



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, September 6, 2016**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**PUBLIC HEARING**

**MEMBERS PRESENT**

Ivan Eaton III, David Baxter, Tom Morgan, Town Planner, Michael Rabideau, Aboul Khan, Ex-Officio, Jason Janvrin, Chairman, Donald Hawkins, Vice Chairman, Francis Chase (Alternate acting as a voting member tonight), Stephan Zalewski, Building Inspector, James Sanborn III, Alternate present

**MEMBERS ABSENT**

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

**WORK SESSION**

**Janvrin opened the work session at 6:05pm.**

Julie LaBranche, from The Rockingham Planning Commission presented an update regarding The Coastal Hazards and Adaptation Chapter. Please see attached additional chapter revisions that were discussed by the Master Plan Subcommittee on September 1, 2016.

In 44 years we had a 100 year storm. Julie stated that we have had at least 3 associated with extreme precipitation. The chart notes significant type of storms. Julie stated that some may not be notable because it wasn't named but may still be significant. Eaton what is the category with something like December 9<sup>th</sup> when we had a major blizzard. Any suggestions on how far back we need to go as far as history. Hawkins feels we need to document on what we have had in the past the Beach had some significant wind storms that may be included. Eaton stated if we are only having 5 storms over a 30 year period when we actually have had 30 it should be noted. Julie will do a more in-depth list. Cold winter nights are now getting warmer and are actually noted as a warming trend. The hottest time use to be the first two weeks in August and that has changed. The number of road way, wetlands, and water that are impacted from the storms are noted. Critical facilities such as the waste water treatment plant are looking to get more data. The grounds at the Seabrook schools are also high impact area and are noted. The other areas of concern with flooding include Rt. 1 and Rt. 286 which seem to be the most impacted with flooding although many smaller roads will be impacted. It is important to look at the Marsh areas surrounded by the salt marsh as they store a lot of water. Water resources section looked at rising ground water levels.

They will have more data for this section of the chapter. The section of the economy; How much assessed value property do we actually have in the flood areas. Potential Health impacts such as, Lyme disease is on the rise, water quality, and beach/water closings due to bacteria. This area has far more pollen than ever before. This area keeps growing and it is important to look at servicing high risk areas. Zoning is impacted by sea rise levels. Page 13 show loses over time. Flood Plain speaks about development, Hazard mitigation planning, Mr. Titone has been very instrumental with input improving, and combating flooding. Evacuation is a little bit on the edge and will continue to add data. Communities were recommending for people to go toward roads that would be flooding. Julie will add Janvrin's comment and suggestion. Khan asked about a storm to coming through the bay and he stated how our sewer treatment plan is in a very vulnerable place. Khan asked if we should build a new facility or do we need to relocate all together for sewer treatment plant. Julie has recommendations in the chapter regarding this matter. Julie stated there is ways to protect it until the end of its life plan. Subservice needs to be flood proof and our pump station. Julie would suggest we upgrade before we think about relocating. Ways the community can adapt and become more resilient over time. We looked at Guidance on infrastructure and ways to protect with a certain time frame, and how we can accommodate more for flooding over time. Hawkins wanted to thank Julie for her time spent on this project and the great job she has done.

**Janvrin took this time to clean up some administrative concerns:**

**CASE #2016-14, 72 New Zealand Road, Site Plan Review, Construct an additional 33,500 sq. ft. Self Storage Buildings and Associated Pavement, Ken Sweet, Tax Map 7, Lot 55**

