



Town of Seabrook
Planning Board Minutes
Tuesday, January 17, 2017
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

PUBLIC HEARING

MEMBERS PRESENT

Jason Janvrin, Chairman, Donald Hawkins, Vice Chairman, James Sanborn III, David Baxter, Tom Morgan, Town Planner, Michael Rabideau, Aboul Khan, Ex-Officio, Francis Chase, Rick Friberg, TEC, Stephen Zalewski, Code Enforcement, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Ivan Eaton III, Michael Lowry, Paula Wood and Robert Fowler both Alternates.

Janvrin called the meeting to order at 6:34pm.

CORRESPONDENCE/ANNOUNCEMENTS

February 7, 2016 is the Deliberative Session for the Town of Seabrook which conflicts with the regularly scheduled Planning Board Meeting. The Planning Board will not be having a meeting on this date all the cases will continue to the February 7 to February 21, 2017.

Motion:	Janvrin	To have the Planning Board cancel the regular schedule meeting on February 7, 2017 due to the Deliberative Session meeting for the Town of Seabrook on that same evening and move all cases to the February 21, 2017 Planning Board Meeting.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Sanborn, Khan, Baxter

Khan added that Seabrook School Deliberative Session is February 6, 2017 @ 7:00pm

Brown added that the Winnacunnet Deliberative Session is on February 8, 2017 in the Auditorium at the High School.

Janvrin asked Paula Wood to come up and present to the Board what she has. Wood explained that she was here because recently the Planning Board did their job and imposed impact fees. It has been many years of conversation and since the vote was taken by the Town to have impact fees. The fee structure that ended up coming out she doesn't think it was anything that anyone really planned. It doesn't always get to the general public. The impact fees are not going to do what the majority of people thought they were going to hold the business's liable for their impacts. Instead due to the large impact the school has on our budget the business will not pay the impact the burden is going to rest on the little guy.

Wood stated that someone came to her that will be retiring in a few years and their social security will just about pay for the taxes in one year. They will have just about \$200.00 per month after the tax bill is paid. They have worked hard all there life to make this property their home. They are going have to sell that property because they will not be able to afford to live there. They do have family in Town that they may be able to have a mobile home added but now with the impact fees will be from \$6,000.00 - \$10,000.00. So this is the little guy Wood fights for every time and those are the same little guys that are going to get hit with the impact fees. We have a lot of Town's that has done what we did and discovered afterwards that the impact fee intent didn't go the way they thought it would.

Wood presented a petition to the Planning Board asking for a Public Hearing to discuss the rescinding of the fee structure associated with the new impact fees. Wood hopes the request will be granted.

Mr. Bruce Brown stated he has lived in this Town his whole life and many Planning Boards have wrestled with impact fees. Not one Board up until this time has ever seen fit to impose impact fees. The business gives the town money to do things like conservation or road work. On the homeowners it says the fees will be used for schools, fire, and police. Brown stated that he doesn't ever remember any request that the schools have asked for that the voters did not approve it. As far as the Fire Department goes we just purchased a new ladder truck at a cost of a million dollars. As far as WHS Seabrook pays the most enough so that we could have sent our pupil to Phillips Exeter Academy for the same amount. Mr. Brown understands we had an article in and it passed but he just doesn't understand why we would put more on the homeowners or people that wanted to add on making them pay. The Town's people have done very well by the Schools and Fire Department and he doesn't feel that it is fair to do this to the people.

Janvrin will hold a Public Hearing for February 21st and allocate 1 hour. Morgan will prepare the Public Notice for this meeting. Post 2 places and newspaper. Janvrin hearing no objections he set the hearing date.

Chase would like a memo drawn up regarding the process regarding this request.

Khan stated that the question is up until the public hearing, are we enforcing the fees or not. Khan asked if we can hold off until the Public Hearing is over instead of collecting the money and then having the Planning Board decides they do not want to do this. Janvrin stated that if we don't spend the money within 6 years it is returned to the applicant. However he will note that any building permits that go in now the only thing the office will do is tell the applicant what the fee will be. It will not be collected until the CO is needed and Zalewski will not have CO's before that time. If the Board votes to rescind the vote or action the fees will be null and void. Wood thanked the Board for the considerations and she thanked Chase for asking for the process regarding this request. Janvrin thanked Wood and all of the signers on the petition.

