



Town of Seabrook
Planning Board Minutes
Tuesday, February 21, 2017
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

MEMBERS PRESENT

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

MEMBERS ABSENT

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

PUBLIC HEARING

ROUTE 1, LAFAYETTE ROAD PROPOSED WIDENING

JANVRIN OPENED THE PUBLIC HEARING AT 5:50PM

Baxter explained that the Planning Board is suppose to plan. Once DDR was developed and finished it came about that we had a new bottleneck. It started at the Sunoco Gas Station a runs to the Hampton Falls NH Town line. DOT and the Town have an MOA that states they will work together. Baxter spoke with Mike Dugus they set up a meeting and had discussion about Route 1 concerns. The cost of a five lane project was a concern along with the taking of more land along Route 1. Baxter suggested to DOT that we have 2 lanes going North and 1 lane heading South with a turning lane in the middle. Market Basket will eventually expand. DOT 1 lane going south would cause more bottleneck issues and they feel we need 2 lanes going south and 2 lanes going north with a middle turning lane. Baxter asked for a design and they had significant takings to the west side of Route 1. Baxter asked DOT to shift a bit to the east. The Town would like a light on Rocks Road. The Town really wanted 4 lanes but agreed if DOT looked at Rocks Road again and they agreed. Most of this depends on Market Basket and there plan moving forward.

Baxter called for an informational hearing for all of the abutters to show them what the plan looks like and get feedback. Charlie Lombardi would have a significant impact to his Business if DOT did the old plan instead they moved west a little in that area. The

State is the ultimate decision maker on this plan. The State would like the final input so they can have a plan. Janvrin stated that an email or letter may be sent to the Planning Board Office with feedback.

Khan stated that the project we are talking about did not start recently we had the I95 Bridge project and phases of Route 1. The developers gave the exaction money or made a donation. We are collecting money through exaction fee and we will use it for this project. We all need to have a vision.

Janvrin stated that all of those that own property are the stakeholders and we need their input it is very important to the Planning Board. As Baxter said Route 1 south has taken 15 years to fix. The permanent lights by Wendy's were finally turned on and after that was done the plan was to coordinate them all. Hopefully the back up on Route 1 will improve. Janvrin stated they would like to keep the middle turning lane without median strips. The west side property taking would really hurt a lot of Business's. On the East side you also have Dollar Tree, Fireworks Place, Nuke Plant entrance and Market Basket and it would be less expensive to take from this side.

Owner of 920 Lafayette Road spoke up and stated that he has spent a lot of money to fix up the parking lot area. Baxter stated the taking in that area is very limited to 1 – 2 feet. The project is projected for 2019 to cost 5 million and includes 2 lights. Abutters asked if they have any grants available for this. Janvrin the amount in exaction fund and donated funds will be used. The abutter Scott Mitchell asked how hard it is to get on the 10 year plan.

Jim Mitchell asked while the road is opened is there anything that needs to be done for the sewer and water lines. Janvrin stated we have a large water main on the east side and sewer on the west side and natural gas line and some work may need to be done.

John Mathews RMD Market Basket stated that they have been monitoring the situation for quite some time. They have found a very big tenant to go in the center.

Janvrin two lanes each way plus the turning lane is proposed by DOT. Many abutters had concerns about the wait time at the lights and the bottle neck that already makes it very hard to get in and out of their Business.

Janvrin they were waiting for the Wendy's light was finalized today and he is hopeful that it will coordinate with the other lights along Route 1. The main concern other than the lights and bottle necking was the fact that many Business's were already very close to the Road. Some have Business's that have children and the Road being any closer would be a real safety for them. The owners of the dance studio were very concerned with this and also the flooding they already get from Road run off.

PUBLIC HEARING, IMPACT FEES

JANVRIN OPENED THE PUBLIC HEARING AT 6:53PM

Janvrin ground rules if you're going to speak please come to the podium and state your name. If you're not willing to come up and speak you can send an email to the Planning Board Office.

