



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, August 16, 2016**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

### **MEMBERS PRESENT**

Jason Janvrin, Chairman, Don Hawkins, Vice Chair, Aboul Khan, Ex-Officio, Michael Rabideau, David Baxter, Ivan Eaton III, James Sanborn III, Emily Sanborn, Code Enforcement, Rick Friberg, TEC, Tom Morgan, Town Planner, Maria Brown, Secretary, Aeriss Felch, Clerk

### **MEMBERS ABSENT**

Michael Lowry, Paula Wood, Alternate, Robert Fowler, Alternate, Francis Chase, Alternate

**Janvrin opened the meeting at 6:31pm**

<b>Motion:</b>	<b>Hawkins</b>	<b>To approve the Minutes of August 2, 2016 as written</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Rabideau, Hawkins, Baxter, Sanborn, Janvrin</b> <b>Abstain: Khan, Eaton</b>

### **CORRESPONDENCE/ANNOUNCEMENTS**

#### **Email for IHOP, No Kid Hungry, and Hampton Chamber of Commerce request**

The Chamber of Commerce invited the public to attend a ribbon cutting for IHOP located at 570 Lafayette Road, Seabrook, NH No Kid Hungry, Town and School Officials please RSVP.

## **State of NH**

Coastal NH Flood Plain Mapping will not be up and running until 2017 early 2018. The web address is available. The verbiage has been appealed by 2 Towns so everything is on hold.

## **NHRC**

Road Safety Audit applications are due before September 1, 2016. Application process is done through NH DOT. Janvrin stated that the fatal accident on Route 286 would qualify Seabrook for the program.

The Assessing Dwelling workshop location has yet to be determined. This new law will be implemented in June of 2017 and should be reviewed.

The webinar will be available to the public on August 18, 2016 from 2pm – 3pm.

NHDES Ground water and aqua for zoning grant is available. The application for this grant is due November 1, 2016 and will be followed up on by Morgan,

The new Rockingham Community Outreach Office held their grand opening.

The owner has made a Request for an extension. The property location is 81 Ledge Road. They will be on the Agenda for September 6, 2016.

## **Fiesta Shows**

Mr. Flynn, 15 Pine Street Seabrook will be having a circus for the Friends of Seabrook Committee. The fundraiser will help pay for the playground on South Main Street.

The Planning Board has already waived jurisdiction for this request. The dates are September 8<sup>th</sup> – 11<sup>th</sup>. Eaton asked for more information on the event. Mr. Flynn stated they came before the Planning Board they waived jurisdiction. Mr. Flynn stated that the time frame was too close for the last request. Mr. Flynn has met with Fire and Police. Rabideau stated that Zalewski and the State Fire Marshall would be inspecting. Eaton asked how often the inspection happens. Mr. Flynn stated that each time the equipment is set up it is inspected by the State and the Town. Khan stated that this is the same weekend as the Seafood Fest and he was asked by a resident to consider that. Khan stated that the Selectmen had a special meeting for this request and no one showed. Khan stated that the Selectmen had Mr. Flynn come back to the Planning Board for this request.

<b>Motion:</b>	<b>Eaton</b>	<b>To waive jurisdiction per request of Mr. Flynn for the Circus on September 8<sup>th</sup> – 11<sup>th</sup>, 2016.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Eaton, Janvrin, Khan, Sanborn, Baxter, Rabideau, Hawkins</b>

Mr. Bruce Mayberry presented to the Board his findings regarding impact fees and ordinances. Impact fees are assessed only to new development as it occurs. It is intended to capture some of the cost to the Town.

Phase 1 review was done. They looked 1st at School, police, and Library to serve new development and use some fees to cover that. The next area part 2 was for Fire and Recreation, expansions were needed but specific designs was lacking. The next area part 3 was for Town Hall and Waste Water Facilities, and no plans for expansion were the outcome. The Schools have substantial capacity, looking at average demands, pupils per unit, what were the value of that space, and the reduction of debt service. The research was done for both Seabrook School and Winnacunnet.