Janvrin announced that Emergency Management will be hosting free narcan training, free kits, and a free meal on January 19, 2017 @ 6:00pm at the Seabrook Recreation Center and no fee to attend also the public is invited.

Janvrin stated that Chase and Sanborn both Alternates will be voting members this evening.

MINUTES

Motion:	Chase	To Approve the January 3, 2017 Minutes as written.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Sanborn, Baxter Abstain: Khan

CIP

Janvrin stated that we are still waiting for the complete file we are missing the justification page. Paula Wood stated that the Town Manager sent a copy to her and it was the complete file.

INFORMAL HEARING, WALTON ROAD, RACHEL SMALL

Janvrin has 4 emails regarding this hearing and he reminded everyone this is not a site plan review.

Henry Boyd Millennium engineering presented the case tonight. Rachel Small and James Luntz mother Elaine and his Father were both in attendance. The property belonged to Mr. Vernon Small. Boyd thanked Morgan for meeting with them and giving them some guidance regarding this request. Boyd stated what they have doesn't meet the subdivision regulations. The property is owned by 4 people and Rachel is part owner of with her 2 sisters, and her cousin James Luntz who is serving our Country. Boyd stated that our thoughts and prayers to Mr. Luntz. The parcel is 6 acres and out toward the back it is wet. The property has one small home with a garage at this time which sits in the center of the parcel. They have adequate frontage to subdivide and they also have enough upland area that these lots should be consider double lots that could support two detach homes on each lot.

Constructability of the parcel is challenging, 1 map shows the current lot as is, and the other map has the Boyle property lay out. The driveway for lot 1 would be on the frontage for lot 2 which would need an easement. Lot 2 is where Rachel would like to build a home and move back to Seabrook. The problems are the driveway being very long and skirt the top of the bank to a pretty deep wetland depression. They have a dam that has been released so it is dry. The challenge for that driveway is that it would require a wetlands permit. Rachel would like to build just one structure and she would agree to 1 house only if needed. Utility would have from Walton Road up the existing driveway along the top of the bank through a 7' vertical position.

Rachel has been talking to the neighbors. Vernon's lot was surveyed in 1998. Boyd felt they needed to look at all surveying needs. The property can be divided by right as they have enough. Mr. Gary Boyle owns 2 parcels of property next to this lot. They run all the way to Walton Road to the rock wall. The lots are condominium lots. The one house was Frank Adams house and the other lot B Gary's son owns that house. Rachel was looking to see if she could enter through Gary's driveway without trying to burden her grandfather's house. The fact that Gary's son's home already has utilities would be very easy to extend to Rachel's lot. They would probably need a pump station to move the sewer through to the Street. The inability to bring sewer, water, and utilities would be very difficult. Mr. Boyle would like to have his property as individual lots instead of condo lots. Mr. Boyle cannot sell his house for anything near what it is worth because it is a condo. Boyd did a subdivision on this property prior to the condominiums. The powers to be at the time were really trying to do away with mini subdivisions. The prior use before any changes did allow people to have 3 lots subdivision with a 30' right of way. The subdivision regulations currently do not allow for an 18' road. He doesn't understand why we want more pavements. Boyd looks at the space for a fire truck to turn around.

Boyd met with Morgan and explained he has a 30' wide driveway with 18' of pavement. He is also showing a 45' cul-de-sac radius. Turtle Creek just up the street has a 41' cul-

de-sac with a 30' paved driveway and it functions well. Based on current regulation you need to have a 65' foot right of way which is a 130' across the radius. Beckman Woods has 51 houses and you barely see cars going in and out. As the lot stands now they would need a relief from the right of way standards, roadway standard width, the cul-de-sac width, and set back variances from the Zoning Board to allow this. Boyd is just here to present the options he could come up with and looking for feedback. Boyd doesn't want to spend a lot of money if this thing cannot work. They also sought an easement across Almena Way and the people were not interested.