Mr. Henry Boyd from Millennium Engineering presented this case to the Planning Board. The last time this case was before the Planning Board they had a question about Zoning. The Board requested a copy of the variance from the ZBA. The Board has not received anything back from the ZBA. The Zoning Board has all new members who were not present for this vote. Janvrin stated that per the Secretary the new members do not recall the case and cannot clarify an expansion of the use beyond what the zoning allows. Janvrin asked Morgan how to proceed. Morgan stated that we have a notice of decision, minutes, and plans for this case. When the 6M zoning went into place we made a footnote that spoke about footprints for each lot. It states that if they exceeded the size with a new building it would be no longer be grandfathered. The applicant must use building size approved and no larger. Morgan stated that we are unsure what variance the applicant applied for. Morgan stated the Town records are not very clear on this matter. Morgan asked if it is fair to chastise the applicant due to issues with Town Records. Hawkins asked if a site plan went before the ZBA and did the plan show the additional buildings. Hawkins asked if the ZBA understood that they were approving an expansion. Mr. Boyd stated they were here a month ago and no one on the Zoning Board has received a letter. Mr. Boyd stated that the plan showed the extra buildings, multiple questions were asked about additional buildings, and future use was discussed during original application. The variance was granted for the self storage use.

The written record may not be clear but the video record is very clear what happened per Mr. Boyd.

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To find Administratively that the intent of the Zoning Board of Adjustment was to grant expansion of building in their variance.</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: Janvrin, Eaton, Khan, Rabideau, Baxter, Chase<br/>Opposed: Hawkins</b>   |

**Janvrin also wanted to address the concern brought up by the Building Inspector regarding the change in the following case;**

**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. Doug Richardson from Waterstone presented this case to the Board. Janvrin stated that due to the amendment to site plan involving access road added we now have additional abutters who must be notified. Janvrin stated by law we cannot hear this case or discuss it this evening. Chase asked if this case has already come before the Board. Janvrin stated it did and the change was made after that hearing. Morgan stated that we are required to notify all abutters before the Board can take any action. The amendment and site plan change was made this past week and the Planning Board must notify the abutter. Khan asked if the abutter was initially notified. Janvrin stated no as the plan has changed and been revised which added another abutter. Mr. Richardson stated that in the 1st meeting it was very clear that there was concern to the placement of the driveway. They moved the access driveway 500' east and the applicant would like to be in before winter. They have a swap going on with an abutter. Mr. Richardson wants to know if they can go with the original plan and then file for an amendment. Zalewski feels it is treading on shady ground. Janvrin stated that if they go back to the plan prior to the new one it would seem to be dishonest. Janvrin doesn't want to circumvent the spirit of the statue and we would be going into a black area. Richardson asked if they are better off to withdraw what they presented and go with the original request. Janvrin stated that all the Departments feel it is a better situation with the new plan. Janvrin feels we must notify the abutter. Janvrin feels most of the abutters would be in agreement with the new plan. Janvrin stated we should notify the one abutter and move the case until September 20, 2016. Khan asked if we can review the old plan. Janvrin stated we cannot and we must notify abutters. Mr. Richardson heard the concerns two weeks ago they made the change. Janvrin understands the push for time but would like to place the hearing as continued. Janvrin feels that the Board if polled would agree with the new change and he doesn't want to put the Board in a position that they will be in Superior Court.

**Janvrin continued this case until September 20, 2016**

**Janvrin recessed the meeting at 7:29pm until 7:36pm**

**CORRESPONDENCE/ANNOUNCEMENTS**

**Memo regarding 199 New Zealand Road LLC** – They are asking the Planning Board to waive jurisdiction for inside storage of their RV. At this time they are storing an RV in parking area. The owner would like to add pavement, a door, and stated that his building is industrial. The applicant currently stores cars at this property. The proposed driveway is in the back of the building per Morgan. Zalewski has no objection or comments. The crematorium use to be in that building. This site is currently in use.

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| <b>Motion:</b> | <b>Chase</b> | <b>To waive jurisdiction to the Building and Code Office for 199 New Zealand Road.</b> |
| <b>Second:</b> | <b>Eaton</b> | <b>Approved: Baxter, Chase, Eaton, Rabideau, Janvrin, Hawkins, Khan</b>                |

**DOT** released a memo that the last item on Route 1 will be completed on October 2017 with many changes done before that time. They will cease work on December 9, 2016 until the spring. The schedule was released from DOT.