Fire capacity has no documents indicated need for additional space. The Chief feels a substation will be needed over the next 10 years on the North Side of Town. They figured 7,100 square feet of need for a substation. The Town is heavily invested in major capital equipment. They looked at EMS with a 70 % residential demand base and 30% commercial. The piece that needs to be developed for a substation is a strategic study to be done based on location and space.

The Police capacity has space for 20% additional growth, based on call factors it looked pretty good, 47% residential, 53% commercial and this has an impact on the Police Department activities. This was figured per square foot based fees or the amount of living area. Smaller home you pay less and larger you pay more. May consider the fee based on the available capacity.

In each of these we have a whole table of dollar amounts for both residential and commercial. We are looking for equitable and fair for all involved. You could say we will access 80% of fees.

The Recreation Department needs to be looked at. Many of the items in the CIP don't have amounts attached. The Library doesn't seem to have a great demand and the last study was done in 1991. Hawkins asked about fire equipment and wondered if fees can

be used for replacement of the equipment. Mr. Mayberry believes you can use fees for new equipment.

Eaton asked where we are charging fees for police and fire. Eaton asked if a donation paid for a lot of the equipment, how can we charged impact fees that we never paid for. Mr. Mayberry believes the donated items are already out of the equation and if he didn't take them out he will. He is only looking at the local shares and payment. Khan stated we have exaction fees can we collect both impact and exaction. Mr. Mayberry stated that we can collect both exaction and impact fees. Impact fees are for a Town wide service that serves the entire Town. Exaction fee states that you have to demonstrate that we have an impact.

Janvrin asked if we access an impact fee for the School how does that work. Mr. Mayberry stated that the Planning Board could ask for a capital improvement plan from the school and by law they must respond. It would be nice to link school and town capital improvement plan. You can apply for refund if project is not complete. Brown stated that Seabrook has a School and Town Capital Improvement Plan and they also have a committee. Khan concerned with big business coming in that will not have any problem with impact fee but the lot given by father or grandfather trying to stay within the family and what impact would that have. Average impact per Unit is typical but you may charge more for a larger home and less for a smaller home. Smaller house may pay on just the living area. You could have an affordable housing clause. Janvrin stated they waived a certain amount for other ordinances and could that be done for this. Mr. Mayberry stated it could be done but it would be difficult and may have a substantial impact on smaller businesses. That goes back to the old system and many things are never accounted for. The Board could have clauses added into the impact fees. Hawkins stated they have 3 clauses in the fee schedule and it is at the discretion of the Planning Board. The waiver is written into our ordinance. If you think the fees are too high on the high end it could be adjusted. If you make an overall reduction fee that would be the better way. You could also adopt every impact fee so long as the schedule remains proportioned. The verbiage on page 18 and 19 headers needs to be corrected. Janvrin felt that if the fees were implemented sooner we would have had several developers who would have been charged higher fees.

The School is only accessed on residential. Janvrin stated that we have one coming tonight that could have brought in a much larger amount in fees. Hawkins stated that we cannot forget the proportional piece as it is very important. Hawkins stated most of the services in the Town are provided to residential. You're recovering something that is at or below what the Town has already spent.

The next phase is to deliberate on what fees you want. You would need a public hearing and have a fee study available. After that you could adopt the fee schedule and

it could not be accessed on property you have already approved. The Town can retain any funds collected for up to 6 years. Because the capitol costs are staged there is a way to use some of those fees. Khan stated that many other Towns in NH are doing this. Mr. Mayberry stated that 2/3 of the State is doing this type of fee collection and has been since 1991. Eaton stated in past time if someone wants to do a donation instead of exaction fee it was allowed. The donation is not in the Impact fees at this time. In Lou of a fee you wouldn't want a junk piece of land. On page 51 in our Zoning book it talks about a land donation. Khan feels in this case 100% would be used for Town and School with an impact fee with none going to the State. Eaton asked again if a donation instead of a fee would be allowed. Morgan stated one reason for the donation clause was because of the 6 year limitation. Hawkins stated we can adjust our ordinance with a legal opinion. Mr. Mayberry stated that the 6 year rule goes for exaction and impact fees. Mr. Mayberry felt that the Water and Sewer Department should be looked at. Hawkins stated this is a very important area to be done through the Selectmen. Janvrin feels that this Board never reviewed it due to the fact that it is done through the Selectmen. Janvrin stated a connection fee could be charged. Mr. Mayberry stated this could be done outside of the ordinances. Khan stated that the Town spends \$750,000.00 to a million dollars per year looking for water.