Town meeting vote in 2015 implemented an impact fee ordinance over the last 22 months the Planning Board has had a subcommittee that has been working with an outside consultant working on a fee schedule which will be effective January 1, 2017. Many questions were asked after the effective date mostly on Social Media followed by a petition to the Planning Board asking them to rescind the vote.

Mrs. Paula Wood took a moment to thank the Board for their time. Mrs. Wood stated that she was the initiator of the petition along with a group of voters who asked for this public hearing. Mrs. Wood does know that people were speaking and thinking it would be impact fees to offset the funds for Business cost. The Planning Board subcommittee did take on their duties very well. That is not how it happened. Because it includes the school it will be a higher fee for the residents wanted to build a single family home. The intent was not to hurt the little guy in Seabrook. Mrs. Paula Wood stated that she has a friend who talked to her about the Nuclear Power Plant and due to the hike in taxes she would have to sell her home and put something smaller on another piece of property. The friend would be hit with a \$7,000.00 range of impact fees as she would be building a new home with 2 – 3 bedrooms. The little guy is the people that keep getting hit and Mrs. Wood doesn't believe that was the intent of the vote she for one didn't have all the information when she voted. Mr. Bruce Brown asked Mrs. Wood to remind the Board he spoke the last time. He would like you to look at it again or rescind the impact fees.

Mr. Robert Moore greeted the Board. Mr. Bruce Brown went to Mr. Moore regarding the impact fee schedule. During his tenure serving the Town the impact fees came up only once and the Town was being sued. You cannot get a whole lot in this Town whether residential or commercial. We have nothing to gain other causing the people at the low end a lot of money. The impact fee for a 1500 sq ft house would be around \$10,000.00. We pay our taxes for our Police, Fire, and the School. He doesn't think people understand that everything you see along Route 1 is paid for by the developer it does not come out of your taxes and as a matter of fact they pay 2 taxes.

The evaluation of the Nuke Plant was 600 Million next year it was 1 billion the nuke plant was paying about 70% of our tax bill. Why would anybody want to pay \$1.00 when you have someone else that pays half of it? You have to keep track of all the money that comes in. Someone has to take care of that money for up to 6 years. Mr. Moore feels that there is no real gain for the people or the Town of Seabrook in an

impact fee. It is going to cripple what buildings they can build and any additions. Mr. Moore stated that in his opinion we need to find a way to get out of it as soon as we can.

Peter Vope of 29 Hudson Street.

Mr. Vope is concerned that a 2500 sq foot house would cost \$11,400.00 yet if you wanted to construct an office building you could put up a 96700 sq ft building for about the same amount of money. An Industrial Plant could put up a 22,000 sq ft building for around the same amount of money. He has a real concern with that and it is a heavy burden for residential construction and the distribution doesn't seem fair. It is interesting residential homes are measured on the outside of the house yet the commercial buildings are strictly taxed on the enclosed area. We are now going to have an impact fee, we have beach building fees, taxes, and we have to pay the town fee for building so he feels the Beach residents are getting hit triple.

Janvrin stated that the impact fees will hit residential homeowners would be if they were add to their home or to the enclosed living area. That would include new development if the dog track comes in with a 76 home subdivision they would fall under the residential impact fee. If you're a private homeowner and you want to add an ADU you would be subject to the impact fees. Commercial/Industrial because of the way the State law is written will only impact 1 Fire Protection and Police Protection which is why the fee is lower. The Residential fee includes the impact on School, Police, and Fire. Commercial user does not add an impact for the school and Residential does. A Commercial user coming into Town would not add an impact to the School. The impact fees for the Schools take into account items on CIP plan and bonds. The Commercial and Industrial impact fees take into account our Police and Fire needs such as the 1.2 million dollar bond for the fire/ladder truck. The Police Department would include Elevator service for the upstairs and finishing the space upstairs. The fees cannot pay for personnel, handcuffs, or hand guns but it can pay for the cruiser that may be needed if it was caused by an increase due to the building.

CIP Town manager spear heads it than goes to the department heads; the Planning Board goes through it and is invited to participate in the process.

