necessary plans or approvals go through the Fire Department. The only thing the Fire Department asked was for the store owner to have a fire extinguisher inside the tent and one whole side of the tent open due to excessive heat. The store has a cooler with water for all. Rabideau would like to see a sketch of the tent area for any future request. Coming out the doors the tent would be on the right and will not block the area that the trucks come through. Janvrin asked if they will have pedestrian crossing. They purchased cones and rope to have the area blocked off. Janvrin stated that the four storage containers were never on the site plan and this is between the store owner and DDR. Janvrin stated they need to come back to the Planning Board for a conditional use permit or a site plan in order to keep 2 storage containers. The Manager is aware of that and she will follow up on it and they are thankful to have 2 to house the boats for the event. Hawkins stated that they have a time limit for 2 units. Janvrin asked that the manager follow up with Mr. Morgan. Janvrin asked if employees will have something on for safety concerns such as a high visibility vest. The store manager carries them in the store and will provide them. Baxter asked if we waive jurisdiction can we put on conditions. Morgan stated that we cannot as the abutters have not been notified. Morgan stated the answers from the Town Hall were very confusing and nothing clear is written on this process. Morgan suggested that the Board review this at the next work session. The manager spoke with Maria and she was so helpful. After speaking with others for about a month and a half trying to get this approved she finally got a hold of Maria who put forward my request immediately to Mr. Morgan which quickly got us here as we needed to be. Hawkins asked if we would discuss at our work session a process for the Town Hall to follow or the Planning Board. Hawkins stated the Planning Board has been doing this for quite awhile. If we haven't said tent sales specifically we could add some verbiage if needed. Morgan stated that it doesn't hurt to talk about it. Hawkins stated should we attack parties on decks and all other events in Town.

Morgan stated it is up to the Board. Baxter thinks it would be nice to at least have the Fire Department give the final go ahead and the store manager is fine with that also. The tent will be ready for approval on June 24, 2016. Janvrin stated that the Selectmen will need to sign off for a gathering permit but they usually like something from the Planning Board saying they waive jurisdiction. Hawkins asked Zalewski if he had any comments and if he would be willing to oversee the tent request if the Planning Board waives jurisdiction. Zalewski is fine with that. Zalewski said that store manager should call his office as soon as she knows when the tent will be up for inspections. She thanked the Board.

<b>Motion:</b>	<b>Hawkins</b>	<b>To waive jurisdiction to the Code Enforcement Officer with the following conditions; 1) Approval from the Fire Department that requires and inspection, 2)High visibility vest be worn by all employees when going in and out of tent and store.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan, Hawkins</b>

## **SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS**

### **920 North Lafayette Road**

Mr. Boyd is asking the Board to let Mr. Benoit rebuild the two units that collapsed during the horrible amount of snow fall we had last year. Mr. Boyd is asking that the Board waive jurisdiction and once they have a use for the units they would come back to the Planning Board for an expedited approval. The parking, utility, and foundations are still in place with no changes other than the ability to rebuild. Mr. Boyd stated that they had 4 units and all suffered some damage which were repaired and the remaining 2 units be built exactly the way they were but much stronger. Mr. Benoit has plans he will share. Morton buildings have been built on other sides with wood and trusses. They look very nice and are very professional. They will have no changes to water and sewer. They had multiple shut offs at 920 South Lafayette Road but not at 920 North. Janvrin stated the sprinkler system went off a long time when they collapsed because the shut offs were underneath the rubble. Mr. Benoit has done a lot upgrading and turned it in to something nice. Zalewski mentioned the sprinkler system and questioned if they will be

separated with the new buildings. Mr. Boyd stated that he knows the building inspector is more than capable to oversee this building request. Hawkins asked how long ago this collapse took place and it was 18 months ago. He asked if there would be any issues where it has been more than a year. Morgan stated that the question before the Board tonight is to waive jurisdiction. Hawkins feels it is an issue and is concerned with the zoning ordinance issues that may arise if not resolved. Morgan agrees with Mr. Boyd the only question at this time is whether the Board wants to waive jurisdiction or not. Mr. Boyd stated if it was not for the snowstorm they wouldn't be here. Janvrin stated section 14 of the zoning would be the one this would fall under and the applicant will have to come back when ready to occupy. Mr. Boyd is very aware of that and he stated it in his letter to the Board. Morgan stated if they are not conforming they would have 12 months but that is not the case tonight. Mr. Benoit stated that it took 11 months for the Insurance to work it all out. Hawkins asked if the parking is currently conforming. Mr. Boyd stated they have no more room for parking and one of the things the Town did was put parking under the jurisdiction of the Planning Board. Mr. Boyd stated they are not talking about the use just the ability to rebuild the units. Friberg stated he had no issues nor did Zalewski. Mr. Benoit stated the load factor with the new buildings will hold twice the load as the old ones.