Khan asks Boyd to explain what the emails are about.

Elaine Luntz speaking on behalf of James Luntz. James Luntz wrote a letter to the Board and they all have it. Mr. Luntz grew up as a child on this property and he wants to keep it intact. At this time there is no agreement to subdivide. He was surprised about a meeting taking place and the parents are here to make sure his legal rights are honored. The lawyers from both sides have spoken. The lawyer wanted to make it clear that Ms. Small is not allowed to speak on behalf of all the owners. While Ms. Small can speak about her interest in the property and Mr. Luntz is not interested in subdividing the land. He also has not seen any acceptable plan. If that Mr. Luntz is sent any future plans or to make sure he is notified of any future meetings. Mr. Luntz is in the Marine Corp and just enlisted for another 4 years.

Janvrin stated that Boyd needs some direction. Boyd will share everything with Mr. Luntz. They certainly want to share this information with James. If Rachel could do something with Mr. Boyle's property for entrance to the parcel in question it would certainly keep Vernon's property intact.

Janvrin stated that a Planning Board Application requires all landowners to sign it. Morgan stated that he was struck by the access issue. Morgan read the driveways regulations and there was nothing in the regulations that would prohibit access as shown on the plan. Boyd stated the Zoning Board would have to act before the Planning Board could do anything. The Zoning Board is going to want to know that there is light at the end of the tunnel and the Planning Board is semi supportive of this proposal. If there is no way that the Planning Board would consider waiving some of the regulations the Zoning Board would not be interested in giving a variance for the setbacks. Looking for a waiver for the driveway width and radius of the cul-de-sac waivers. Boyd will be meeting with Koko to see what he is comfortable with for the width of the cul-de-sac. Boyd can meet the required frontage and lot size requirements. Chase asked if it would be Town property. Boyd said the goal would be to have the Town accept the Road eventually. Chase asked if the changes would be from 2 lots to 4 lots. The cul-de-sac use to be hammer heads so the current cul-de-sac on this plan is larger than what we use to accept. Boyd stated that this change would be beneficial to

all property owners but he cannot answer for James. Khan asked what 75% Rachel owns. Boyd stated all 4 owners own ¼ each of the property of Vernon's property. Baxter asked if the Planning Board is getting ahead of them. If there is a legal agreement amongst the family maybe the Planning Board could give an opinion. Boyd feels that if there is no way to move forward than they wouldn't want to negotiate. Chase asked about the water and sewer he doesn't want to end up with another Ann's Lane. The driveway has to be built to Road standards of the Town as well as the sewer would need to go in right. The requirements would be the same for the Street except for the width.

Friberg stated that it never one size fits all. The Planning Board should weigh in on this matter as requested and if they feel the waivers requested can be honored. Any and all waivers should be considered keeping in mind the best interest of the residents. Friberg feels that Boyd is heading down the right track checking with Koko regarding the cul-de-sac turning radius.

Hawkins would like to hear from Public Works as well as the Fire Department. Even if it is going to be a private way it should meet Town standards and be safe. If you give waiver the same thought it mind whether it is private or public. A private owned street is still a public right of way. Boyd will meet with Mr. Starkey. Morgan stated that if Mr. Boyle dedicates this property as a public way it is all set. Morgan stated that Boyd is looking for some kind of guidance of the three waivers. Janvrin asked where the nearest hydrant is. Boyd stated one is at Centennial Street and one by the Hamel's they may also have to add another one. Khan asked who is on the other side of the property and it is Richard Adams. Zalewski suggested meeting with the TRC first. Boyd doesn't mind meeting with TRC or all department heads. Hawkins stated that we can make sure we send it to the TRC and if they have no problem he would not have a problem with it. Hawkins would like to know what the Department Heads think before the Planning Board makes any decision. Boyd stated in general he is hearing that the Planning Board would be fine with the waivers if the TRC was. Boyd will get on the Agenda for February 14, 2017 and the public can speak. Janvrin stated the Planning Board is just in an advisory mode.

