



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, October 18, 2016 @ 6:30pm**  
**Seabrook Town Hall**  
**99 Lafayette Road, Seabrook, NH**  
**603-474-5605**

**PUBLIC HEARING**

**MEMBERS PRESENT**

Jason Janvrin, Chairman, Donald Hawkins, Vice Chairman, James Sanborn (Alternate voting member tonight), Michael Rabideau, Aboul Khan, Ex Officio, Francis Chase (Alternate voting member tonight), Rick Friberg, TEC, Maria Brown, Planning Board Secretary

**MEMBERS ABSENT**

Ivan Eaton, Michael Lowry, Paula Wood, Alternate, & Robert Fowler, Alternate

**Janvrin opened the meeting at 6:35pm**

**MINUTES**

October 4, 2016

<b>Motion:</b>	<b>Khan</b>	<b>To Approve the October 4, 2016 Minutes as written.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

**CORRESPONDENCE/ANNOUNCEMENTS**

**Case #2005-24**

The Board received a letter from TEC to Code Enforcement for 89 Ledge Road. Janvrin stated that they didn't construct some things from the Planning Board approval and TEC is asking that they be considered insignificant. They are substantial compliant with the approved plans and they are substantially complete. Chase asked if the bond has been reduced. Janvrin stated that it has not been reduced as of today. Friberg prepared the letter per the request of Zalewski and the applicant. The applicant would like to have an occupancy permit. Friberg stated that the security has not been reduced. Janvrin asked about the propane tank and it is protected by bollards. Janvrin asked what the wish of the Board is in this matter. Rabideau asked about a proposed fire hydrant and if it is in the proper distance. Friberg stated that it is and it is a private hydrant.

<b>Motion:</b>	<b>Hawkins</b>	<b>That Case # 2005-24 is substantially complete for purposes of issuing a certificate of occupancy.</b>
<b>Second:</b>	<b>Chase</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

Chase asked what the purpose of this vote is. Janvrin stated that the applicant needs to get an occupancy permit and they can only do that if the Planning Board finds that the case is substantially complete.

Mr. Robert Graham withdrew his request to hold an informal meeting with the Planning Board as the proposed project fell through for the Yankee Greyhound property.

**DDR**

Janvrin stated that we have been going around and around with this release. The way the Board voted was not accepted by the Treasurer. It is kind of hard to follow as they had so many votes and projects. Janvrin stated that it is in the best interest to have the Chair or Vice Chair determine the correct amount to be held. Morgan met with the Treasurer and he was uncomfortable with the wording of the vote taken. Hawkins met with Morgan regarding the security and he shared the way he thought the wording should be. Morgan has drafted the verbiage for the Board and the Treasurer agreed to it.

Authorize the Secretary to use the wording in the motion that was recommended by Morgan so that we can have it in the minutes. Hawkins stated the number was right but the wording was not. Hawkins asked that we approve the new wording proposed by the Town Planner and have that added to the minutes as a vote of the Planning Board. Hawkins stated our intent was clear in our vote but not satisfactory to the Treasurer. Brown stated that Morgan and Hawkins met and shared the new wording for the vote.

<b>Motion:</b>	<b>Hawkins</b>	<b>To Approve the wording used by the Town Planner to release all of DDR's securities, except for the following: 1) \$75,000.00 in the Provident Way account.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

The wording from Morgan for the DDR security;

Move to release all of DDR's financial securities, except for the following:

- 1) \$75,000 in the Provident Way account

Chase asked to clarify that the numbers didn't change just the wording. Janvrin stated that just the wording changed and we will be holding \$75,000.00 for the Road work on Provident Way.

## **NEW CASES**

**none**

The November 1, 2016 Agenda only has one case which is the 2 Felch Lane condominium conversion. The rest of the meeting is for a Work Session.