The residential on the outside of the house is correct for measurement but they wanted to make it a little easier and say enclosed space, heated, and lived in for square footage. The Commercial measurement goes by the total enclosed space like the assessing office does. Janvrin understanding is a land owner owns 15 acres and they would like a subdivision for 15 homes. The impact fee would apply to each home on the lot. The Code Enforcement collects the fee. If you own a single dwelling and want to add on to it you would have to pay an impact fee.

Mrs. Paula Wood stated that a couple living in a home would have no impact on the school. She believes that we should have a pay for what you use. Mrs. Wood stated that the beach is not included in the impact fees as they have their own zoning and the apartment buildings would not be including either. You are just hitting the little guys. The Beach votes in May and they may or may not have impact fees.

Janvrin asked if any other abutters would like to speak if not he welcomed them to come up and look at the map of Route 1.

Janvrin moved to Potential Revision discussion

Chase put the impact fees before the citizens of the town and they voted for the impact fee. The fee schedule would be developed after a committee reviewed and worked with a consultant. I guess looking back maybe we should have evaluated how much money could be generated and who will pay for it. Residents didn't understand if the fee schedule wasn't there may be put it back to the people and include a fee schedule

Chase Senate bill 146 the ADU will not impact the schools. ADU was to help the senior citizens. Chase stated that the Board can rescind for a time certain the fee schedule but they cannot change the vote of the people.

Rabideau stated that the ADU may be seniors but in the other house they will be a family that impacts the school, police, fire, costing money every time they the ambulance or police arrive there. The vote of the residents was 519 yes 285 no to have impact fees. Another way of paying for it would be to increase taxes so everyone pays.

Khan discussed many times and stated the horse has left the barn. The last 3 years the Planning Board worked on it and we can see if we can do better if we cannot we should put it on the warrant article next year.

Motion:	Chase	To rescind impact fee schedule that was adopted in December of 2016.
Second:	Baxter	Approved: Chase, Sanborn, Baxter, Khan Against: Hawkins, Rabideau Abstain: Janvrin

Chase stated that the Board can reinstate the fee schedule at anytime they see fit.

Zalewski had asked for the fees to be postponed per Chase and so far no fees have been collected.

Janvrin stated when the subcommittee met it was 8 or 9 people and 3 were Planning Board Members, budget member, as time went on they either forgot about it or they didn't come. At the end they ended up with 3 Planning Board Members. We carry out the vote of the voters. If we rescind this now to Janvrin it is DOA. If we take it off the table it will be much harder to put it back on the table.

The voters in 2015 gave us a job and everyone did the work along the consultant who was paid. Janvrin understands that the public has concerns. Janvrin understands the fee schedule is not a popular thing.

Chase hears Janvrin and he thinks if the fee schedule was attached in the beginning they might have voted different. The complete package was not there when they voted

Baxter stated it was the best intentions and there are unintended consequences maybe we were not aware of so like chase said at the time we didn't have a fee schedule and we couldn't see the unintended consequences.

Hawkins has an issue before taking a vote tonight nothing has been investigated after 2 years of hard work. Hawkins feels that the Board would be throwing all the hard work away. Chase doesn't want to throw everything away he wants to work on it and revise.

Khan believes everyone is saying the same thing and why not we work and not collect anything until that time. Rabideau waiver is granted to 55 and over deed restriction per deed restrictions. Zalewski did research impact fees. The mythology was correct to put this together. What is happening people didn't understand the numbers as nothing was out there? The article passed but we can suspend collection and then discuss it further.

Warrant article was passed by the people and cannot be undone unless it is brought back to Town Meeting for another vote. The fee schedule is the item that the board is looking to rescind.

Janvrin will appoint a committee to work on the fee schedule.

Janvrin closed the Public Hearing at 7:59pm

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

Janvrin continued Case # 2016-27, 18 Stared Road per applicant's request until March 21, 2017.

Motion:	Chase	To form an impact fee schedule study committee.
Second:	Baxter	Approved: Janvrin, Chase, Baxter, Rabideau, Khan, Sanborn, Hawkins

Chairman Janvrin would like to have, Rabideau, Chase, Paula Wood, and a member of the Beach would be part of the committee. Janvrin asked Hawkins to consider serving on the committee.