SECURITY REDUCTIONS

Case # 2014-18,

Jim Mitchell, Tropic Star Development, he believes the conditions have been met. He would like to touch on a few items;

1. Security letter of credit is in place.
2. The DOT permit has been sent out to reaffirm the permit could be another condition subsequent to CO.

3. The DES approval is currently in the process of tank design and could be another condition subsequent to CO
4. All outstanding invoices will be paid and resolution was brought to that today. They will provide payment to the Town before Mylar will be signed.

Janvrin asked if he was referring to condition 11. Janvrin stated that Mr. Manzi, Town Manager of the Town of Seabrook doesn't have jurisdiction over this Board. In fact you negotiated with this Board through Mr. Manzi and I just want that to be known stated Janvrin. Morgan agreed with everything that Mr. Mitchell said and he cannot speak to the negotiation with the Town Manager. Janvrin stated that we are at the point where we are going to finalize it and a check will be cut prior to February 14, 2017. The Planning Board should be mindful that there application will expire before the next schedule meeting. Chase thought they had 180 days after the Court decision. Due to the Deliberative Session the Board will not be meeting on February 7, 2017. Hawkins stated we can extend the date until February 21, 2017. He feels uncomfortable not having the records here to look at and confirm everything is done. It should be reviewed as it has been sitting for a very long time. Morgan can review the file.

Motion:	Hawkins	To extend the expiration date for Case #2014-18 until February 21, 2017 and our Town Planner will review the file for completion.
Second:	Baxter	Approved: Hawkins, Janvrin, Chase, Rabideau, Sanborn, Baxter, Khan

MPO

Janvrin stated that the two alternates and two commissioners serve as the members. Currently Hawkins commission will expire in 2019. Eaton, Chase, Janvrin will expire and Eaton has not been in attendance for a very long time. Planning Board makes a recommendation to the Selectmen. The Technical advisory committee was Norman Brown and now Francis Chase has been a rep for 3 years. This position serves until resigns. Chase will continue to serve. Deadline for upgrading the Route 1 corridor study is March 3, 2017. Hawkins feels that DOT is looking for 5 lanes if we change it to 4 are we creating issues or solving issues. Morgan stated creating an issue but Dave Walker asked that we propose what we would like to see. He would like us to notify the MPO we want to amend that project. Hawkins do we need a paragraph or cost. Morgan stated both are needed. Hawkins isn't sure that we ever got a 4 lane plan. Morgan stated that we are allowed 4 members of the MPO. Morgan will draft a paragraph to review on February 21, 2017 for Board approval.

Motion:	Hawkins	To recommend to the Board of Selectmen that Francis Chase and Jason Janvrin be re-appointed as Commissioners to the Planning Commission and hold off on the recommendation of the 4th Commissioner pending letters of interest.
Second:	Rabideau	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan Abstain: Chase, Janvrin

Morgan will draft up a letter to let people know that we have an opening for a commissioner.

Janvrin recessed the meeting at 8:00pm until 8:10pm.

ONGOING CASES

Case #2016-28,

Janvrin removed the expedited from the applicant announcement. Dean Savastano and Nick Riccio are the owners and the presenters for this case. Dean lived on Seabrook Beach up until 9 years ago and he feels like he is home again since buying this property. He would like to sell cars on 286 with the Board's approval. Janvrin would like to clarify expedited or not. Morgan stated that it should be a site plan review and he shared a memo. Morgan stated the application should say low impact instead of expedited. Morgan stated that the application was submitted prior to the Board's action. Morgan stated that he would refer to section 4 site plan review. No increase in intensity of use, no increase in traffic impact, just with those two criteria Morgan concluded the case doesn't meet the criteria of what use to be called expedited. The Planning Board adopted the provision they decided that Morgan or Zalewski would make the call on what type of case it would be. Khan asked if the applicant has the memo from Morgan. Janvrin stated they would be subject to a full site plan application and the checklist has missing items. Morgan stated that they were in touch 2 weeks ago and they have the check list. They will not be doing any building with a place to park 14 cars on the lot 20' x 100'. They will keep the building used as a home and office.

