



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, July 5, 2016**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**MEMBERS PRESENT**

Donald Hawkins, Vice Chair, Aboul Khan, Selectman, Michael Rabideau, Stephen Zalewski, Code Enforcement, Rick Friberg, TEC, James Sanborn III (Alternate Voting Member), Maria Brown, Planning Board Secretary, Aeriss Felch, Planning Board Clerk

**MEMBERS ABSENT**

Jason Janvrin, Chairman, Michael Lowry, David Baxter, Ivan Eaton III, Paula Wood, Alternate, Robert Fowler, Alternate, Tom Morgan, Town Planner

**Hawkins opened the meeting at 6:30 pm**

**MINUTES**

**June 21, 2016**

<b>Motion:</b>	Rabideau	<b>To approve the Minutes of June 21, 2016 with the following corrections to remove Mr. Khan from the members present list.</b>
<b>Second:</b>	Hawkins	<b>Approved: Sanborn, Rabideau, Hawkins</b> <b>Abstain: Khan</b>

**CORRESPONDENCE/ANNOUNCEMENTS**

**Carnival request – John Flynn – To waive jurisdiction for July 14, 15, 16, 17 2016**

Mr. Flynn was at the meeting for July 5, 2016, looking for a waiver of jurisdiction to conduct Carnival on the old lots of Walmart and Shaw’s for July 14, 15, 16,17 2016. The carnival will have approximately 10-12 carnival rides, 6 games, and 3 food booths. The

hours of the carnival will be conducted on Thursday and Friday between 6pm-11pm, Saturday 1pm to 11pm, Sunday 12pm – 7pm. Hawkins asked if the actual carnival itself will be in the Walmart parking lot, Mr. Flynn said the carnival activity will not be taking place on the Walmart parking lot, but in the back lot where Shaw’s once was, and the Walmart lot will be used for parking. Hawkins asked if Mr. Flynn had spoken to the other business’ that are still on that lot, he said he will make it a priority of his to go to those business’ to let them know what he plans to do and the hours of operation.

The Carnival itself would donate all proceeds to Friends of Seabrook Community. Paula Wood spoke in support of the nonprofit, stating they have filed for a 501-3C who is going to be using the funds collected by the fundraising efforts to help maintain, upgrade and better areas of the community.

Mr. Hawkins spoke to say that there were no notices to the board on behalf of the carnival, and the request itself is late. Considering the carnival is a one-time event, Hawkins feels that what the board is being requested to do, which is to waive jurisdiction to the Code Enforcement and Selectman, to approve the event license. Hawkins asked Mr. Zalewski if he thought there were any requested the board should make from Mr. Flynn. The state will have to look at the set-up of the rides themselves, keeping in mind that the state no longer looks at the electrical aspects of the rides as often as they use to. Mr. Zalewski asked that Mr. Flynn contact him as soon as possible to set up a date and time that is convenient for him to go out after they have set up their rides, and to take a look at the carnival equipment.

Hawkins stated that because they have not had any prior public notice to abutters, Mr. Flynn might want to go to the surrounding business’s and surrounding neighbors to make sure they are aware of the carnival, hours of operation, and kinds invite them to the event. Hawkins had requested that Mr. Flynn be sure to be extra diligent in keeping the lot and the surrounding area clean both during and after the event.

<b>Motion:</b>	<b>Hawkins</b>	<b>To waive jurisdiction for the Code Enforcement Officer and Board of Selectman.</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Sanborn, Rabideau, Hawkins, Khan</b>

**NH DOT Widening**

There’s an invoice from NH DOT relating to the Route 1 widening project - south of 107 which Hawkins stated he briefly looked at and thought the amount was pretty good. Hawkins stated he read more closely to the invoice and it was only their cost through

July 23, 2016. Originally, the engineering phase would be done by DDR and they put up \$127,000 and our original invoice stated \$158,000. Seabrook is responsible for 20% of the overall project, which was \$31,668. Hawkins said he was going to ask the Town Manager to question the \$127,000 from DOT, if it should be applied against, or on top of the \$158,000 that DDR has spent already. The project itself was the Town of Seabrook's responsibility. To date, there has only been \$55,000 in construction, which is actually higher than the original estimate. The town's original part of the estimate was going to be \$977,000 for construction which would have made the town's share \$195,000. Hawkins is expecting that the number will be lower because the Waterstone project did more than half of the widening work that was required. Hawkins stated that the state may not see it the same way. At this point, the town has \$452,000 that is already in the towns accounts, from exaction fees from different projects along Route 1. There will be no impact on the tax payers of the town from the widening of Route 1. Hawkins stated at this point, unless there are some unforeseen problems, all of the money has already been collected and is waiting for the project to be completed.

### **Invoice Regarding the Towns Fire Alarm System**

Hawkins received an invoice for \$18,500 on behalf of the movement of the town's fire alarm system on Route 1. Mr. Hawkins stated he did not believe the town should have to pay the entire amount, but should be in charge of their share of 20%. Hawkins said he would ask the Town Manager to get more clarification on this matter, stating he believed the invoice itself was just an estimate from the fire chief.

