



**Town of Seabrook
Planning Board Minutes
Tuesday, October 3, 2017
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

MEMBERS PRESENT

Jason Janvrin, Chair, Teresa Kyle, Ex-Officio, James Sanborn, Francis Chase, David Baxter, Alternate (voting member tonight), Emily Sanborn, Building and Health, Tom Morgan, Town Planner, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Michael Lowry, Michael Rabideau, Paul Knowles, Members, Joseph Jones, Faye Perkins, Robert Fowler, all three alternates.

Janvrin called meeting to order at 6:32PM.

MINUTES

September 5, 2017

Motion:	Chase	To Approve September 5, 2017 minutes correcting Case #2017-17 on page 2.
Second:	Sanborn	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Janvrin called for a moment of silence for the violent occurrence in Los Vegas and the damage in Porte Rico.

CORRESPONDENCE/ANNOUNCEMENTS

The Governor has offered to collect items that are much needed in Puerto Rico such as water and non perishable items. The items will be collected from 900AM to 2:00PM tomorrow.

The Salisbury MA Planning Board will be holding a public hearing on October 11 at 7:00PM to amend zoning by law for monitory on recreation marijuana.

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

24 Lodon Lane

Waiting on the As-Built which will be sent to Friberg electronically.

603 Lafayette Road-

The 603 Lafayette Road Phase I reduction in security request will be on hold for now. Continue until we hear back from applicant.

570 Lafayette Road –

Morgan sent an email to Mary Ganz that we need to be very certain how much road frontage they would have. Provident Way is a Town Road and South Access is a private road. When a subdivision is being requested we need 125' of frontage. Attorney Ganz stated that the applicant filed with the Zoning Board for a variance.

Kyle announced that on October 26, 2017, The Rolling Thunder will present a chair and a plaque to commemorate all of the Veteran's we have lost. We will have a ceremony at 6:00PM and please join us at 5:00PM.

Rockingham Planning Commission Meeting, Chase believes we should take this very seriously as Powwow is coming across our Water.

Chase motion to send a memo to the Town Manager and asked that he send someone from the Water Department as it affects our aqua fore protection area.

Motion:	Chase	To send a memo to the Town Manager requesting that he send someone from the Water Department attend this conference as this affects our Aqua Fore Protection area.
Second:	Janvrin	Approved: Janvrin, Chase, Kyle, Sanborn, Baxter

Email the alternates also to see if they would like to go to the conference and forward to the Conservation Commission.

Seabrook Village Corporative,

Morgan called Mr. Robert Moore and he didn't have too much in the way of history. He recalled conversation about the gate going up. Mr. Bragg would like some direction this evening. The access is 16" wide. The emergency access is the only question Janvrin

would have. It comes with a remote control to open the gate. Morgan stated that we have no jurisdiction not allow this but the impact of traffic could be a way the Planning Board could get involved. Chase doesn't want to make a call on private property.

Motion:	Janvrin	That the Planning Board finds that we lack jurisdiction for the gate for Seabrook Village Corporative connecting to Pine Street and they will leave it in the hands of the Building Inspector.
Second:	Chase	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Morgan will pass along the green light for Mr. Bragg to proceed. Janvrin just wants Emily to pass along the concern over emergency gates.

Morgan said the Planning Board could get involved regarding the blocking of a street as it will change the flow of traffic and it is private property. Baxter feels this is no different than a private driveway.

Case# 2004-22

Morrill will forward the As Built to Friberg and Janvrin continued until the next meeting.

Case #2016-12

Janvrin continued the case until the next meeting.

CASE # 2017-19, Map 7/116/1 Hersey Lane and Map 7/116/2, 4 Hersey Lane, Voluntary Lot Merger, Two vacant residential lots merged into One residential Lot, Gail A. Fern (f/k/a Gail A. Hersey), Douglas J. Hersey

Attorney, Mary Ganz is representing the applicant for Case #2003-23 and for a lot merger for 2017-19 this evening. She checked the deeds and both are fine. They both now own the lot. Ganz will have it recorded and then asked that the Board release the security as requested.