## **ONGOING CASES**

### **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 presented the case tonight for Mr. Ken Sweet and Mr. Curt Sweet. Mr. Boyd understands that as of 2 weeks ago the case was down to trying to meet some of the 6M requirements. The Board felt that the applicant needed to add more plantings to the site. The applicant worked on filling in 450 feet of space with plantings to the end of the detention facility and beyond. Mr. Sweet took the suggestion from Rabideau to plant the roses that handled salt and is very hardy. The applicant will add junipers and they will be 6 to 7 feet high. Hawkins asked to show an interruption in the area between the buildings and they added low growth plants. Austrian pines will be added to the already full grown trees. In the front they have chosen to leave the opening off the end for snow storage. The entrance will have 6 different plants in the area. Mr. Boyd hopes that will satisfy the concerns. Janvrin stated that on the 95 side they have many pine trees that are very old. Mr. Boyd stated that some will have to come down to meet drainage requirements. The drainage pond is made to be shallow for growth and will be mowed. Janvrin stated nothing will be changed in the Northeast corner. The ponds are not meant to be for retention to hold water all the time. Mr. Boyd felt additional wet ponds would not be wise due to mosquito issues. Hawkins asked if the last plan has some trees in the building area that were higher and some plantings lower. Mr. Boyd stated that they have 28 Junipers going in the area. Janvrin stated this will break up height and colors. Mr. Boyd felt in the old area they would be a problem for maintenance. Hawkins stated that the applicant may want to reserve the upper area. It is a buildable area. Rabideau likes this design much better and feels the landscape architect worked to blend in some of the area that is an odd duck. Mr. Boyd felt it would have looked odd if they didn't have the lower plantings. The plantings will be staggered. They will ensure that the accurate plantings are shown on the As-Built. Mr. Boyd wanted to keep everything away from the berm. In this area with such a shallow pond they can get around the berm to do more plantings. Hawkins asked if the big trees can be saved. Mr. Boyd stated no due to the spread root system. Mr. Boyd said if they can save some they will. Janvrin asked if we acted on waiver request.

Landscaping Waiver if you believe that this new plan complies with what is needed the applicant would withdraw the landscaping waiver. Hawkins stated that it didn't really come close but this plan is better and shows a much better attempt to improve the property.

<b>Motion:</b>	<b>Janvrin</b>	<b>To grant the waiver for the Town of Seabrook landscape regulations for the plan dated March 16, 2016, to include the changes to the plan as presented to the Planning Board this evening, so long as the plan presented tonight is followed.</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

Hawkins felt that the Board would grant the storm water so long as the applicant presented an improved landscaping plan. Hawkins asked if the new plan is acceptable in order to grant the storm water waiver. Friberg stated the new plan is acceptable and due to the high ground water the lot really had a shot at being fully compliant. They made a good faith effort and have shown increased effort to improve the storm water issues. Friberg stated that the applicant made significant improvement to landscaping plan. Janvrin asked if a waiver for architectural requirements for the 6M. Mr. Boyd doesn't think they did and Janvrin is not sure they need to. Hawkins stated they have roofing requirements which they met tonight. Hawkins stated that it is hard to say that it is a New England design but it is much better than the previous plan presented. Janvrin stated they will add false copulas to the roof line facing Fogg's Lane. Mr. Sweet will add more cupolas as they go. The color scheme is what you see this evening on the Fogg's Lane side anything on the 95 side they are free to use whatever color they would like. Hawkins stated that all of the buildings will follow this design presented tonight.

Hawkins stated that the end buildings and two front buildings should have cupolas distributed evenly. Hawkins stated that the only lime green color will be on the two rear buildings facing 95 and all the other buildings will have the color scheme presented tonight. Mr. Sweet may just use the color scheme for all. The two front buildings were pretty small for two cupolas. Hawkins stated that a minimum of 1 on the two smaller roof lines and 2 on the larger roof lines would be fine. Mr. Sweet stated that cupolas are not commonly used on storage buildings so they will be custom made. Chase stated that the cupolas may need to be smaller to fit the size of the smaller buildings.

<b>Motion:</b>	<b>Janvrin</b>	<b>To grant the waiver for the architectural requirements for 6M North Village so long as the two buildings on the East side facing Fogg's Lane will have a minimum of two cupolas, the building adjacent to New Zealand Road will have at least one cupola, and the North building that abuts the drainage area will have a minimum of one cupola. The only buildings that wouldn't follow the color scheme presented tonight will be the side of the buildings facing Route 95.</b>
<b>Second:</b>	<b>Rabideau</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

Friberg suggested based on the storm water on site and the impervious area, loam and seed, landscaping he proposed it be \$80,000.00 for security. The breakdown of the total is as follows; \$40,000 for the drainage infrastructure which includes the pump, \$20,000 for landscaping, \$20,000 for loam and seed in the event that project were to fall through.

<b>Motion:</b>	<b>Hawkins</b>	<b>To grant the waiver for the wetlands volume.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

Janvrin asked if the AOT permit has been submitted. Mr. Boyd will submit with everything else that has been redone. Friberg confirmed the permit was issued according to the DES website.

