



Town of Seabrook
Planning Board Minutes
Tuesday, December 1, 2015
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

PUBLIC HEARING

Members Present

Jason Janvrin, David Baxter, Michael Lowry, John Kelley, Aboul Khan, Ex-Officio, Donald Hawkins, Francis Chase, Steve Zalewski, Code Enforcement, Rick Friberg, Town Engineer, Maria Brown, Planning Board Secretary

Members Absent

Ivan Eaton, III, Paula Wood, Alternate, Robert Fowler, Alternate

Janvrin opened the meeting at 6:31pm

MINUTES

November 17, 2015 public

The minutes will be tabled until the December 15, 2015 Planning Board Meeting.

CORRESPONDENCE/ANNOUNCEMENTS

Sebago – Amato’s Sandwich Shop – Informal Discussion

Sebago notified the Planning Board that they are not ready to meet at this time and they will make a request in the future to meet.

Case #2015-25 – Allowance of six (6) 8' x 40' Connex boxes to be placed as shown on the plan submitted herewith, 571 Lafayette Road, Tax Map 8, Lot 9

Janvrin stated that the applicant for Case #2015-25, 571 Lafayette Road requested a continuance. The Case will be continued until January 5, 2016.

Mr. O'Hara asked if the Board could re-notify the abutters. He is concerned that the number of abutters attending is decreasing at each meeting.

Janvrin explained that when a meeting is continued it is only necessary to notify the abutters once.

Julie Leblanc will meet with the Board on December 15, 2015 to discuss some improvements that a grant in the amount of 6,000.00 for Seabrook would cover. A group has met and came up with a list of possible improvements that the grant could cover once the Board decides which ones they would like to work on. Janvrin will call Julie tomorrow to notify her of the upcoming meeting.

Mr. Manzi, Town Manager forwarded a letter to the Board. The DOT has acknowledged the agreement for the widening of Route 1. They have also completed the relocation of the water and sewer lines. Mr. Manzi is asking that the Planning Board approve the use of exaction fees to cover the cost of the relocation of water and sewer lines which is under 3,000.00.

Motion	Janvrin	To approve the Selectmen to use exaction fees to pay for utility relocation due to the Route 1 widening.
Second	Lowry	Approved Janvrin, Hawkins, Khan, Baxter Lowry, Chase, Kelley

Janvrin received a memo from a resident who is very upset about the 9th set of lights located on Route 1. He has forwarded the letter to the Department of Transportation.

Janvrin announced that Thursday morning at 10:00am the new Police Chief will be sworn in at the Seabrook Library. The Selectmen and Town Manager has invited the public to attend.

Arlee Green and Waterstone Route 1 update

Doug Richardson from Waterstone stated that they have updated Route 1. The curbing and sidewalk work completed on the west side of route 1, new traffic lights are bagged and ready to go, poles are in place, the electrical has been connected to the new poles, the telephone and cable will be connected next, and the goal is to activate the temporary signal a week from tomorrow. The coordination of the lights is being worked on now. Phase 1 lights have already been coordinated. The goal is to have everything completed by December 15, 2015. Mr. Richardson is hoping to have certificate of occupancy for Wendy's and Mattress firms going into former Bob's by December 15, 2015. Khan asked for an update on steak house. Mr. Richardson stated they are moving along with drywall and should be up and running in a few months. Lowry asked if we have any new tenants coming in. Mr. Richardson stated that at this time only one and they will not be ready until the spring. Chase asked if traffic coming south of Route 1 will still be able to turn into Bob's or will a median be put in so you cannot turn in. Mr. Richardson stated that the traffic will have a right in and right out. The traffic going south can still cut across Route 1 at this time to enter old Bob's. Chase asked if the middle island will be extended. Mr. Richardson was not sure on that. In the spring the topcoat will be done. Jersey barriers will be placed in front of the poles that Fair Point will be working on and the two lanes will be opened. Chase stated that traffic going south will not be able to turn into Bob's. Mr. Richardson stated that the traffic will not be able to make the turn once the work is completed. Khan asked if the Staples entrance will be both right in and right out turns. Mr. Richardson stated that it would be a right in turn only. Chevy Chase will be a right in and right out. Chase was concerned with this entrance

where traffic would cut across Route 1 coming south to enter. Last minute traffic light coordination is being worked on now.