Hawkins asked if this is a permitted use in Zone 2 and it is per Morgan. Morgan stated historical the Planning Board has permitted this use in Zone 2. Hawkins where are other car sales in Zone 2 and it is not in our use table for an auto sales lot. Khan asked if this use could go under expedited. Morgan feels they will have an increase in traffic

and use. It is a residential use at this time and the commercial use will draw more traffic and people. Janvrin stated that Morgan wrote traffic count not applicable. Janvrin asked Morgan if that means the increase will not warrant the need for a traffic study. Morgan stated that he has not seen a sales business of this size draw a lot of traffic. The expected daily visits will be 3 and will be a very low impact in traffic. He doesn't see a big increase in traffic. He currently sells cars at Watt's and has very low increase of traffic.

Janvrin asked about the 4' x 8' sign and it is on the lot line of both joining properties the Firemen's Association and 16 Collins Street. Janvrin stated it was replaced within the last year and it is a non compliant sign erected on that site prior to the new owners taking ownership. Janvrin stated that any sign added on the bottom would cause a site distance issue and a non compliance sign cannot be altered. Janvrin stated it would have to go on top but it is a non compliant sign. The Firemen's Association violated the zoning ordinance Janvrin is aware of that. The new owner would need a separate sign.

The house will continue residential use and yes it will be, the setbacks not depicted so he is looking for a waiver as he didn't hire a surveyor, the property was surveyed 1 ½ years ago and he would hire Mr. Boyd if needed to show the exact measurements. He marked the setbacks on the drawings and he hand measured the property today. Janvrin looked at the utility pole next to the illegal sign it shows a 15' sewer easement across the front of the property. Janvrin stated they are proposing to place a 20' x 100' paved is on top of that sewer line. The applicant stated that it goes right to the edge of the sidewalk and the pipes run under the sidewalks. The utility pole is in the middle of the sidewalk. The State right of way is paved. The front bumper of the cars would be at the sidewalk. The current parking lot is paved 34' x 20' and a 15' driveway that is used to access parking behind the house and an entrance to the home in the rear. At no time they would block the driveway as they will also need access to the parking in the rear of the front house. Janvrin recapped and stated they are looking to keep the home as residential with a home based office. The 12' x 16' space would be for an office. Khan asked how many cars they will have. The applicant would like to have 14. They will only have 1 or 2 employees most of the time there is a number to call if interested. They advertise on internet, craigslist, and some drive by's. They would like to be open until 6:00pm or during daylight hours. Zalewski stated that if you use the building as a residence and an office it qualifies as a mixed use. With a mixed use you would need a conditional use permit. If they rent the place out it changes the use. The applicant would like to live at and run his business at this property. Janvrin stated that the home office in this instance as long as the applicant lives at the home. Zalewski stated it will not qualify because of all the stuff outside. Chase asked if a home office needs to be residential or commercial or both. Janvrin stated it depends on the use. Chase thought home office was in residential zone. Janvrin stated that with a conditional

permit this use may be permitted for the residential use and the home office would be an accessory use. Chase if he changes from residential to commercial use with no residents on the site the use would be submitted without a conditional use. Morgan stated when they spoke on the phone they talked about curb cut. The DOT has the application and the applicant provided a copy for us. The applicant would agree for this approval to be part of the conditions. Most of Morgan's list as not submitted has since been added. Morgan is mostly interested in safety of the egress. The applicant added that the access never changed and no new curb cut. Chase asked where the tenants park. They park in the rear of the home. Chase stated the Conservation Commission last week that the Rail Trail will be coming straight down the property line of the Firemen's Association.

They are adding a parking lot what about storm water and all. Baxter stated that they normally see a set of plans from someone like Henry showing, storm water, drainage, property lines, and setbacks. Morgan stated either accepts it how it is or look at waivers.