**Mitchell – 11 New Zealand Road**

NH Supreme Court has moved to deny the case. NOD will be written with conditions 180 days after August 22 and call the applicant to come into sign the agreement.

**Save the dates;**

Boy Scouts and Cub Scouts will be meeting on September 22, 2016 from 6pm-8pm for sign ups.

Seacoast Green Way will be hosting a meeting on September 24, 2016 from 9am-12pm inviting all municipal officials to attend. They are inviting all local officials to attend.

They will be taking a walk on the Seacoast Green Way.

Transportation 10 year improvement plan through 2026 was sent to the Board.

Seabrook has zero projects in the 10 year plan at this time. Janvrin suggested that the Route 1 Committee update them and update the Rockingham Planning Commission.

**SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS**

DDR – This has been adjudicated.

**CASE #2014-12, 81 Ledge Road Realty Trust, William Lepito, Trustee, to erect an 18,000 square foot industrial building, Request for an Extension.**

Mr. William Lepito presented this case to the Board. The case was heard by the Planning Board Notice of Decision was signed on July 15, 2014, Security held as a letter of credit in the amount of \$140,000.00 was giving to the Town through Newburyport 5 cent Savings on October 30, 2014, on November 6, 2014 a pre construction hearing was held. Morgan stated that this case is grandfathered. The applicant has been very selective to who will be occupying that building. With that said they are asking for an extension. Janvrin would be extending the actual site plan approval. They do not have a proposal at this time on who will be occupying the building. Hawkins thought the state law changed and gave the applicant 5 years to complete. Mr. Lepito has met the conditions of approval so we are in the construction stage. Janvrin stated that the original notice of decision was July 15, 2014 and we may extend until July 15, 2019 under our regulations.

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To extend the site plan approval to July 15, 2019 for Case 2014-12.</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: Janvrin, Eaton, Khan, Rabideau, Hawkins, Baxter, Chase</b>    |

Hawkins would ask that Morgan investigate this and make sure our ordinance is correct vs. State Law.

**ONGOING CASES**

**CASE #2016-17, 105 Folly Mill Road, Condo Conversion, Robert Scally, Robert Scally, LLC, Map 9, Lot 49-2**

Mr. Barry Gier of Jones and Beach presented the case tonight. Mr. Scally was in attendance. Unit A and B both have municipal water and sewer. The TRC made one comment which has been addressed. The 107 Folly Mill case has been recorded. The 105 Folly Mill condo docs have been corrected and will need to be recorded. Unit A was approved back in June and Unit B is the one were discussing tonight. Sewer correction is in the condo documents. No objection from TRC. Morgan had two issues and they are all set. Zalewski has no comment. Public hearing opened at 8:00pm any questions or comments hearing none Janvrin closed the public hearing at 8:01pm.

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| <b>Motion:</b> | <b>Khan</b>  | <b>To move Case #2016-17 as Administratively Complete.</b>              |
| <b>Second:</b> | <b>Eaton</b> | <b>Approved: Khan, Eaton, Rabideau, Janvrin, Hawkins, Baxter, Chase</b> |

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To Approve Case#2016-17 with the following conditions; 1) set security at zero</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: Janvrin, Eaton, Khan, Baxter, Rabideau, Hawkins, Chase</b>               |

**MINUTES**

August 16, 2016

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To approve the August 16, 2016 Minutes with corrections.</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: all in favor</b>                                   |

Page 10 Eaton not present remove from vote. Page 7 motion Case #2016-15 set security at zero dollars, final plans must be accepted by Town Planner

**CASE #2016-14, 72 New Zealand Road, Site Plan Review, Construct an additional 33,500 sq. ft. Self Storage Buildings and Associated Pavement, Ken Sweet, Tax Map 7, Lot 55**