Hawkins feels we should work on this in a smaller group and bring a recommendation to the Board so we can develop a final chart on the charges. Janvrin stated we need to meet with Finance and the Town Manager's Office. Hawkins stated that he has talked to the Town Manager about this and the fees must be tracked properly and the Town Manager doesn't feel that it will be difficult to track. Hawkins stated the Recreation Department has a lot of plans but yet no financing. Hawkins feels we should get the Recreation Department done during this exercise as they have expressed needs. The Library has not stated a need or CIP list at this time so we could let that go. Janvrin feels that it is the low hanging fruit and the Recreation center and School have data on this. Khan has a situation with Harbor Side Park that is sinking, monument for fishermen we lost at sea is in this park, and can we use fees to save that pier. Mr. Mayberry doesn't feel that you take from new development for an existing problem but if it is rolled into a larger list it may be fine. The clause states that it cannot be used for upgrades and what does that mean. Janvrin feels the path going forward from this point forward that the subcommittee should continue to work on this and report back. The Planning Board should leave it on the agenda and look for a recommendation and a public hearing. Hawkins thanked Bruce Mayberry for all his hard work and it is very helpful to have all this statical information. Max Abrams has a comment and a handout. Mr. Abrams is a resident of 14 Charles Henry Way. He did a lot of research to add recruitment to exaction. See attached letter from Mr. Abrams. Hampton has recouped quite a bit of money over the past few years. The check comes into town

treasurer and it is deposited. Mr. Abrams stated that it is something we can do now and it is a simple process.

**Janvrin took a 10 minute recess at 7:48 pm**

**Janvrin reopened the meeting at 8:00 pm**

## **NEW CASES**

**Case #2016-15, 3, 4, & 23 Cross Beach Road, Lot Line Adjustment or Removal, Lot Line Adjustments to correct Encroachment Issues, Corydon F. Perkins, Jr. , John R. Wiley, Thomas Lorden, Map 25, Lot 3, 4, & 23**

Henry Boyd from Millennium Engineering is here to represent Corydon Perkins who passed away on Saturday. He surveyed property for Mr. Lordon and the boundary went through Mr. Wiley's Lot. They asked what could be done about it and his advice was to consider a lot line adjustment. The home has been there for more than 20 years. Mr. Lorden decided to give to him what has been labeled on the plans as parcel A. The Lot line for Mr. Jimmy (Corydon) Perkins nicks through part of his driveway and he has been driving through and parking on Mr. Wiley's lot.

The parcels were surveyed and the lot line adjustments are done. Mr. Boyd worked with the Water Department to determine where the water lines were located. The water line for #4 which is Mr. Wiley's lot is still on Mr. Lorden's lot. All monuments are shown on the plan defining what will be done. Mr. Boyd believes everything is Compliant with zoning + Compliant with everything else. Janvrin asked what the width of the driveways was. There is 22 ft of frontage for the driveway. Janvrin stated that all the driveways are at a width of 22 ft. The driveways have been in existence before the ordinances. The road has been in existence and operation for more than 20 yrs. The town of Seabrook may actually own the property that is depicted? They have easement that runs over this property. Eaton asked if the deeds on cross beach show any ownership.

Khan asked if they remember when they were working on Mr. Bagley's property the town did a lot of surveying on the south side of the property which Mr. Boyd actually did. Most of the properties expanded their lines. Boyd said this survey was a lot clearer than others in the past. Janvrin asked how Mr. Boyd got the high tide estimates. The TRC had no comments on this case.