Motion:	Hawkins	To accept Case #2016-28 as administratively complete.
Second:	Rabideau	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan, Janvrin, Chase

The sign currently at the property line is illegal and the applicant cannot add to that sign. You cannot change the face of the sign and the applicant will have to find a place to put a new sign. The sign will need to be permitted through the Code Enforcement Office and Zalewski will make sure the sign follows zoning. The State requires 11" x 11" letters which the applicant doesn't want something that big. The driveway in place has an access easement for the home in the rear of the property and the applicant would not block as he needs access also. Waiver request for setbacks (ordinance is not very clear on setbacks). The pole is in the middle of the sidewalk and the fence was destroyed. The applicant wants the place to look nice not like a junk yard. If the fence comes down the parking would be up to the sidewalk and he would like stop bars or some type of physical separation due to safety. Zalewski feels the Board should decide if it is a home occupation or home office. If the applicant is going to live there than he needs to say it is a home occupation which calls for parking to be at least 30 feet off the street. Zalewski stated if it is going to be home occupation it should also state the owner will live there not to rent to someone else. Zalewski stated that if it is rented to someone else it would be a mixed use. Zalewski also stated the applicant should think about the number of vehicles for sale on the lot. The parking space shown on the plan are 7' wide as the owner will back the cars out for test drives and most car lots have the

cars back to back. Morgan stated that the public notice for a conditional use permit will be sent to the abutters notice stating conditional use will be sent regular mail. They would not be the only one car dealers on the street. Janvrin stated they are none conforming. The applicant has 28' between the 286 property lines to the building. Chase believes they discussed the right of way and sewer easement out front benefits the Town of Seabrook and it is a force main. The sewer man hole is in the driveway. The easement is under the sidewalk. The sidewalk is on the applicant's property line. If the Board needs some buffer between the pavement and sidewalk that can be done. Chase stated that what if the Town needs to dig up pavement for an issue as today it is rocks. The applicant stated they will pay for any cost to repair the pavement if it needs to be dug up and he will take full responsibility for repaving.

Janvrin feels that pedestrian safety is a concern if the applicant parks cars up against the sidewalk. He would like stop bars between so the cars will not be driven over the sidewalks onto 286 and the other issue is drainage. The property pitches to the back toward the house behind it. The applicant can park on grass also. Janvrin asked if he would consider recycled asphalt and that would be fine. Friberg stated that the Board should decide if they are going to waive the drainage requirement as the applicant will be added pavement. It is not clear from the plan where it will drain or how it would be treated. Some type of parking lot that would allow the water to infiltrate would be good. Aside from that the idea to use a fence or curb along sidewalk would be a good idea to separate it. All parking spaces are accessible from the site. They have an 8' drive out and no additional lighting other than security. The applicant will only be open during the day so lighting would not be added other than cameras for security. Friberg asked about landscaping. The applicant stated that they have a very flat piece full of granite. The water and sewer line exist and they would not be changing owners. They will have an office on the first floor. Friberg feels that some of that area has been blasted as they have a sewer easement in place. Janvrin stated a home occupation and it will look for the 30' setback for parking. It will need to go to the ZBA for a variance. Janvrin stated the building doesn't meet the requirement. The drainage goes toward the back into the rail road right of way back into NH. The property has one lot that says common wealth of MA is adjacent to the rail road tracks. If this was going to be a home occupation they couldn't have the parking lot due to set back they would need a variance from the ZBA. The house couldn't be their either but it is pre existing. The mixed use would also have to have a variance from the ZBA if he rented it and had the office there. Rabideau stated that the mixed use doesn't mandate a 30' setback so they could put the parking lot in with a variance. Zalewski stated they could also call the whole thing commercial and not use it for residential. Hawkins stated they have two drawings that don't depict the same thing. One drawing shows 20' set back and the other drawing shows a 15' right of way with an additional 20' setback. Hawkins stated they could have some cars with a row behind them instead of long row. Hawkins stated that based on the two

drawings they have been given he cannot see how the parking lot is going to be located they are conflicting. Janvrin stated the building is not square to the road so if you twist the building it is 20'. Hawkins stated the original drawing shows a distance of 20' with a total of 35' from the property line to the building or is it 20' like the other drawing shows. Baxter asked if we should request an engineered plan that shows everything. Chase feels the applicant needs to come back with an engineered plan. Baxter would ask for a small buffer of grass with a fence between the cars and the sidewalk.