Case #2017-01, 147 Lafayette Road, Site Plan, F.W. Webb Company and Seksea Sadie LLC, Tax Map # 9, Lot # 153

Altus Engineering presented.

Janvrin asked if he will see what we envisioned in zone 6M. He is only seeing a steel building and a chain link fence. Construction Company feels they did their best and reminded the Board this is an existing site. Those are fence shield and that is what is behind them all in black. The hours of operation will be 7:00am – 5:00pm and the fence would be opened.

Janvrin asked where the chain link fence is located and how far down the drive is it located. The fence goes all around the property and the shield will stop any lights from going in windows on the back side of the property. The building is barn red and has masonry. The roof will be pitched but still very flat.

Janvrin the other building will be left as it is now for unheated covered storage. He sees the park bench and asked where the bike rack is.

Motion:	Khan	To find Case #2017-01 Administratively Complete.
Second:	Rabideau	Approved: Chase, Khan, Sanborn, Baxter, Hawkins, Janvrin, Rabideau

Chase sits on the conservation commission. A number of plantings were requested and the pipe being further south. They enhanced plantings in the back with hazel winter berry which will help stabilize the banking. Chase stated that a number of trees seem to be 10' 12' high installed size but they will grow. Lightening, wall lights and pole lights security and operations will remain. Janvrin in off hours lightening will be night set back every other light goes off and it is LED. Chase asked if people in the rear across from the wetlands are the lights going to shine in the windows. They have a pretty significant buffer and they don't feel the light will shine in anyone's windows. The whole fencing will be enclosed and covered to stop lights. No lights trespass across property lines.

Janvrin asked about lightening at Route1 connection to driveway. The telephone poles have lights. The applicant would like a lit sign and understand it cannot be back lit. Would they consider adding street lamp type lightening? Chase asked if we are waiving all the requirements to look like it should per zoning. Janvrin stated that due to the color choice and masonry the applicant feels they have attempted to meet requirements. The buildings should resemble a farm building with some white doors and meet the look of the zoning.

Hawkins when they developed the revision they want to have a small town feels in Smith Town. The voters approved and this building doesn't even meet 10% of it. Hawkins doesn't see any attempt to look old New England village type resemblance.

Hawkins would like them to go back and review the Smith Town Village Zoning. Chase is not trying to limit the use others have added dormers and reached the look. If you want the steel building go to the industrial side of town.

Friberg noted at the bottom of page 43 site plan detailed narrative is in place and the Planning Board should put the plan back on the applicant to meet the requirements. Khan doesn't see why the system didn't work. When the developer came in they knew what the Board would be looking for.

Janvrin stated they were advised to meet the regulations. Morgan's checklist showed administratively complete but they haven't met the requirements for the Smith Town. Chase doesn't like the 8' high chain link black fence. Janvrin what your proposing isn't a change of use, your tearing down what is there now your building new. Janvrin and the Board asked the applicant to make a better attempt to meet the Zoning.

Janvrin continued Case # 2017-1 until March 7, 2017.

Janvrin recessed the meeting at 9:15pm until 9:25pm.

Case #2017-02, 270 Lafayette Road, Site Plan, NH 1 Motorsports, LLC, Brixmor GA, James Mientkiewicz, Map # 9, Lot # 49-20

Baxter excused himself from this case as he is an abutter

Attorney Chris Mulligan presented the case also in attendance was Tim and Dan Jenison owners, Dave owner of Brixmor and Attorney John Sokul.

The applicant is not planning any exterior changes all changes will be interior. They can remotely shut down the whole race and it is very safe. No fuel is involved as the cars are electric. Traffic count was submitted tonight. This is a fully developed site they ask for waivers from a whole slew of items.

Morgan feels this is a low impact application and the only difference is the fee maybe a little smaller. Morgan's checklist was reviewed.

- will use the sign on Route 1
- Landscaping details no changes
- Shut off valves fixed
- Back Flow installed on fire suppression system
- Bypass has been removed
- Deputy Chief Perkins had 3 request and they have been met including a Knox box that was already in place

Janvrin no changes to entrance exit operation will be within the building.