Chase stated that the Road was never built the land was never turned over to the town. The letter from Attorney Ganz will nullify the subdivision Case #2003-23.

Janvrin called for any abutters that wish to be heard hearing none.

Motion:	Chase	To Approve Case #2017-19 as Administratively complete.
Second:	Janvrin	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Morgan understood at one time they had two different owners. Attorney Ganz stated that the Lots have been deeded back as dual owners of one lot and they signed the application. Attorney Ganz will record the letter signed by Janvrin tonight. Once this is recorded Attorney Ganz would ask that the Town release the security for this case.

Janvrin asked if any abutters wish to be heard seeing none he called for a motion. Janvrin statue very clear the Planning Board shall grant a lot merger.

Motion:	Janvrin	To Approve Case #2017-19 as a voluntary lot merger with no conditions.
Second:	Chase	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Case #2017-18, 203 New Zealand Road (Route 107), Blouin Properties, LLC, Site Plan Review, 9,600 square foot addition to existing use, existing use is Sheet Metal Fabrication and HVAC Manufacturing Facility, Map #5, Lot # 8-2

DJ Blouin the owner of site introduced himself. Ian McKinnon from Jones and Beach Engineering will present the case tonight.

The company has been a HVAC Manufacturing since 1995. The applicant is proposing to add a 9,600 sq ft manufacturing space adding 4 overhead doors. Access will be a newly graveled area. The site has existing utilities, town water, and sewer. They use natural gas, overhead electricity, and some underground electric. Utilities to serve new buildings will be done internally.

The existing drainage soil is along the western part of the property. They have an existing 18" pipe. Drainage will be a roof infiltration trench on the side and a rain garden on the west side. The rain garden is designed to handle all drainage as needed. This change shows a 60% decrease in the volume that goes to the soil at this time. The Wetlands are well outside of boundaries on the south side of the lot in the woods. The drainage was designed per Conservation Commission's suggestions. The applicant will install wall packs for security and they will not be on at night.

Stamped Landscape Plan and existing plants will remain in the front. The back side will be the area for the addition.

1. Added owner to storm water in the signature block.
Morgan stated C-2 looks like a challenge and suggested they be recorded separately. They will clean up the text and have a recordable Mylar.
2. The height of building has been noted on the plan.
3. Wetlands added to plan on C1 and C2, no run off directed towards the wetlands, a wetland stamp will be added to the plan; markers for delineation of markers will be down the hill in the woods.
4. Water valve not located still working on that.
5. Case number added to the plan.

Morgan suggested putting markers out in the wetlands area as it would be an advantage in the future for people to know where the wetlands are. They will add markers. Chase asked where the garage doors will be. They will have 2 on the north side and 2 on the west side 2 all will be 14' overhead doors. The existing pavement line is a mix of gravel surface already but they will add some more to mix. The calculations were performed as impervious. This area is for trucks and forklifts. The east side of the building is all pavements. Everything flows to the back side of the building so they used Conservation Commission past recommendations to create the rain garden. Chase asked when it is triggered to go before the Conservation Commission in our aqua fore protection area. Morgan stated that is a good question for Conservation Commission. Chase relies on Sue Foote for stuff like this as far as plantings. They used a previous project from two months ago to go by for this project. Chase asked if we have any concerns about vehicles spillage. They are only shipping duct work out of the building. Baxter asked if Curtis is aware. Baxter stated that this is great we have gravel and he would like to know what Curtis thinks. Janvrin stated they don't have a lot of storm water infrastructure and they will have a lot more on this proposed plan. The entire area and new additions are all storm water to the drip edge trench or rain garden. Janvrin stated that is treatment on site. Janvrin asked if they have done the testing for nitrogen and solids falling on the site. They have not done this testing. Janvrin suggest they go to the TRC. Wayne Morrill stated the rain garden is getting the treatment for nitrogen and they went by the same approval from 24 Batchelder Road. Exactly the same product and they have free flowing drainage at this time. Now it will be infiltrated and treated also a 60% decrease. No treatment at this time. Aqua fore talks about a large amounts of fluid. The gravel area could be paved by regulations. They just want to allow this growing business to expand. They are doing the expansion as far away from everyone they can. Just an addition to allow a business to grow and you're getting improved treatment.