### **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 representing Mr. MacKenzie. Mr. MacKenzie owns a Heating and Cooling Business in Seabrook. The last time the case was in front of the board was on June 21, 2016. The first problem was the domestic waterline two inches from the road with shut off in Town Right of Way. Mr. Brown stated the domestic waterline shut off has been located within Town Right of Way. The second problem being Snow Storage moved a bit to the West so that it does not impact the gate at the Northeast Corner. Mr. Brown's response was that the Snow Storage has been revised to not impede on gate. The third problem was that the Storm-Water Protection chart needs to include concrete pad and make plan less busy and recordable at the registry. The Board's recommendation that C2 would be the recorded page and the Storm Water protection chart may go there. Their response was that the Erosion Control Report has been relocated to Sheet C2 per the Board's request. The

Board also wanted the plans to address containment of 2,400 gallons on concrete pad (speed bump style berm for instance) along with the town engineer. The response was that the concrete pad has been revised to include 3” tall curb and speed bump to provide 2,612 gallons of storage in the event of a tank failure. The last problem was that once containment addressed Spill Prevention and Control Plan can be developed as well.

Hawkins had asked Mr. Friberg, from TEC, if he had sat down with Mr. Slayton from the Water Department, to discuss and review the Storm Water Plan and concrete pad. Friberg said everything met their requirements. Friberg also stated that he believes all the concerns have been fixed and has only a few suggested conditions that he would like the board to acknowledge when approving this case.

<b>Motion:</b>	<b>Hawkins</b>	<b>To approve Case #2016-07 with the following conditions (1) Spill Prevention Plan be reviewed and found acceptable by the towns water department, and TEC (2) Operation Maintenance Plan for storm water be depicted on the plans (3) The water service for both fire, and domestic mains be brought to the towns right of way (4) Security be set at \$5,000 (5) No more than 3 oil-delivery trucks be held on site at any time.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Sanborn, Rabideau, Hawkins, Khan</b>

**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 Mr. Robert Scally who is also in attendance. The subdivision was approved in 2014, now they are requesting approval for Unit A as Unit B is not completed at this time. The board had seen the case on June 21, 2016, and had made a list of about seven problems they wanted to see fixed on the plans, before the applicant returned before the board for July 5, 2016. Mr. Gier stated they had fixed the items. The first item was the locus was flawed in that it suggest that the lot is a different shape and much larger its 45,000 square feet. Gier stated the Locus has in fact been updated as required. The second problem was the Utilities to proposed Unit B were not depicted. The revised Condominium Site Plan has the Utilities for Unit B. The third concern raised by the

board was they wanted more detail in regards to the driveway that would serve Unit B. Gier's response to this issue was that each unit is proposed to have its own driveway connection to Folly Mill Road, as depicted on the approved site plan by the planning board for 97-111 Folly Mill Road, Case #2013-27. A waiver is being requested allowing 2 driveways on this lot. Unit B driveway will be depicted at the time of Condominium Site Plan approval application for Unit B (105 Folly Mill Road). The fourth problem was note #3 describes the buildings as "two story structures", however the building elevation and Note #8 suggest otherwise. Gier's response was that the plan for this matter has been updated as requested. The fifth problem being that the site plan includes floor plans and elevations for Unit A, but not for Unit B. Gier stated that the application is for Unit A only. Applicant will submit a Condominium Site Plan application for Unit B at a later date. The sixth problem was that the board was not in receipt of a letter from the applicant's attorney certifying that the condominium documents are consistent with the RSA 356-B, as required by Section 10.010 of the Site Plan Review Regulations. Gier stated that the certification is included with the resubmitted plans. The last problem was the owner of the abutting Tax Map 9, Lot 205-20 is not indicated on the site plan. Gier stated the abutter is listed under "Additional Abutter" on the Site Plan above the bar scale. Hawkins stated that he feels they have met all the required items on the list the board had stated at their last meeting.

<b>Motion:</b>	<b>Khan</b>	<b>To approve the waiver to allow two driveways on the lot</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Sanborn, Rabideau, Hawkins, Khan</b>

<b>Motion:</b>	<b>Khan</b>	<b>To approve Case #2016-11 with the following condition (1) The security be set at zero</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Sanborn, Rabideau, Hawkins, Khan</b>

**OTHER**

**Conditional Use Permits (Planning Board Application)**

Hawkins stated that the Conditional Use Permits were to be discussed at the July 19, 2016 Planning Board Meeting which is a work session. Hawkins stated that it would not

be a bad idea to have Zalewski put together a list of items he finds would be pertinent to discuss at the work session.

### **Rt. 1 Committee Update**

Hawkins stated there was nothing to be discussed upon the Route 1 Committee Update because David Baxter was not in attendance at this meeting.

### **Master Plan/ Coastal Hazards Update**

Hawkins stated he has nothing to discuss upon the Master Plan and Coastal Hazards Update. Only that there is a TRC meeting on July 12, 2016 and at that time they will be discussing the Master Plan and the Coastal Hazards Chapter and should have an updated log for their Work Session on July 19.

**Hawkins adjourned the meeting at 7:35pm**

**Respectfully Submitted**

**Aeriss Felch, Planning Board Clerk**