<b>Motion:</b>	Janvrin	<b>To Approve Case # 2016-15 as administratively complete.</b>
<b>Second:</b>	Hawkins	<b>Approved: Rabideau, Hawkins, Janvrin, Khan, Sanborn, Eaton, Baxter</b>

<b>Motion:</b>	Janvrin	<b>To Approve Case #2016-15 with the following conditions; 1) Set security at zero dollars, 2) Final must be acceptable to the Town Planner.</b>
<b>Second:</b>	Hawkins	<b>Approved: Rabideau, Hawkins, Janvrin, Baxter, Sanborn, Eaton, Khan</b>

<b>Motion:</b>	Janvrin	<b>To Approve the return of \$300.00 from the Application fee and \$150.00 from the Administrative fee. The total to be returned will be \$450.00.</b>
<b>Second:</b>	Eaton	<b>Approved: Rabideau, Eaton, Janvrin, Hawkins, Khan, Baxter, Sanborn</b>

**CASE # 2016-12, 603 Lafayette Road, Site Plan Review, Construct a 10,820 sq. ft. Medical Office Building and Associated Parking, Waterstone Retail Development, Anton Melchionda, Seabrook Development Association LLC, Tax Map 8, Lot 1**

Mr. Green and Dough Richardson were in attendance. Wayne Morrill from Jones and Beach presenting the case. A few members from Portsmouth hospital were present. The property is located in a commercial zone and the plan is to build a 10820 sq ft emergency center. Access will be right in right out with a raised island with a pedestrian

walkway across front. The applicant is proposing 50 parking spaces, Cross walks from parking area into back of building, a proposed garbage and generator enclosed, and they will add a 6 ft high vinyl stockade fence on the North Side of Perkins Ave. They will add directional signs for the flow of traffic. They will have a 16 ft right of way to access the lot, a 12 inch duck lined water line tied into Rt. 1, No food prep in the facility, and Pylon sign in the front will be illuminated. The applicant has an updated landscaping plan they have for the board. Lighting fixtures do not have any kind of light pollution. The last sheet on the plan is an architectural drawing. Mr. John Scranton from Portsmouth Hospital and Mr. Dean Carouchy is the operation manager both were in attendance. The proposed Emergency Room will be open 24/7 and 365 days per year just like every other facility like this one. It is projected that they will have 40-50 job openings. A communication plan has been put into place. They will have two telephone lines with a hard line for back up. They will also have a satellite phone which will be used to communicate between the Town Ambulance and Police Department. The plan will have to go through the State Health review. Janvrin asked if anyone is covering traffic and could state what a basic traffic flow would be. Janvrin requested a floor plan from the architect. The applicant held a scoping session with DOT both Rick Friberg, TEC and Tom Morgan, Town Planner attended. A trip counter has been placed on Perkins Ave which includes the trips coming out of Water stone Development. Janvrin stated that the lights and usage of the lights are awful and Rt. 1 is absolutely grid locked. DOT is aware of the situation and hopefully they will do a coordination of signals. The applicant went before the TRC and they had several comments and recommendations. Janvrin asked Morgan if there were anything from the DOT meeting. Morgan stated they jumped on the left turn situation on Rt. 1 and the applicant's traffic study analysis was there. Friberg from TEC stated that most of the topics discussed at TRC have been fixed. The revised architectural drawings was one, discussion of cross access and an easement to Cigarette City, traffic and landscaping as it relates to abutters, light trespassing from headlights of cars- fixed with vegetations, revised water lines have been done, and as vehicles are leaving the site and turning left onto Rt. 1 headlights will be swimming across properties on Perkins Ave. The applicant was asked to reach out to the abutters to minimize light pollution. Friberg stated that it boils down to a traffic study and the impacts on Perkins Ave residents. Janvrin asked Friberg to look at snow storage and storm water drainage. The storm water seems to have minor issues. Note on #24 on C2 – Dumpsters usage say 11PM – 7AM but it should say between 7AM – 7PM. Eaton asked if DOT had an estimated date for when Rt. 1 will be done. Morgan stated it should be done by next year at the latest. Morgan stated that there might be a proposal to run a driveway up Rt. 107 and Morgan brought it up at the meeting and stated that it is possible.