Janvrin is looking for a security from TEC and the Water Department to locate shut off, and DPW will make sure they have good drainage. Janvrin would like them to go to TRC and be back to the board at the next meeting. Ian asked for a condition of approval based on outcome of drainage. The service has not been depicted out on the street but it already exists. Send to TRC for storm water review. They do not have a lot of change. Baxter gravel area any reason it was not paved. The most common access is on the North side of the building which is paved and graveled area will not be paved at this time maybe later. Janvrin asked for a cardinal direction is added on plans.

Motion:	Chase	To Approve Case#2017-18 as Administratively complete.
Second:	Baxter	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Motion:	Chase	To Approve the following waivers for Case #2017-18; 1) Waiver for the lightening, 2) Waiver for the landscaping sub section 5 of our site plan regulations.
Second:	Baxter	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Chase if the leach field is being removed. It has been abandoned and now would be the time to remove it if you're going to. They applicant wishes not to disturb any more ground.

Janvrin asked if any Abutters wish to be heard.

Susan Couzo, Abutter, lives on the west side of the end of the building, she lives in the New Zealand Mobile home village. She stated the trucks are very loud early in the morning and they would like some barrier to help with noise.

Michael Mcowlin, 26 Zealand Park, he lives on the west side of the building, in the back of his house he has a swampy area with dead trees. He lives about 10' from the rock wall. He is concerned about the run off as his property already floods. What is a rain garden? Janvrin stated it will be loam and seed and it will be absorbed by the plants to go and use the water. It is like a bowl and it will not flow westerly. The wet lands is determined by the DES regarding drainage. The wetland scientist needs to stamp it and they are the experts. Nothing will be changed outside of the chain link fence.

Clifford Smith, 25 Zealand Home Park. The fence is falling apart. When it rains really hard he is surrounded by water and his property is sponge like. He is doing everything he can to stop his home from sinking. The lighting is an issue will it stop him from sleeping, he asked for sound barriers, and hours of operation are a concern.

Janvrin stated that all of the additional services are going to be absorbing water. This will help with the fact they cannot drain on someone else's property. The leach field is staying. The owner's home is sinking. Drainage has collapsed. Mr. Janvrin referred him to the Building Officer. Noise and light pollution is a major concern.

Morgan stated that the TRC has an engineer on it and they will be looking at the storm water and they will meet at 10:00am next week. The Engineer works for the Planning Board and the applicant.

Gail Tatro, 22 New Zealand, Yard drainage states undetermined is that current drainage. They are referring to domestic water. A rip raft is a type of large granite stone to allow water to flow and holds the ground in place. Is all of the storm drainage based on a ¼ inch of rain no it is based on a 100 year storm? The use of rain garden will decrease 60% of storm water. The engineer will make that determination regarding the storm water. If something gives and is not stabilized they have less than 24 hours and if longer and it must be seeded. Everything must be seeded by October 15. Morrill stated they will put stabilization blankets with seed for the winter the work will be done this fall. It will have blankets or hay. Janvrin around the building the down spout goes in the trench and infiltrates. He is concerned with the water that exists on the property already. The dirt doesn't absorb anything and the extra water would be very crucial to the owners to maintain the property. The TEC will make sure that it is all correct.

Chase has the same concerns about vehicles backing up at 5:30am and he asked that the beep beep beep be discontinued. Chase heard at his house and he would like it to stop. It is very aggravating to be woken up. Baxter stated page 9 of site plan review section 8.07 in residential area. Zealand and Cimarron are commercial areas and the regs do not apply.