Janvrin had a letter from the building inspector regarding Wendy's dumpster enclosure. Mr. Kerivan did a sight visit and stated in a memo to the Board that Wendy's had a slight difference in the configuration than the original plan. The brick was used instead of block and can be softened with evergreen material. Janvrin asked that the Board consider that it is a minor change or not. Mr. Richardson stated that the plan was done for a generic food establishment. The size of the dumpster aligns much better with the radius of the trash trucks and does not interfere or change traffic flow. Janvrin feels this is a minor change. Khan feels that Mr. Kerivan would have stated it in his memo if he thought it was something more than a minor change. Lowry asked Zalewski if he had any comment on this change. Zalewski thinks the change is great.

Motion	Lowry	To approve the minor field change to Wendy's dumpster area.
Second	Khan	Approved Janvrin, Hawkins, Khan, Lowry, Chase, Kelley Abstained Baxter

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2008-03, Release of Security, 14 New Zealand Road

Francis Chase excused himself from this case. Attorney Jeffrey Brown, 118 Rail Road Ave, is representing Francis Chase for the release of security. Attorney Brown believes all the conditions have been met for this case and all the sign off's have been submitted. Janvrin stated that as of late regarding security reductions the Board has asked Rick Friberg, Town Engineer to look at all sign offs and compile a memo for the Board. Friberg

has not had a chance to look at this case yet but is willing to familiarize himself with it and was not here when application first came in. It will only take a week to do a sight visit and do a memo to the Board. Attorney Brown asked if the policy was change from the Department Heads sign off to also include a peer review sign off. Janvrin stated that the engineer would make a recommendation on the amount of the security reduction as he is more in tune with what the punch list items would cost. Attorney Brown asked what if the applicant has no outstanding punch list. Janvrin stated that this would be a mute issue. Mr. Brown asked what typical hold back is for security. Janvrin stated 2 years for hold back at 10% of the original security. Chase really questions the need for a bond as no work was done in the street except for the sidewalk. Chase also stated that John Starkey, DPW has signed off on the change to the sidewalk. Hawkins noted that along with the sign off from the Chair he wanted to make sure that all other conditions have been met.

Motion	Khan	To approve the Chair to sign off on behalf of the Board for the release of the security after the Chair reviews and agrees with the letter from Friberg.
Second	Lowry	Approved Hawkins, Khan, Lowry, Kelley, Baxter Abstained Janvrin

Case #2015-17, 621 Lafayette Road, Tax Map 8, Lot 2 – Donation for the exaction fee

Janvrin stated that the Board has received a letter from Jones and Beach for this case. The original amount of the exaction fee was \$106,800.00 and if given in the form of a donation will allow for a 10% reduction totaling \$96,120.00. The donation will be delivered to the Town before occupancy permit is granted. At some point the Board of Selectmen will want to hear a recommendation for the Planning Board. Khan asked if we can take an action tonight.

Motion	Hawkins	To recommend that the Selectmen accept \$96,120.00 as a donation in lieu of exaction fee.
Second	Khan	Approved Janvrin, Hawkins, Khan, Lowry, Chase, Kelley, Baxter

ONGOING CASE

Case #2015-18 – Proposal by Shea & Ihrig Bonfire Associates Corporation for a condominium conversion, 555 Hudson Street, Tax Map 21, Lot 555

This case was continued from October 6, 2015. Rich Ihrig and Rosemary Shea presented the case to the Planning Board. The plan was accepted by the Planning Board but lacking a few things. Mr. Boyd has updated the plans and delivered them to the Planning Board Office. Mr. Ihrig stated that the water line has been installed but the meter is not. The house is winterized so the meter is not on at this time. Everything was separated and it is a two family dwelling. The water permit has been requested and was approved by the Board of Selectmen. Mr. Ihrig brought the water meter back and all they have to do is re-install the meter. Janvrin stated that at the last meeting the applicant asked the Board to continue the case as they had a possible buyer who was going to purchase the entire property. Mr. Ihrig has a buyer for the downstairs at this time. The upstairs will either be rented or sold and it will still be owned by Shea & Ihrig Bonfire Associates. Hawkins stated that this is a legal two family dwelling at the beach and generally we have approved cases like this one. This case is just a change in ownership as long as the Water Department was satisfied that they could shut off the unit separately if needed the applicant should be all set. The applicant seems to have satisfied that part of it. Hawkins noted that we have a letter from the Building Inspector from the Beach and he confirms that this is property is a legal two family dwelling.

Motion	Hawkins	To approve the condo conversion with the following conditions; 1) All outstanding invoices be paid prior to signing of the plan, 2) The plan be acceptable to the Town Planner.
Second	Lowry	Approved Janvrin, Hawkins, Khan, Lowry, Chase, Kelley, Baxter

Hawkins keep in mind that all of our cases have a 30 day challenge period.