- Submit a letter that peak hour is 17 trips per hour.
- 8 carts in a race
- Pricing structure buy package
- 22 people per hour
- 11 vehicles at a time

Khan stated they will have competitions and no alcohol. Khan asked if they could address sound. Derrick Doucette stated that they will be no noise pass interior walls.

They will have blocked time on Tuesday and Wednesday nights for leagues similar to bowling allies. Khan reminded them that the Town uses the access Road behind the building and wants to make sure it is clear at all times. Morgan has no objections to find this administratively complete. Morgan stated that regulations were not met but everything has been documented. Chase asked if anything will be done in the parking lot. Hawkins feels we should follow the same guidelines as they did for the Ocean State Job Lots. We should let 1st section leased have a waiver, 2^{cd} tenant should have some improvements, and 3rd tenants more improvements. Chase asked for some improvements in the parking lot.

Motion:	Chase	To find the case Administratively Complete.
Second:	Rabideau	Approved: Chase, Khan, Sanborn, Baxter, Hawkins, Rabideau, Janvrin

Waiver request

Site fully developed no changes to facility.

Requesting waivers for;

State permits, Cost estimates unless or until we get approval it seems premature and will be all interior, no need for Condo docs, deeds easements, Conservation Commission request, water already installed, Storm water operation manual a recorded plan is available, Lightening fixtures no modifications simply maintain existing approved site as it has already been approved. Not proposing any landscaping, existing space just different use. Janvrin stated prior use was Shaw’s supermarket huge problem in that parking lot with plastic bags going into storm water and this problem will not be an issue. Janvrin stated that this is a low impact would it deal with all the waivers. Sokul here on Brixmor behalf and they are not proposing any outside changes at this time noting the parking meets the requirements. Janvrin asked if they would have any improvements to the site like reduce parking spaces, landscaping, done by the landlord. Attorney Sokul stated that Lot 1 OSJL has 614 parking spaces which were 50 spaces over limit. The Brixmor parking lot has 347 spaces minimum is 311 the maximum is 373. Both lots have cross easement rights.

Hawkins would like to break up the parking understanding snowplowing needs, they want to break up the big field of hot top, and landscape the islands. Really like to break up the parking lot. Don’t be surprised if the board says 30 parking spaces are removed. The standards have changed. Sokul under this lot we comply with parking but not landscape. The frontage belongs to Brixmor. Brixmor is Lot 2 and they own the entrance from Route 1. Janvrin noted that the abutter had talked about the chain link fence at Amato’s and it was supposed to be removed.

Baxter, 264 Lafayette Road is an abutter. He sent the email to Sam asking for permission when contractors were onsite so they could remove the fence and got no response. Baxter needed permission in writing to remove the fence. The owner will remove the fence. Janvrin what point would we have a bite of the apple. The owner of Brixmor asked what the board is thinking for parking reduction and landscaping addition.

Hawkins expanding existing islands should have landscape added. The landscape needs to be upgraded. The 3 islands double the size on those and add landscape. The applicant should come back for a proposal for the Board. The owner will involve landscape architect. The sidewalk is used as snow storage 10' of snow and it needs to be removed. OSJL owns the site not Wal-Mart and they will let the new owner know. Janvrin asked if we should grant the waiver to all of these or one at time. Storm water pollution plan is the landlord's responsibility not the tenant.

Friberg feels that it is the same thing we have now will not generate more than 50 trips per hour. The minimum is only for new development. Jason asked if the intent is to not have any changes to any lighting outside. Chase asked if the lights comply with standards should they be down lights so they are not shining off. They should be dark sky lights compliant. Sokul asked if OSJL lights are dark lights compliant. Janvrin stated the swale area will be buffered.

Sokul stated that they are not making any changes to lights and the lights already exist. Janvrin feels they are dark light compliant. Janvrin stated that this is a full site plan review. The use was abandoned more than a year ago. Morgan would have to do a little research. Janvrin asked Zalewski if he has any comment he was all set. Chase stated that he is talking about the back of the building and the lights facing the neighborhood. Sokul asked if the applicant can limit the dark lighting to the back of the building and the owner would agree with that. The biggest concerns is the east and north east corners as far as the lighting.