Morgan feels that this board didn't write this and he believes that it should say Residential Zone.

Janvrin had a complaint that abutted Applebee's and they had the same beep beep beep issue. The Planning Board reached out to Applebee's and they change their delivery time.

Baxter section 8.07 restricted hours between 11:00Pm – 7:00am. Morgan stated that on sheet C2 hours of operation say 8:00am to 5:00PM. They stated that the trucks leave at 4:00am in the morning. The trucks are loaded the day before. Depends on

what is on the truck to park closer to Route 107 as they have had issues with that. Janvrin asked if you could park on the North east side of the building. The trucks are parked in the inside at night. The trailers are too long to put inside at this time which is why they need a bigger building. Chase sees the building becoming a sound barrier for the people this evening. Could they dispatch on the other side of the building. They only have exit on the west gate. Chase is talking about the 4:00am guy leaving. Typically they enter the Zealand Park side and those are the doors to get the forklifts off. Janvrin if the delivery is leaving early in the morning they have no for lifts. It is highly unusual for anyone to be backing up at 4:00AM. They use air hammers that are very loud and they worked hard to keep from starting anything before 7:00AM. Janvrin stated that they have put restrictions for loading and unloading on other cases.

Baxter feels the strict reading of the section doesn't say zone it says areas. We do not have anything saying residential. Baxter doesn't want to see a complaint filed on the regulation that says strictly no operation after 11:00PM and before 7:00AM. What is residential area mean?

Morgan stated the Board can waive the site plan regulations. Morrill asked to wait until we go to TRC and report back to the Planning Board on how it works. They do a lot on the inside of the building and the truck is kept inside to load. Is there a truck operation timing in an Industrial area? Janvrin stated the abutter is commercial but the use is residential. The owner is concerned that he comes in to expand his business and now he has faced possible restrictions. This will change how his employees work. Chase is not asking for that and they have a 7:00AM restriction you cannot start equipment. Abutters have complained several times to several people and nothing has been done about the trucks.

The case will go to TRC on October 10, 2017 @ 10:00AM for review. Janvrin continued the Case to October 17, 2017 @ 6:30PM. The owner stated that hours of operation are 6:30AM-3:00PM. No deliveries before 7:00AM or after 2:30PM. Our trucks leave in the dark.

The case for 603 Lafayette Road has a phase II and Janvrin discussed with the Town Manager today. The fee would be \$70,000.00 and it has no cap. Janvrin asked how we make it equitable and fair for the applicant. They will have over a million dollar fee to the State for Mr. Green and Janvrin has spoken with him. Morrill stated that they are not looking to do the total build out as Phase I. They will look at nice buffers and set up initial phase. Phase 1 the first building, \$32,000.00 fee for phase I and plan each time they come back to the board they would pay more fees totaling \$70,000.00 for this project.

Janvrin stated that the 88,000 sq ft would be phase I. Chase asked what the question is. The applicant is asking that when they file the plan set they would like to only pay for Phase I. This is what DDR did but this is one lot. Chase asked why we have a question. Baxter stated that they are being nice to ask if it is ok to pay Phase I fees with others later. Morrill they have to put an application in whole. Phase II we will come in and pay the whole impact fee associated with phase II. Waterstone paid the fee.

Motion:	Chase	To for 603 Lafayette Road phase I, Case #2017-20 to pay fees according the phases.
Second:	Baxter	Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Other

Sub Committee request from Dave Baxter and Mike Rabideau. Baxter made statements at a public meeting and feels he was not fully informed.