NEW CASE

Mr. Chase excused himself from the next case.

Case 2015-28 – Condo Conversion, 17 Anchor Way, Tax Map 9, Lot 34-3

Presenting this case is Attorney Jeffrey Brown representing 107 Seabrook LLC. The Condo documents have been submitted and a certification letter has been sent. The plan clearly shows two water shut offs located in the right of way. Janvrin asked where the frontage on the Town own Road way is located for this lot. Mr. Chase pointed out the frontage. Attorney Brown stated this is an existing lot of record. Janvrin noted on the plan that there are jurisdictional wet lands. Attorney Brown stated that there are wetlands and they are delineated. Janvrin asked if a DES application that has been approved. Janvrin went to DES website and it was not listed and did not show the approval online. Mr. Chase has a copy and it was submitted to the Planning Board. Janvrin state the Town Planner has been out of the office so he did not provide a checklist for this case and it has not been to TRC. Janvrin stated that he does have letters from Department Heads. Janvrin asked for a letter from Conservation Commission and Mr. Chase provided a copy. Janvrin ran through the Town Planner's checklist. Condo Docs are certified, utilities are on plan, and wetland is depicted on plan. Janvrin asked what the width of Anchor Way is. Chase stated that it is 18 feet. Janvrin issue is that it was accepted Town Road under the minor

subdivision ordinance which is no longer in effect. Attorney Brown stated that the Road was accepted and the lot is an existing lot of record and is allowed to be built on. Janvrin stated the subdivision was approved in 2005. Attorney Brown stated that is correct. Janvrin only has two of the letters that came in which was from Waste Water and DPW. Janvrin asked for a letter from the Water Department. Friberg stated the applicant took it upon himself to get the Department sign offs prior to Tech review. Friberg stated the Water Department sign off was not in the packet so he contacted Slayton this afternoon. Friberg stated that Slayton agreed the two units would be allowed to be connected as they are today but no additional units above and beyond these two due to the 2 inch water line. Janvrin asked where the snow was plowed on that Road. Chase stated it goes down the hammer head and around the corner. Janvrin asked if the snow would go in the driveway. Chase stated that he plows his own driveway. Chase submitted both requested copies.

Motion	Lowry	That the plan is Administratively complete.
Second	Khan	Approved Janvrin, Hawkins, Khan, Lowry, Kelley, Baxter

Janvrin knows that this lot went before the Zoning Board of Adjustments in the last two or three years and he doesn't recall the merits of the case. He asked if the attorney could explain. Attorney Brown stated they went before the Zoning Board two times to see whether or not any building could take place within the original approval for wetlands setbacks. The original set back requirements have changed since the original approval. Any building on the lot would follow the 2005 wetland setbacks and the Zoning Board approved the variance. Janvrin asked if there was any other discussion at the Zoning Meeting. Attorney Brown stated that a discussion took place about duplex's verses single family homes. It was not a discussion relevant to the case as a setback is a setback. Attorney Brown stated that any building would have to follow the original setbacks. Janvrin stated the property has no building at this time and was looking for a floor

plan. Mr. Chase stated that the Building Inspector has floor plan. Janvrin asked if anyone else has any questions. Hawkins asked if the Condo Docs have been reviewed by Tom Morgan, Town Planner. Janvrin stated they have not. Friberg stated the water shut offs are in right of way and sewer is located on private property so he would suggest that the Board consider waiving the Security.

Motion	Hawkins	To approve the condo conversion with the following conditions; 1) The map that went with the wetlands permit be provided to the Planning Board Office, 2) The Condo Docs be reviewed and approved by Town Planner, 3) All outstanding invoices be paid before the plan is signed, 4) The final plan meet the approval by the Town Planner and Town Engineer, 5) Waive Security.
Second	Lowry	Approved Janvrin, Hawkins, Khan, Lowry, Kelley, Baxter

PUBLIC HEARING

Janvrin opened the Public Hearing at 7:24pm

See attached for full text of Sections.

Section 5

Hawkins stated the notice that is dated December 1, 2015 and it was issued without changes. Morgan updated the notice for December 15, 2015. Hawkins stated the notice dated December 15, 2015 should be the one the Board is looking at.

Janvrin asked if anyone from the public has a comment.

Jeffrey Brown asked if the December 15, 2015 meeting will be a public hearing. Janvrin stated that it would be.