<b>Motion:</b>	<b>Janvrin</b>	<b>To waive jurisdiction for unit 2 and 3 at 920 North Condominiums to the Building Inspector.</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan, Hawkins</b>

**Case # 2014-30, 892 Lafayette Road, Raven Realty Trust, David Benoit, Map 7, Lot 92-1**

Mr. Boyd stated the last thing they had to work on was the as built. The main issue was pedestrian safety and vehicular movement along with the paved strip that should have been grass. The cross walk was also missing. The concern was crossing one side of Eagles landing to the other side. Everything has been done and is reflected in the as built. They hired Matrix to cut the trench the way it was shown on the plan and added crushed stone for run off with a nice fence. The painted cross walk was put in also. At this point the applicant would like his money back. Janvrin thanked the applicant for providing a Liberty Elm which was planted on Arbor Day. We also had a student

involved in the planting. Mr. Benoit will leave his plans with Zalewski. Friberg suggest that he follows up with Curtis for sign off and he will review the final as built. We have no interest to hold some of the Security for the Town. Friberg recommends returning the full amount.

<b>Motion:</b>	<b>Janvrin</b>	<b>That the Planning Board release the full security for Case #2014-30 with the following conditions; 1) Water Department sign off, 2) The As-Built is acceptable to the Town Engineer and Planner.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan, Hawkins</b>

Janvrin asked that the applicant forward a letter asking the Planning Board to close the case. Mr. Boyd asked when the money will be released. Janvrin stated that it should be pretty quick.

**Janvrin recessed the meeting for 5 minutes at 7:30pm and back in session at 7:28pm.**

**ONGOING CASES**

**Case #2016-07, Scott MacKenzie, Mackenzie Properties LLC, 28 London Lane, Amended Overall Site Plan – Site Expansion – Continued Business use with 3,000 square foot building, Map #5, Lot #8-43**

Attorney Jeffrey Brown from 118 Rail Road Ave, is here to represent Mr. Mackenzie, Mr. Mackenzie owns a Heating and Cooling Business in Seabrook. This proposal before you is a 3000 square foot building also there is an additional Plan for a parking pad. Mr. Mackenzie delivers fuel both propane and oil. There will not be any off loading of fuel onsite. The TRC had some questions when the applicant went before them. 4000 vs. 3000, Aquifer protection area the applicant offered to do a spill plan even though it was not required, the trucks cannot leak or open unless they are running and have a certain part in the vehicle on, the new plan shows the concrete pad which will be the same as US Foods, the landscape and lighting have been added to the plan, the impermeable

services has been added to the plan, wetlands marking is done and added to the plan, the elevations were on the prior submission, hours of lighting have been added to the plan, the spill containment plan is already prepared just waiting on the Planning Board to see if anything needs to be added. Janvrin asked if the water utility is a 6" Main going to the building and the water shut off is in the parking lot not on Town Property. Attorney Brown will do what is needed. If the Board would like them to run a 2" and a 6" line they will. Janvrin stated that the water shut off appears to be under a parking space which may be mute. Janvrin stated that the snow storage is depicted in the vicinity of a gate which appears to be the only access out. Attorney Brown asked about the South East gate. Janvrin thinks the South East gate would interfere with the loading dock. Janvrin would like to see the other gate moved closer to the concrete slab.