Mr. Boyd Millennium Engineering is presenting the case. Ken and Curt Sweet are present. The applicant and Mr. Boyd attended the TRC review about 7 weeks ago. The size of the drainage did not change but the direction/speed in which the water went to the drainage area did change. The drainage consists of 3 areas; one shallow retention area and on the West side the only change added was slope drainage edging. This will help divert the drainage and slow down the time of concentration in the swale. The back the water was diverted and the micro pool was moved to the far west to help. The other issue raised was whether the outside buildings need to be sprinkled. The Fire Chief has not made this decision yet. Mr. Brown, past Fire Chief is present and he knows these buildings very well. The building inspector is waiting to hear from Unutil. The applicant could shorten the building or run it underground if needed. The monuments have been set and rods are on site and have been added to site plan. The applicant provided some photo's to show what the buildings may look like. A Liberty Elm

will be added to the site of the old Shoe Factory. Mr. Boyd recalls when the whole of Route 1 was lined with those trees. Mr. Boyd was interested to see where the fire hydrants were located so he did some research. Mr. Boyd found one area that had no fire hydrant for 800 feet. This was discussed at the TRC meeting and brought to the attention of Fire Chief Edwards. An 8" water main serves the building and a hydrant on site. Brown raised the question about the Town Code and he is the one that originally proposed it. Regardless of square footage every building in Town must be sprinkled. The ordinance was passed with the expectation that the Fire Department would enforce it. That ordinance should have gone away when the Town adopted the new one. The Fire Chief appeared before the Selectmen and as far as he can see that was a public hearing. No one was sure it was enforceable. Janvrin noted they have an 8" water main plus a fire hydrant on site. Most sprinklers in town run off or tie into a 4" line. The fire hydrant can draw from a main and pump the water in. Chase stated that if this place requires an assembly of people they would need to be sprinkled and he feels this is not. Janvrin stated that they seem to have a conflict between the Town and the State Fire code. Janvrin stated that this site plan has many prohibited items for storage. The applicant compiled a list and he provides one for each storage client that must be followed. If the ordinance didn't exist the Fire Department could still require a sprinkler. Brown stated that NH is not a home rule state he is surprised it is still on the books. Zalewski stated that we are talking about a Town Code issue not an ordinance issue. Zalewski asked if the Planning Board can waive Town Code. Janvrin stated that if the Fire Department rules one way and the Town another way the applicant can go to the Zoning Board for a decision. The Town code states all buildings shall be sprinkled. Janvrin stated we could make it a condition of the approval that they must meet requirements of the Fire Department. Zalewski doesn't think the Fire Department could waive it either and he would suggest that the applicants present it to the correct board to be waived. Zalewski feels we should contact an attorney. Janvrin feels it would go through the Town Manager's office. Baxter feels if we don't have jurisdiction we should not be addressing it. Chase asked why we are discussing it. Hawkins stated that comment was made at the TRC review. Mr. Boyd has been waiting to hear from the Fire Department on this matter. Boyd agrees that the Planning Board should not be addressing this issue. Seabrook has seen fit to amend the site regulation so that you may not have any additional volume offsite. Friberg stated that if the drainage will remain the same you will need a waiver. Due to the flatness of the site without the approval of the waiver the drainage would eat up the whole entire area. Boyd provided a waiver request to Janvrin. The run off drains to a space owned by Unitil. Janvrin stated that we have been here before where we played the game with developers and they cannot meet needs due to drainage. Janvrin stated that the Planning Board needs to know how big of a building this site would support. Janvrin stated the applicant's drainage plan meets requirement per Friberg except for the offsite drainage. The plunge pool is to settle out solvent once it is full it's full. Mr. Boyd doesn't see any reason why this waiver shouldn't be granted.