Baxter went to the Selectmen to try and get clarity of exaction fees and total. At the same time he passed information to Morgan for the rail trail. Baxter shared his concern about a meeting in the summer when the rail trail was added to Route 1 corridor and he questions whether or not exaction fees can be used for the rail trail. Baxter stated that they have applied for CMAK funding and it includes shoulder widening bike and pedestrian walk ways. The rail trail can get the grant funding as it is in the 10 year plan. Baxter feels at the same time he has over the last week read the site plan review about the wording of the exaction fees and what they can be used for. It specifically says transportation and he feels that we are stretching it if the exaction fees could ever be used for the rail trail. The developers have come in to the town and increased traffic and the infrastructure has to be improved for safety along the Route 1 corridor. The formula is for new development so that they would provide exaction fees for Route 1 improvements. Baxter feels strongly that exaction fees are not intended to be used for the rail trail. Baxter feels we owe it to the public and the people of the Town to use the exaction fees for what they are legally for. The Planning Board is the custodian of these fees. The DOT up the project from 4 million to 8 million from a practical manner we don't have this. Baxter understands why we did what we did with the rail trail to get CMAK funding for the rail trail and it is great project but must be funded the right way. The Planning Board must make sure we use those fees as we should. Janvrin stated that because our job is to plan we know Market Basket North and 603 Lafayette Road have more phases to come forward. Janvrin asked if we need the true accounting and Baxter would like that. Baxter stated that we need to know what the outstanding

invoices are. Janvrin doesn't believe that we have not had a true accounting nor do we have the true accounting for donations either and haven't had it for 8 years now. Morgan added that if it is not a donation it has to go back in 6 years if money is not used. Morgan stated Mike and him were in Concord a few weeks ago. Mass Transit was discussed. CMAK stands for Congestion Mitigation and Air Quality. One of the criteria you have to improve air quality is that you provide alternatives how they come and go. Whether it is by a bus, bike, or by foot. Morgan added that if DOT can see if the Town can prove that the rail trail can get congestion off the roads it would score points. Baxter stated they have what it is now and what will the rail trail do to that. Essentially the rail trail will score 100%. Chase goes back to safe routes to school put the sidewalk up to the rail trail walk down to the new pass way by the Police station and over to the Recreation Center. Janvrin stated that other grants are available if they can show an economic improvement.

Chase stated we got an accounting in August and he wonders if it is justifiable. Baxter had a list when he worked with Hawkins going back 12 years. Dave would like what came in and what was paid out. Some of the stuff that is going out he would much rather we have a defined contribution with a cap. Baxter feels that the State is going way to high in the administration fees area.

Baxter stated as far as when this came up in RPC he was very upset working on this project for a long time living at 264 Lafayette Road many years back and seeing the changes along Route 1. Originally a raised median was all down Route 1 and now it is 5 lanes with much work and hours to get on the 10 year plan. We were ranked 5 and the rail trail was ranked 4. Baxter felt they spread the wealth around. The DOT stated that all the numbers are wrong as far as the cost of the project. The recommendation was approved at TAC and the whole Regional Planning Commission approved it. DOT kicked it back and Baxter forward the memo to Janvrin. Baxter called Dave Walker before the meeting and it was brought up at the TAC meeting. DOT said you have 6.6 million dollars what do you want to do. Our project was elevated 2 million to 8.8 million. It was known that the town and developers were going to contribute to a 4 million project. DOT stated the 5 lane project was 4 million dollars. The project was bumped even higher and they said you got to take that off the list even if we raised the 8.8 million if you're not on the 10 year plan you cannot do it. Concord is telling us it is a five lane road when the traffic light turns red at Dearborn the cars fill up if you only have one lane it doesn't work. We are going to have to have 5 lanes all the way and taper off after Dearborn it tapers back to 3.