Janvrin closed the Public Hearing at 7:27pm

Janvrin had a discussion with Chase this afternoon regarding the secretary position. Janvrin discussed the job description with Town Manager and Deputy Town Manager. Janvrin suggested that the Planning Board update the job description by way of a committee. Janvrin asked if any Board Member wanted to join him for the review of the job description. Chase asked if the Planning Board has something to work with at this time. Janvrin stated that the Board does have something to work with but it needs to be updated. The group will meet in the Library on Thursday following the Police Chief being sworn in. The job description would be brought back to the Planning Board for discussion or approval. Janvrin stated that this discussion will be continued until December 3, 2013 @ 11:30am at the Seabrook Library.

LAND USE ORDINANCES, REGULATIONS, POTENTIAL REVISIONS

**please see attached for details on changes of Sections.*

Section 2 will be continued to the Public Hearing on December 15, 2015.

Chase asked if the Board is trying to do away with condominium conversions for two family homes on a lot greater than 45,000 square feet. Janvrin stated that it is still allowable under the ordinance.

Section 5

Hawkins noted that the verbiage came directly out of Section 7. Hawkins asked if it was just for 2R or should Zone 2 be included. Janvrin said the footnote should answer that question. Janvrin stated this would allow for a two family dwelling to be connected by a garage. Hawkins asked if the chart needs to be changed as well as it allows two units in Zone 2. Hawkins stated that he is fine with 2R. Chase stated that you need 30,000 square feet for a duplex on this side of I-95 and 45,000 square feet on the on the other side of I-95 for a duplex. Chase has a condo he lives in on 30,000 square feet and he has two houses that are attached and they are called a duplex. Zalewski stated they are attached and you can do that with 30,000

square feet. Hawkins stated we are talking about two separate buildings and you would need 45,000 square feet for that. Janvrin stated zoning box is 1 - 100x100 for 15,000 square feet and 2 - 100x100 boxes for 30,000 square feet.

Janvrin stated that Zalewski went to other Town's in the area to see what they do to control accessory buildings. The Town's talked about percentage of open space. Chase has a problem with one accessory building per lot. Zalewski asked do you limit the number of accessory buildings or limit the amount of open space. Janvrin asked if a detached garage is considered an accessory building and would that mean he could not have another building for a lawnmower. Chase feels as long as the setbacks are met he believes you should be able to build what you want. Chase feels we are taking away people's rights here. Kelley stated that Chase certainly makes a point. Chase is totally against it. He has built several duplexes in this Town and turned them all into condominiums and you're saying I can only have one shed on the lot. Chase has a 30,000 square foot lot and he built two houses connected by a light house and the change is saying he can only have one shed per lot. Janvrin stated you go to the Zoning Board for a variance. Chase stated people are not going to do that and they will walk away and go to a different Town. Khan asked Chase what his intention is and how many buildings should be on the lot. Janvrin stated that he doesn't want to clog up the Zoning Board either. Chase stated as long as he meets the setbacks he should be able to do whatever he wants on his property. Janvrin stated his Uncles has a house, a garage/workshop, a gazebo, and a metal shed for storage on his lot. That is 3 accessory buildings on that lot and it doesn't look cluttered. He feels the Board is trying to keep down the cluttering. Zalewski stated the whole thing was brought forward for discussion and it is up to the Board how it is handled. Currently it is limited by the setbacks and open space.

Chase recommends not doing anything with this section. Janvrin stated that Chase can do that at the next meeting. Look at Stanley Hamel's property it had two garages and it was tasteful. Janvrin thinks it is tough to have a restriction like this and we would be clogging up the ZBA. Khan asked how we want to see Seabrook. Khan stated Seabrook has a big problem with rental property now. Building something smaller so we don't have to go to any Board to get approval is going to be a problem. He understands what Chase says as he doesn't want to take away anyone's rights either. Hawkins stated that your neighbor also has property value considerations and if a lot has many buildings wouldn't that have an impact on your neighbor. Kelley stated if someone thinks it is a big problem they don't have to live here. Baxter stated we should look at the open space which is only 25% open space in residential. The way the ordinance reads you can cover 75% of the lot. Kelley sees no reason someone should be restricted on their lot. Baxter suggested 33% of open space. Janvrin stated as your lots get smaller you would have to have less coverage. Baxter doesn't feel they are taking away someone's rights if the Board increases the amount of open space. Zalewski said the other Town's open space varies by size of lots. Kelley stated increasing the open space might be an option and would the Board consider that. Chase is not disagreeing with Baxter but he feels the problem is one accessory building. Baxter stated that we should increase the open space and it would still allow for more buildings while protecting the neighbor also. Baxter feels somewhere around 33% open space would be acceptable. Baxter stated Hampton has 40% open space per lot. Janvrin stated that wetlands counts as open space. Chase would like to see examples of what impact this change would do to the home owner with a 15,000 square lot. Once you get through with all the setbacks you don't have a lot of land left over. Baxter stated on a smaller lot the open space may not be as high as a larger lot. Janvrin asked what if they wanted a swimming pool on a 15,000 square foot lot. Chase stated you cannot have it. Hawkins stated the beach has 25% open space, they are only allowed 1 accessory building no larger than 10x10 and people build to the