After much discussion the Applicant agreed to a site plan review and they will drop another check off at the Planning Board Office. The applicant agreed that the house would be for commercial and they will come back with a site plan. Janvrin asked if they go for commercial use only and submit a site plan at some time down the road can they get relief to use for residential use. Morgan doesn't feel that a request would be required. If they go commercial and then down the road want to add residential it would be an accepted use if approved through the Planning Board. Janvrin stated it is kind of like going backwards and residential is a permitted in a commercial zone. Boyd did the survey and a lot needs to be added to the plan as it just showed a lot line adjustment. Boyd will update and the Town is reluctant to want to repair so they would add a note on the plan that repairs of pavement would be at the occupant's expense. Hawkins worries as things get lost and would it better to have a second row instead of one single row. Boyd will look at everything to see what the alternatives are for that site. Chase stated they have two different plans and it is difficult to understand. Boyd will lay it out on the computer and do the most economic thing they can. The Board will not to re-notice this case. The applicant will be placed on the next TRC Agenda.

Janvrin continued the hearing until February 21, 2017.

NEW CASES

2016-29, 44 Blacksnake Road, Subdivision, Map 3, Lot 2

Boyd didn't have a whole lot of time between the TRC meeting and tonight. He submitted the updated plans tonight. The lot is 2 ¼ acres owned by Michael Knapp who is here and Larry Chase is also here. The zoning setbacks have been met and Morgan found almost nothing wrong with the plans during TRC. The front sheet would be the one recorded, Lot 1A has a house on it, and sheet 2 has been changed. The change was to add the grading for the driveway for lot 1A and the challenge is the existing dwelling didn't connect to Town sewer but they have existing stubs. They have existing water shut off added to the plan. The new lot will have a new water service and a new water line. They will have individual pump stations installed on the homeowner's dime and maintained by the homeowner. Friberg challenged Boyd to show a little more detail also blown up a little bit without creating another sheet. Boyd shows a retaining

wall to control the pavement run off. The water will shed from the east around the garage and run between the houses. The other side which is the high point will run to the wetlands. The water running into the street was a concern and Boyd was concerned with the water running onto the Town Street. Boyd stated that the land takes water from the Town and it will be directed around the retaining structure and run uninterrupted. They lifted the house up 1' and the grading brought out in the back and the floor of the garage was lifted to make sure they have positive pitch. Boyd felt a cross section wouldn't fix the issue. Boyd did a 3D image so the Board can see what is happening. The grade slopes away from the road 5% slope and pitches back away from the house at a 4% slope. The note will say that the Town shall take no responsibility if constructed otherwise than what you see on the plan. They will build the new house using the existing driveway. So the existing driveway will have stone added and Boyd added the note. Morgan stated that was a fast turnaround. Zalewski stopped by the site in the rain and they had a puddle on the side of Blacksnake. Boyd stated the way it is grading it will go into the swale and they shouldn't have an issue.

Janvrin stated that all 4 points were hit according to the TRC minutes. Morgan's memo and checklist other than the wetland scientist stamp. Boyd has a monument along the westerly boundary that will be placed note 3 on sheet 1. The monument will physically be set.

Motion:	Hawkins	To accept Case #2016-29 as administratively complete.
Second:	Rabideau	Approved: Hawkins, Rabideau, Sanborn, Baxter, Janvrin, Khan, Chase

Janvrin asked about the street numbers and Angie will submit the memo and Boyd will add to the Mylar. Friberg wouldn't suggest a security for this job. Janvrin they will be doing a directional drill.