Janvrin asked if there is any plan now or in the future to build on the parcel. Sweet stated that is the only high property they have. They are not sure if they have a market for outside storage. Boyd stated they are only using just over an acre of 7 acres of land. They only have one foot of grade across the entire property. Janvrin stated that this is a

use that is not in the Zoning Use Table and the Zoning Ordinance is silent on the use. Sweet continues to say we will not have outside storage. Hawkins stated that it comes back to the statement made earlier. What is being put on the site is more intense than original use. Hawkins stated that what is being done on this site cannot be handled on a site this size. Boyd has been doing this since 1986 and this has been the most challenging site ever. Before we had sewer we had 30 foot mounds for septic and leaching. Once sewer came through they removed the mounds. Morgan stated that he remembers Rob Ruzine advised the Board two years ago on the zero volume. Morgan suggested we may want to ask for his advice. Zalewski wonders how the abutters feel about the overflow. Janvrin the abutters were notified and none are present. Mr. Boyd feels he has a place where he can put one Liberty Elm. Morgan asked Mr. Boyd to explain landscape waiver request. Mr. Boyd would not want to block the highway visibility. The other side was security issues. A partial waiver request and anything they can leave they will. Janvrin asked if any part of top corner could be conveyed to the town as a conservation area. Mr. Boyd asked who will watch it. The power line is the access. Khan stated that area was not a really good area. They improved the area and make it a lot nicer. Mr. Boyd stated a lot of other people used it, they took a ton of trash out, and people were doing things they should not be. Khan feels it is a good thing when improvements are made to a problem area.

Morgan asked about DOT application. Boyd stated all concerns have been addressed just waiting for approval. Morgan commented on Section 14 of Site Plan the design standards goes on for several stages. It doesn't come close to complying with section 14. Hawkins stated it is an area for waiver and he is against this because he doesn't believe this fits with the use. Hawkins stated that they expanding the use without addressing any landscape requirement or development requirements. Hawkins stated this is a step backwards. Would like the board to take a longer view and not just let the developer develop what they want. Hawkins stated we don't want flat square buildings and they need to put in landscape. Janvrin stated that taking into account what Hawkins stated. Janvrin stated they wanted to redo the pink building and the Board said no. Janvrin wanted to keep the color scheme the top one seems much more desirable for the area.

Mr. Boyd understands what went in the 6M, you're hoping for down Town Portsmouth or Newburyport. Mr. Boyd stated not to forget this area is a big difference as it has apartment buildings and houses. Hawkins stated the concept for the North Village will all be redeveloped in the future. The town people hate what happened on Route 1 and they wanted to capture and retain whatever was left. Hawkins wants the Planning Board to look out into the future and are we supporting what the town's people asked us to do. Hawkins stated no were not. Mr. Boyd stated we can add some landscape as far as the size and shape of building he is not sure. Eaton if they had to put landscape around the building you would still have a concrete building. Chase stated they made SNHS changed the shape and met the character of the area. Chase stated that this is the first time we have had a request come in for this area. Hawkins would like to see the applicant address some of the concerns. Is there anything that can be done that won't make this look like a concrete village? Khan would like them to go back and see what they can offer. Mr. Boyd needs to know how the Board feels about the storm water issue. Janvrin stated that they have had this discussion twice now and talked about

culvert/drain area. Morgan suggested he and Friberg meet with Mr. Boyd and we take their direction. Janvrin stated that so many other things could be incorporated into the designs. Mr. Sweet just printed out the pictures and they tend to be a low pitch. Hawkins would ask that they go back review Section 14 and they will get a feel for what we need. Mr. Sweet feels some prejudice against storage buildings and not one abutter has come to object to any of the hearings to complain.

**Janvrin continued the case until October 4, 2016.**

**Janvrin recessed the meeting at 9:05pm until 9:15pm.**

**NEW CASES**

**CASE # 2016-18, 2 State Line Street & 338 Atlantic Avenue, Proposed Lot Line Adjustment or Removal, Taylor Family Living Trust, Map #22, Lot #11 &12**

Mr. Boyd from Millennium will present the case tonight. Chase asked if they have existing sewer, water, and will they be capped. Boyd can put a note on that any existing connections will be capped. Janvrin stated as far as the assessing office, did they assign two separate numbers. Mr. Boyd will check with Angie on this. Mr. Boyd stated that the driveways have to be 20 feet in total. The plan will note that current driveway standards must be met. Mr. Boyd will set monuments if they do not find them. Boyd stated that most of the monuments are not in but ties to the buildings helped out. Hawkins stated that these are established lots.