Janvrin stated that the concrete pad is 30' x 36' and he is making the assumption that the applicant will be placing 2 fuel trucks on the slab. MacKenzie stated he will add 3 trucks on the pad. Hawkins asked if they will have future truck growth. MacKenzie stated not at this time in the oil Business. Janvrin if the only light is in the North Center on the fence would it illuminate the trucks. Janvrin wonders if this will be a security issue. MacKenzie has 3 LED lights that light his whole property. Janvrin asked if Police and Fire could see vehicles and they could. Janvrin stated that the spill prevention plan is pending the Planning Board approval. Janvrin storm water pollution plan needs to be depicted on the plan and will need to be recorded. Friberg pointed out it is all on the plan. Morgan stated sheet c-3 will be recorded although it seems to be a very busy sheet. Janvrin stated that the c-2 sheet may be the better one to use for recording. Hawkins stated that the registry will just send it back if they don't like it. Janvrin asked Friberg to speak about a recordable Mylar and containment matter. Friberg stated that most of the discussion was about the Aqua fore protection district aside from that the project was pretty straight forward. Friberg see that they have incorporated many of the requests. US Foods did a demonstration on the same product MacKenzie will be installing. The valve will automatically close if any fuel comes through but will allow normal storm water to run through. If the valve closes it will allow the petroleum to pool and will need to be pumped off. Janvrin stated if the applicant raised the sides a bit this may accommodate 120% of a truck. Friberg stated you can press the pad in the middle in order to pool. This will trigger the spill prevention to go into place. Friberg stated that we need to make sure when the drain closes we have to have a pool space. Janvrin asked if the applicant could install an alarm system like a sensor. Friberg stated that it is so visibly obvious and they close completely. Janvrin asked how often the filter needs to be changed. Friberg stated as long as they are not exposed to petroleum products it will last 2 years. During rain events if you notice the water draining slower and slower the filter would need to be changed. Hawkins stated that the failing mechanism is that it doesn't let anything through except water. Morgan asked how we can assure that this filter is maintained properly. Friberg stated that if the filter is not

maintained or changed out in an emergency you would be stepping in up to 2 feet of liquid. Janvrin stated what if the filter closes and the pool area is full and someone decides to pull the plug out and let the pooled liquid run free. Friberg stated first of all the plug/filter area cannot just be pulled and second of all the spill would trigger the spill prevention plan. Friberg stated that it is not as easy as yanking it out it will have to be reinstalled. Janvrin stated US Foods has 3 blockage levels and then it goes into a detention pond. Janvrin is concerned that this plan only has 1 level of protection which would run out to an area 40 feet from the water. Friberg also stated that US Foods is pumping fuel onsite so the plan called for more protection. Friberg stated that the raised sides will hold the pool until it is taking care of properly and Slayton will have the final say. Janvrin stated we must have a spill prevention plan and a storm water pollution prevention plan. Friberg stated that any spill would also trigger the spill plan.

<b>Motion:</b>	<b>Hawkins</b>	<b>To accept Case #2016-07 as administratively complete.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan, Hawkins</b>

**Janvrin continued Case#2016-07 until July 5, 2016.**

**NEW CASES**

**Case #2016-11, Condo Conversion, 107 Folly Mill Road, Robert R. Scally, LLC, Map # 9, Lot # 205-30**

Barry Gier, Jones and Beach is here to present this case for the Applicant Robert Scally who is also in attendance. The Subdivision was approved in 2014. Requesting approval for Unit A as Unit B is not completed at this time. Janvrin stated that driveway regulations only allow one driveway on the lot due to amount of driveway. The driveway is gravel at this time but the intent is to pave. Unit A is the only sewer and water showing and the stub is not on the plan. Mr. Gier stated the stubs have been installed for Unit A and B and will be added to the plan. The plan is very busy in the far left and Janvrin would suggest that it be a little bit less busy on the left side. Morgan stated that the applicant has the proposal for the second unit on the plan. The condo site plan is just for Unit A and the applicant will come back when Unit B is finished. The issue is the closing. Hawkins asked if this case needs a TRC review. The stub needs to be

depicted on the plan. Hawkins stated the TEC review is typically about water. Friberg will work with Slayton on the water updates and have answers for the Planning Board on July 5, 2016. The shut offs have been moved to the Town right of way. Morgan stated the driveway is kind of tricky. Janvrin stated the Town usually is concerned with water, sewer, utilities, and driveways. Hawkins asked if the applicant could just add the second proposed driveway to the plan. The foundation for Unit B is in so the applicant knows where the driveway is going to go. Mr. Scally had to pull two driveway permits for DPW and he was under the impression he could have two separate driveways. Unit B will have a very short driveway going right to the garage. Janvrin stated if you have so much frontage to have two driveways. Mr. Gier stated that he believes the subdivision had two driveways depicted on the plan. Mr. Scally stated in the future he will make sure he has one shared driveway. Mr. Scally is not sure if it will be an issue with people already under agreement and the placement of the homes that have been approved could be an issue on this property. Janvrin stated the Planning Board has the authority to waive the driveway issue if needed. Morgan stated that the building elevation on note 3 is showing 3 stories. This will be adjusted on the new plan. Morgan read the condo docs and the applicant's attorney certification needs to be forwarded. Mr. Scally waited for the review and a letter will be issued right after the Case approval. Janvrin stated to make it a condition of approval. Friberg will work with applicant to assure that sewer stubs are depicted and a clear picture of the driveways. Morgan stated they are missing an abutter on the plan.