Motion:	Janvrin	To waive the regulations that have been requested by Bolton LLC.
Second:	Khan	Approved: Janvrin, Chase, Sanborn, Khan, Rabideau, Hawkins

Chase trash needs to be maintained and cleaned. Owner will take care of that. Khan asked if we have any discussion about existing stop signs. Friberg stated it wasn't raised and he will do a site visit. The chain link fence on Amato's side will be removed by the owner Brixmor.

Motion:	Janvrin	To Approve Case # 2017-02 with the following conditions; 1) Sign to be compliant with current regulations, 2) east and north east corner back side of building be dark lighting compliant, 3) the owner will remove the chain link fence near Amato's prior to occupancy, 4) removal of 6 spaces by enlarging the 3 existing islands, 5) Letter from Deputy
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		Perkins that he is satisfied, 6) keep the easement open as agreed and documented by owner, 7) Security is set at zero, 8) restripe the stop bar lines and add stop signs, 9) Implement a plan for landscaping that is satisfactory to the Town Planner and Engineer prior to occupancy.
Second:	Khan	Approved: Chase, Khan, Sanborn, Janvrin, Rabideau, Hawkins

The opening target date is June or July which will be good for landscaping. Janvrin received an invite at OSJL grand opening March 22, 2017. Khan asked if any new jobs will be added. They will add about 15 new employees. Chase asked if the separation of the lot should it continue all along the curves. Janvrin knows they have a stop sign and a stop bar it is not visible any longer and it will be fixed per condition.

2016-28

The applicant will put the fence back in the sidewalk area as it is a physical barrier between the sidewalk and Route 286. He would like to have his cars as close as he can to sidewalks. Sidewalk starts out at the clam bake place traffic on that side of the street is minimal. Chase stated that the proposed Rail Trail use will increase the traffic and add many people. Janvrin stated that people put the tires to the curb and the trunk is hanging over the sidewalk. The owners would need room to walk around and look under the hood. They are not going to be on the sidewalk. Baxter asked if they will install the split rail fence 3 foot or will they add parking stops. The applicant wants the sidewalk area to be safe. Janvrin stated if a car leaks fluid it would be going directly into soil. Janvrin thought the applicant was adding stone or something to that area. Friberg stated that if you follow it goes toward the back of the property. The current plants biological treat the run off. The applicant’s neighbor has cars dripping every single day. Janvrin asked if it would it better to add crushed stone. Friberg suggest crushed stone and split rail fence, cars will not encroach the sidewalk and he feels it will be an improvement. Khan asked about stop bar. Friberg would prefer the curb be granite. The owner didn’t want to do granite as it was costly. Zalewski asked how many unregistered vehicles will be on the lot. He would like to see a maximum number. Hawkins stated the last number of cars on lot would be 16 for sale and 2 for tenants. Applicant has a rock wall on the other side and they have plenty of vegetation. Chase stated that they will have a parking area in the neighbor’s lot for the Rail Trail to walk.

Zalewski proposed use of the garage will be storage only. At some point if to the applicant wants to change the use of the garage to work in they can come back. Property will be a commercial. If he goes for residential after approval he will need to

ask the Zoning Board of Adjustment for a variance. Friberg stated no security needed for this case. Janvrin water and sewer lines are already in place.

Motion:	Janvrin	To Approve Case # 2016-28 with the following conditions; 1) Maximum of 16 unregistered vehicles for sale as depicted on site plan, 2) no mechanic work onsite, 3) Add split rail fence adjacent to sidewalk on Route 286, 4) Parking spaces and travel area will be crushed stone, 5) Security set at 0
Second:	Rabideau	Approved: Chase, Khan, Sanborn, Baxter, Rabideau, Janvrin, Hawkins

MINUTES

January 17, 2017

Motion:	Khan	To approve the January 17, 2017 Minutes as written
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Sanborn, Khan, Baxter

Janvrin adjourned the meeting at 10:54pm.

Respectfully Submitted,

Maria Brown,

Planning Board Secretary