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| <b>Motion:</b> | <b>Khan</b>     | <b>To Approve Case # 2016-18 as administratively complete</b>           |
| <b>Second:</b> | <b>Rabideau</b> | <b>Approved: Khan, Rabideau, Chase, Baxter, Janvrin, Eaton, Hawkins</b> |

Charles is an abutter and has no objection. John Mellon has no objections and he is an abutter also.

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To Approve Case 2016-18 with the following conditions; 1) the Seabrook Village District Board of adjustment grant the variance to approve the lot, 2) note placed on the plan regarding the driveways, 3) note be added to plan that existing services if not reused will be capped and abandoned,</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: Janvrin, Eaton, Khan, Rabideau, Baxter, Hawkins, Chase</b>   |

Eaton and Baxter excused themselves from the last two cases and Mr. Sanborn an Alternate will sit in as a voting member as of 9:35pm.

**CASE #2016-16, 270 Lafayette Road, Unit 2, Anthony Lanzillo, Expedited Application, Italian Restaurant, Map 9, Lot 49-2**

Mr. Lanzillo presented this case to the Board this evening. Hours of operation 6am – 10pm, serving breakfast to dinner, dumpster is onsite, hours of operation 7am – 7pm, lighting no change, would like to put a sign on the building and the applicant will have to go through Zalewski. Janvrin asked about the marquis sign presently being on lot A and this case will go to lot B. Morgan stated no changes to free standing sign. Hawkins asked if that gives the other applicants the right to use. Morgan stated that the sign is grandfathered as it is not being moved just changing message. Janvrin thinks that Brixmor will need to ask for a variance from Zoning Board of Adjustment. Morgan stated the NH Supreme Court states that we cannot regulate the message. If it was moved, brighter, or made bigger that would be an issue. The case didn't need to go to TRC. The grease trap will be put inside the building and no more than 50 seats inside. Zalewski stated that one bathroom is fine for this business which is under 50 people. Everything is being done inside the building.

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| <b>Motion:</b> | <b>Hawkins</b> | <b>To Approve that Case # 2016-16 is administratively complete.</b> |
| <b>Second:</b> | <b>Khan</b>    | <b>Approved: Hawkins, Khan, Janvrin, Rabideau, Chase, Sanborn</b>   |

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| <b>Motion:</b> | <b>Hawkins</b> | <b>To Approve Case # 2016-16 with the following conditions; 1) Hours of operation 6:00am – 10:00pm, 2) Dumpster onsite hours of operation 7:00am – 7:00pm, 3) Letter from The State Liquor Commission be sent to the Planning Board and Police Department</b> |
| <b>Second:</b> | <b>Khan</b>    | <b>Approved: Sanborn, Rabideau, Khan, Janvrin, Hawkins, Chase</b>   |

**CASE # 2016-19, 270 Lafayette Road, Site Plan Review, Proposed Ocean State Job Lot, OSJ of Seabrook, LLC, C/O Bohler Engineering, Map #9, Lot #49**