In the TAC meeting put a motion on the floor to eliminate Seabrook 5th on the list. One of the gentlemen that were 9 or 10 on the list stated Seabrook has exaction they can just pay for the Route 1 improvements themselves. Baxter explained we understand we have funding issues at the State level why have exaction fees we could just do away

with them and be 1 on the list and the State can foot the whole bill. Baxter stated not one of the others on the list have safety issues along with traffic and Seabrook uses exaction fees to help pay for upgrades. Baxter stated we are contributing and we need this now. The Portsmouth Rep stated they agree with Baxter. Dave Walker asked what about the major projects we cannot do. The gentlemen pushed a motion and Baxter added an amendment. We are 4 on the list and our numbers were still 8.8. They are not even taking into considerations the money we are going to contribute. If Market Basket was the only upgrade DOT would probably say you got to do that stretch which would be 4 million. Kyle asked about land takings and who will pay for that. Baxter took the signal at Rocks Road and added to the plan. The two properties on the corner, Baxter would personally attempt to see if we could get the right away which would be one property which is being redeveloped so that would make no takings. We shifted the area with Charlie's parcel through DOT. We listened to all the people and worked with DOT. Dave Walker stated they could do this as it was motioned and the motion passed. They will have more hearings and they will need to explain it is 8.8 but it will be less. Baxter feels Prescott will have a huge impact. Kyle asked if we are back on the list even though the cost has went up. Kyle asked if Baxter can come back to the Board to explain this change since our last meeting as far as total cost. Baxter feels if no one explains Russell will say it is 8.8 and the DOT will say, no we cannot do it due to the total being more than 6 million. Janvrin feels this work would happen within the next 3 years. The key is getting the funding approved. Chase stated the problem that we are faced with was brought on by the State due to the DDR entrance and exit. Janvrin stated they screwed it up and we are trying to fix it. DOT and the Courts screwed it up the Planning Board was overruled with the planned main entrance. Trying to solve a DOT created problem. Morgan asked about a sign going up and both contacts from the State said no. They have a very strict program to which is allowed and this request is not. DOT stated what if someone wanted to go to Market Basket they would go toward the mall sign and not find Market Basket. Chase would like to talk to the gentlemen and he will ask about signs.

Baxter would like to start a subcommittee to have true accounting for exaction fees. April 5, 2016 is the most updated. At one time \$75,000 was lost so it had to be given back due to loss of time. Baxter and Chase will meet with Councilor Prescott.

Baxter is more than happy to meet and update the Selectmen he will meet with Mr. Manzi sooner.

Chase motion that a letter be sent to the Selectmen for the total exaction fees and donations, Chase withdraw his motion.

Motion:	Chase	To Approve the Planning Board 2018 Budget with an increase of \$895.00 over the 2017 Budget.
Second:		Approved: Baxter, Kyle, Janvrin, Sanborn, Chase

Janvrin stated that this is less than a 1% increase on the Budget. The part time employees for the pool clerk's rate and the increase given to Maria would be the increase. Janvrin stated they will leave the revenue the way it is which more than makes up for our expenditures.

Chase asked about the interest and the post stamped envelope. Chase asked about his interest on his bill and asked how he could be charged for that. The Planning Board went back to September 1, 2015. We will not include a self addressed envelope for the payment.

GASKET hearing is October 16, 2017 at the Sea Shell and the Selectmen already have a very heavy schedule on that day.

The Capital Improvement Plan was kicked back to the Department Heads and asked them to stabilize the spending over the next 6 years. The police put in a number for new radios, the sewer pipe under 286 was added, and TEC made good comments. They took unexpended in the water improvement plan which is expiring December 31 this year and they will put on a new warrant article it is reflected in the CIP.

The Planning Board has not put projects in the CIP and the Route 1 expansion is not on there. Janvrin would like to see a good figure of what the total project cost will be. Baxter will follow up on that. Janvrin state it will be put in for 2019 and 2020. We will keep the safe route to school in the CIP. Chase worked with Friberg and visited all department heads and they are looking at the entire CIP and will back with a recommendation.

Janvrin stated that he will meet with the Budget Committee to go line by line in the second week in November.

Janvrin adjourned the meeting at 9:01PM.

Respectfully submitted,

Maria Brown

Planning Board Secretary