Motion:	Janvrin	To Approve Case #2016-29 with no conditions.
Second:	Khan	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan, Chase, Janvrin

OTHER

Route 1 Update

Baxter and Morgan will meet with Market Basket on January 25, 2017. After that they will meet with the rest of the Business's. Set up a meeting at 5:30pm on February 21, 2017 Planning Board Meeting. We need to post a 5:30pm public hearing and posted in two places. We will send a notice to the Business owners invited them to attend. Baxter will handle Next Era but they are welcome to come to the meeting. It tapers in at Eaton Plaza but they also will need to get Benoit's property. Brown will work with Baxter on the list.

SNHS Case #2015-16, 146 Lafayette Road

Motion:	Janvrin	To release the entire security for Case #2015-16 Southern NH Services.
Second:	Rabideau	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan, Chase, Janvrin

Greenhead Lobster Case #2014-21, 25 London Lane

Motion:	Janvrin	To release the entire security for Case #2014-21, Greenhead Lobster, 25 London Lane.
Second:	Khan	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan, Chase, Janvrin

Janvrin asked if we had anyone that wish to speak seeing non he asked for a motion.

DDR - Provident Way

Motion:	Khan	To release the entire security for DDR Provident Way.
Second:	Rabideau	Approved: Hawkins, Rabideau, Sanborn, Baxter, Khan, Chase, Janvrin

The Letter of Credit

Hawkins spoke to Walter and it was updated in 2011 and Waterstone didn't have a bank in NH other than Citizens and they would not accept a self calling letter of credit. Planning Board needs to act as soon as the Board gets a notice from the Bank on the date that it is due. The Board should send a letter as soon as we get it. Self calling letters of credit are better protection for the Town because what happens when you hit the date the money comes. Self callings are very difficult to get the banks to agree to. Stick with the letter of credit that requires a notice. This makes the process a lot easier for the applicants. Janvrin asked if we could pick an either or situation. Hawkins would like to not have self calling. Rabideau stated that the last time we gave notice and let the applicant go past the date. Who is responsible for this? Hawkins stated we need to establish a procedure. A copy should be sent to the Treasurer, copy to the Town Manager, and copy to the Planning Board Chair. Hawkins would like to draft a generic letter to send to the applicant as soon as we are noticed. Janvrin stated at this time they have a 60 day notice which will be 4 Planning Board Meetings. They have that time to renew it or request a reduction. Janvrin stated that we will call the letter on the day it expired if it is not replaced it is called. Hawkins stated last time we ran into a Holiday weekend and the Treasurer was going on vacation. Janvrin stated the burden is on the applicant to replace the letter of credit. Khan asked why we don't make the Town Manager's office equally responsible for the letter of credit. Hawkins stated they might not want to as it may get put in a pile and not acted on if one entity gets notice instead of all. Hawkins will update the procedure in the Security packet which will be including in the application. Khan feels the Town Manager has an office open every day and the Planning Board has limit hours and the Chairman is not in everyday. Hawkins feels he the Town Manager's office would not take action until they hear from the Planning Board.

Chase stated we should close the other cases for Security and add them to the next agenda.

The Round Rock has a new owner and the Planning Board wanted an easement prior to. The gas station owner signed an easement and the Round Rock also signed easement and it said do not record. Hawkins feels we don't have an easement and this is a good time to ask both property owners and ask for them to sign so we can record. Chase asked who put in not to record. Hawkins stated it was 2 years ago. Morgan stated the easement was drafted by the owner of the gas station and the owner of Round Rocks attorney drafted his own. We cannot record a one sided easement which is why Round Rock put do not record it is a matter of what happened first. We have been waiting for them to come back so we can take care of this easement. Hawkins will

meet with both property owners regarding easement redone. Zalewski notified Hawkins that they had a transfer of ownership. Hawkins stated that we have one outstanding issue which is the easement.

Janvrin adjourned the meeting at 9:56pm.

Respectfully Submitted,

Maria Brown, Planning Board Secretary