<b>Motion:</b>	<b>Janvrin</b>	<b>To accept Case #2016-11 as administratively complete.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Janvrin, Baxter, Rabideau, Sanborn, Khan, Hawkins</b>

**Janvrin continued case #2016-11 until July 5, 2016.**

**Janvrin recessed the meeting at 8:30pm and was back in session at 8:35pm.**

**OTHER**

**Administrative Procedures**

Hawkins asked that Morgan give the Planning Board some recommendations for a process moving forward. The process is not clearly spelled out in our ordinance.

Morgan feels a paragraph will be enough to clarify. Janvrin is thinking we would add the tents under site plan review. Morgan is not sure how deep we would want to get into tent sales. Hawkins feels that we don't have a big need to get into this unless it is a parking issue or storage containers permanently located on the property. Hawkins stated we have the language in zoning. Morgan doesn't feel we should mess with that. Zalewski stated that the Board may want to make it a stipulation on the site plan that it is not allowed. Janvrin and Morgan suggested that the Planning Board file by Map and Lot. Hawkins questions whether we should dive into a huge amount of work with little benefit. Hawkins stated that we could dump the data the Assessing office has for our use. Hawkins stated that we may have 25 cases that need to be combined and still work with the existing system. Hawkins stated it is a huge amount of work and if your relabeling it would be a big undertaking. Janvrin would like to leave the last two years as is and move the rest to Map and Lot. The GIS system will go by Map and Lot. Janvrin stated that the GIS system will take our disk to scan in. Zalewski stated that keeping the case numbers is fine so long as they can pull up by Map and Lot. The Board will review during the work session on July 19, 2016.

### **Route 1 Update**

Janvrin has been updated that Market Basket North will be updating over the next 18 months for redevelopment. Baxter stated that the study hopefully will be completed and we are going through it one step at a time. Janvrin feels what we are doing will be good for the Market Basket owners and the Town. Baxter feels if we are successful to get the study in to the 10 year plan and we are heading in the right direction.

### **Master Plan Coastal Hazard Update**

The subcommittee will meet on Thursday, June 30, 2016. Janvrin stated the same folks that funded the present grant will have another grant to be used by the 17 coastal communities. The minimum is \$330,000.00 and the maximum is one million to be granted. Julie will compile a list of some of the things we want to do with this grant. Janvrin stated the application is due July 21, 2016. The Selectmen have to approve the application for the grant. Everyone is welcomed to join in on the meeting. Hawkins feels Julie has the chapter in pretty good shape and she has not had a chance to meet with Department Heads individually. We could schedule Julie for the July 19<sup>th</sup> meeting so long as she is listed first and the work session will start at 6:00pm.

Janvrin stated that we cannot take any action on the request that came in. The Applicant would be the one who would have to make that request for the Road Acceptance. Mr. Green is working on the request and will be forwarding a request to us soon.

## **Home Base Business**

Janvrin stated that the Board should really give some thought to the subject and when they come to the work session it can be furthered discussed. Zalewski stated one would be a home office and the other a home business. The home business comes under the conditional use home office should be left as is unless it is over the stipulation from Zalewski. Zalewski thought the Board may look at the site plan review and give a better definition of both to make them fit. Morgan has an expedited and may want to change it to a low impact. This may help with the home business. Zalewski has a couple of cases pending for business licenses. The letter from Zalewski will help a lot with the definition. Hawkins stated to what extent will the business impact your neighbors. Hawkins stated we need to decide what needs a public review and we want to avoid having everything coming before the Board. Zalewski stated that people are trying to get more and more out of their property. Zalewski feels that the whole Town is turning into commercial use. The Board will continue this conversation at the July 19, 2016 work session.

**Janvrin adjourned the meeting at 9:27pm**

**Respectfully Submitted**

**Maria Brown, Planning Board Secretary.**