setbacks. Zalewski stated they are pretty crowded now and the beach is the place to look at for an example of crowding. Hampton has 40% open space on the large lots and 25% on the smaller ones. Chase stated that lots are very irregular not always square up Town. Chase stated that parts of his lots are totally unbuildable and an increase in open space will leave him with very little land to build on. Baxter stated if you have a lot that is 50% unbuildable you can build on the other 50%. Chase doesn't buy one accessory building on a lot. Baxter wants to control things by increasing the open space and it is a suburban Town you want to keep lawn areas and green. Baxter would like to see us go from 25% to 33%. Janvrin stated we have time to propose this change. Janvrin said as a kid the lots were a lot larger and when the water system was installed in Town. The lot sizes got smaller and we had a huge building boom as we did when sewer came in. Janvrin thinks we need to do something about open space or will not maintain the beautification of our lots. Janvrin feels increasing the open space is not a bad thing. Chase feels if you take a lot on this side of I-95 east it would be a major change for us but west of I-95 they wouldn't even notice the change. Janvrin stated that the Board can have a different percentage of open space for different zones. Khan asked how we want to see our Town in 20 years and suggested instead of doing this in a hurry maybe we should wait another year. Khan doesn't want to take away anyone's property rights. Janvrin stated the last part he would ask is what the master plan says. Chase will not go along with one accessory building. Hawkins stated if the people think it is not a good change it wouldn't pass. Baxter stated if we come to an agreement on December 15th we would have time to change it and he would suggest removing the accessory building part and add an open space increase.

Section 11.5

Hawkins stated it was handled under Section 2 and 11.5 became unnecessary.

Section 13

Hawkins thinks this is a change in format and it is handled in the chart. He doesn't feel it is a change of zoning. Janvrin stated that under 13.100 it would be different from what is there now. Janvrin stated they are moving some signs out of one chart into a chart that requires a permit and that is the difference. Chase stated this is a method to collect more money. Hawkins stated we gave the Town Planner the authority to format our zoning the way it should be and he is pretty sure Morgan wasn't thinking this would give the Town 100.00 more per permit. Janvrin asked what the cost is for a sign permit. Zalewski stated it was 50.00 per sign. Chase stated it all adds up and we got people closing doors because they cannot make it. Hawkins sees a lot of business and not a lot of closing down on Route 1. Chase feels it is a money thing. Hawkins asked why we would have the ordinance one way for Smith Town and another way for the rest of the Town. Janvrin stated that no one was regulating the signs and he believes that Business's should have to apply for a sign permit. Khan stated the intention is oversight and wondered if existing signs would be grandfathered. Janvrin stated that is up to the Selectmen. Hawkins stated every time you don't collect fee's the taxpayer is paying for it as it rolls in to our tax base. Zalewski stated it is a lot of work to charge for signs and a lot of time if we eliminated fees it would really get out of control. Baxter stated it is a lot of time to deal with sign's and smaller places should have smaller fees. Zalewski stated signs are a real problem and keep it as simple as we can. Khan asked what the conclusion will be. Janvrin stated we will discuss more on December 15, 2015. Khan asked about storage containers currently on properties in Town and wondered if some may be grandfathered. Khan asked who is keeping track of containers. Janvrin suggested walking into the Assessing Office and that is you will find current numbers of containers on property's in Town. Khan stated if the property has

more containers than the assessing office shows than they are illegal. Zalewski stated the storage containers are becoming a huge problem and it requires a building permit. He could go around and ask to see a permit if they don't have one the containers should be removed. If they are erected legally they are allowed to stay and that will take time to go through all of them. Janvrin stated if the containers are not shown on the plan for the Planning Board they shouldn't be on the lot. Kelley asked if that would be the same if someone purchased a plastic building from one of the big box stores. Janvrin stated yes it would be the same.

Janvrin recessed the meeting until Thursday, December 3, 2015 at the Seabrook Library.

Respectfully submitted,

Maria Brown, Planning Board Secretary