Mr. John Sokul from Hinkley Allen will be presenting this case to the Board. This project was before the Board in June by way of a subdivision application. The only condition

relates to water main shut offs and the applicant has addressed that. The Board requested an easement and a Memorandum of Agreement have been drafted. The agreement was finalized and approved. Cross access from Wal-Mart into Boynton Lane will be finished and the easement deed has been accepted and approved by the Town. Wal-Mart will buy property from Brixmor and Wal-Mart will sell to Ocean State. No outside improvements, parking lot is fully paved; building exists and will clean up storm water maintenance agreement. The town is holding money for the access to be finished. Ocean State Job Lots has 22 stores in NY and New Jersey, and 14 stores in NH. The new store will add about 50 employees. They are taking about 1/3 of the building and they will be in the middle space. Chase asked about storage of cardboard. Janvrin stated that no outside storage was allowed of any type. They recycled paper and cardboard which was left for 6 months at a time. The chemicals leaked from that waste and leaked into the retention pond in the back. The new applicant will remove off site to a recycling facility. They will add two partitions in the building. Janvrin asked if the sprinkler system will be separated for the 3 spaces. Zalewski stated that Ocean State is purchasing the entire Wal-Mart building and they will be using the original loading docks for now. Janvrin stated that the trucks be in the bay and the doors be closed for the respect of the neighbors. Hawkins asked if TRC will be reviewing the proposed tenants use. If they end up with two large users the applicant will have to come back. Traffic study was submitted with application. Once the site plan goes through the Planning Board needs to follow up with the Selectmen. Chase thought the \$5000.00 was for Verizon's unfinished work and they took the work to the property line. Janvrin stated at this point it is up to the Town to have someone do the work.

Morgan's letter has been seen and the provision applies due to the fact that it has been more than a year since previous store closed. Janvrin feels that because the use has stopped for more than a year the traffic will now be treated as net new traffic. Hawkins stated he should be looking the site plan review and exaction fee Section 10. The amount will total around \$350,000.00. The representative for the applicant shared concerns over the amount being charged and the fact that the old Wal-Mart paid a large amount to improve Route 1 already. Janvrin stated it can be negotiated if contested. The subdivision process seemed to have been unrelated to the plan and he expects that to be discussed during the fees charged. TRC will be looking at any modification like the garden center drainage and will make recommendations to the Board. Khan would like TRC to look at the retention pond in the back and make sure they are in working conditions. Khan would also like TRC to look at the parking lot lighting. The lights are very inefficient and they flood. At this time the applicant has no intent at this time to change lighting. The applicant will go to the TRC hearing on September 13, 2016.

**Janvrin continued the case until September 20, 2016. If the applicant cannot make the deadline they will call to the office and will be scheduled for the next meeting.**

Other

Conditional Use Permit  
Rt. 1 Committee Update

Bruce C. Mayberry, Principal, BCM Planning LLC

### **Raccoon Car Wash**

Janvrin shared with the Board his concerns regarding the incident at the Raccoon Car Wash. Janvrin, Khan, and Mr. Manzi met today regarding the violation of the Planning Board decision from 1997. They spoke with Walter Mitchell and shared his advice. The car wash has used over 500,000 gallons of water. The car wash conditions from 1997 that they are to use well water and have a recycling system for used water. The owner stated at the February 2016 meeting that they would be using well water and the recycling system which has since been removed. Eaton was concerned with whether or not a mechanical permit was pulled; he would like the Board to give a recommendation to the Water Commissioners, and is very concerned with the amount of water used to date by the car wash. Chase felt that the Planning Board should make sure that special conditions are added to the deeds. Hawkins feels the Planning Board should look at the car wash business and he feels it is unheard of not to recycle with this type of use. Brown read the letter into the minutes which will be sent to the Board of Selectmen/Water Commissioners with the Board's recommendations regarding the car wash violations.

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| <b>Motion:</b> | <b>Janvrin</b> | <b>To Approve the letter addressing the car wash violations and send it to the Selectmen/Water Commissioners.</b> |
| <b>Second:</b> | <b>Eaton</b>   | <b>Approved: Hawkins, Janvrin, Rabideau, Eaton, Chase, Sanborn<br/>Abstain: Khan</b>                              |

**Janvrin adjourned the meeting at 10:32pm**

Respectfully Submitted

Maria Brown, Planning Board Secretary, Aeris Felch, Planning Board Clerk