**Janvrin asked for public comment and abutters with comment at 9:05PM.**

Seabrook Village Co-Op Mobile Home Park doesn't believe it will directly impact the park but a lot of people that live South of Pine Street will see a traffic impact. The abutters believe that the impact will be 50-60% increase of cars driving through the park. They would like the Planning Board to consider the increase traffic going through the trailer park. The Park is a non-profit park and they are not for profit. They have to look at the infrastructure impacted by people traveling through the park. Janvrin questioned the possibility of a gate put into place.

The Vice Chairman of the Seabrook Village Park stated that a lot of elderly people and children live on Perkins Ave and people go 50 mph on the Road as it is now. John Sweet, President of the Association the opening off of Pine Street to the Park was for Police and Fire to have access in the rear. They extended Elms Court which has turned into a way for people who are not residents to use it. The woman across the street has two children and the yard is very small. The traffic coming through there is of high importance and keeping in mind the back part of the lot is capable of being developed. Abutter Jamie McDonald, 8 Perkins Ave asked the following questions; when you say lab, is there an outside lab service offered? No there will not be a draw station. Will there be a future connection to Cigarette City? The cross connection will be the one required by the Town of Seabrook. Her concerns are safety, her lot is Map 8, Lot 5 and traffic not only volume but the nature of the traffic is a concern. Her lot is the closest to the Road. Max Abrahams, 14 Charles Henry Way, ask the question where else you would be able to put a project like this. He feels there is no perfect place for this proposed project. Baxter asked when they believe they will be opened. The opening date is projected to be November of 2017 and August of 2017. The Cross Connection will be done once DOT finishes the widening of Rt. 1. Khan asked Janvrin to ask if the applicant can in any way consider restricting traffic from going through the park by way of signs or gates.

**Janvrin continued the hearing to September 6, 2016.** At that time they will go over the traffic counts. The Abutters will not be notified again but they are more than welcomed to come to the September 6<sup>th</sup> meeting. The meeting will start at 6:00pm.

**Janvrin recessed the meeting and reopened at 9:38PM.**

Janvrin stated that the Board has two security reduction requests.

**DDR – Request for the return of Security**

Mr. Kerivan is the engineer for this case. The suggestion was made that DDR apply for a bond release. The Water Department and Sewer did not discuss this at TRC. The Water Department has no objection to this request. Janvrin read into the minutes the

email from Mr. Grafmeyer which had a completed punch list attached. Janvrin stated that separate from the \$881,300.00 we are also holding \$75,000.00. On November 3, 2017 the \$75,000.00 would be released. Hawkins thinks the Board could make the motion to return everything but the \$75,000.00. Hawkins stated they need to make sure the treasurer confirms the numbers.

<b>Motion:</b>	<b>Hawkins</b>	<b>To return the funds while holding \$75,000.00 with the following conditions; 1) The exact numbers should be confirmed by the Treasurer.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Rabideau, Hawkins, Baxter, Sanborn, Khan, Janvrin</b>

The \$75,000.00 should be returned by November 3, 2017 for maintenance of Provident Way and Water stone Development which is on the East side of Rt. 1. They have a letter from Citizens Bank for the funds. Brown emailed Kerivan to see what onsite needs to be done. If the amount is low enough they can replace the bond with a line of credit. Hawkins asked if Water stone had any Bond associated with Provident Way for signals and such. The Water and Sewer infrastructure and everything is already there onsite.

**Janvrin closed the meeting at 9:38 pm**

**Respectfully Submitted by**

**Maria Brown Planning Board Secretary, Aeriss Felch Planning Board Clerk**