<b>Motion:</b>	<b>Janvrin</b>	<b>To Approve Case # 2016-14 with the following conditions; 1) All invoices to be paid prior to occupancy, 2) Submit a copy of the AOT permit to the Planning Board Office, 3) Final Plan to be acceptable by the Town Planner, 4) Supply a recordable Mylar to include the Storm Water Plan, 5) Copy of the driveway permit shall be submitted to the Planning Board Office, 6) Security set in the total amount of \$80,000.00, (\$40,000.00 for the drainage infrastructure including the pump, \$20,000.00 for the landscaping, \$20,000.00 for loam and seed in the event that the project would fall through, 7)</b>
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		<b>The conditions of approval be added to the final plan set.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Rabideau, Hawkins, Khan, Janvrin, Chase, Sanborn</b>

Janvrin stated that the applicant needs to make sure that the sheet with the storm water plan be recordable. Mr. Boyd has three different people that look at the plans prior to printing on the Mylar. Khan asked how many people will be employed. Mr. Sweet stated they employ usually 2, at this time he has a full time manager and may add an assistant manager. Zalewski asked about a backup generator. Mr. Boyd ran calculations if the power failed 50 years water would pond on the site and make it to the edge of the right of way, in a 100 year event the water would still not make it to the pavement. Rabideau asked if the water would go to the floor of the storage buildings or is it pitched high enough that it would stay dry. Mr. Boyd stated the floors are 100.2 which are the same as the grade of the pavement on Fogg's Lane. It shouldn't invade the storage buildings and you can see a shelf near the storage buildings. The pump is near the drainage pond. Mr. Boyd stated the pump will come on a pretty regular basis and it would take a 100 year storm for water to possibly leave the site. Mr. Sweet will pre wire just in case they need to bring a generator in. Mr. Boyd stated that all of things are over designed. The hope is that when it rains the water percolates into the ground and the pump is designed to trigger frequently.

Khan asked where the stop signs are located. Mr. Boyd stated they have a stop bar and stop sign at the edge of the site. When you enter Fogg's Lane they will have a stop sign. Khan asked if they should add another stop sign on New Zealand Road. Mr. Boyd feels that would really be an inconvenience to the two residential property owners on that side. Mr. Boyd will let Mr. Starkey decide on whether or not a stop sign should be placed in that area. If it was a visibility issue Mr. Boyd would agree but that area is flat as a pancake. Chase stated a use caution when exiting might be a good idea. The facility has a stop sign. Mr. Boyd stated they could place a caution sign but you're already stopped.

**Janvrin shared a few administrative items;**

The last two weeks they received the letter of credit for ISTAR which was the last item needed for conditions of approval. Janvrin stated that they need to add a security agreement through the Treasurer to go along with this.

The Letter of Credit for Waterstone needs to be discussed. The Planning Board took a vote to cease the bond if they failed to replace it by Friday at 12:00pm, October 7, 2016. The board of selectmen authorized the Town Manager to secure the bond. On October 7, 2016 Friday at 12:00pm the security was not replaced. Janvrin spoke with the Town Manager and found out that the Treasure left on vacation that morning. The letter of

credit has expired and Mr. Manzi along with the town attorney to write a letter to Waterstone. The Board may motion to rescind the approval for the site plan. If we do it we need to go through the attorney. Hawkins asked if there has been a reduction and there has not. Mr. Kerivan did a site visit and created a punch list.

Waterstone is in violation and the issue needs to be taken care of by November 1, 2016. The Board will vote to rescind the site plan approval. Hawkins stated the alternative is not to issue any further permits for their site. The board will not issue any permits for the site until the letter of credit is back in place. Rabideau feels that is a better alternative. Hawkins doesn't want to be going to court and would like to choose a path that we control what happens. The applicant has two lots left and they could be fined if they fail to do what is needed. Hawkins stated that they will still need an occupancy permit for at least one of those lots. The site has no security. Chase asked if we have a legal leg to stand on. Hawkins stated that we need to stop any new permits as they are in violation of the site plan. Janvrin has not heard back from Waterstone. They attended several recent Planning Board meetings assuring they would take care of this matter. Janvrin can hold up the occupancy permit. Khan stated Waterstone told us the new letter of credit would be here on Friday. Janvrin has not signed the coffee shop plan. Hawkins feels we need to sit back until they come in and need something done and we should say no. Janvrin will email what he would like in the letter and it will be sent certified. Rabideau asked if they should appear at the next meeting. Hawkins stated it would be in their best interest to come and explain why. Khan would like the Board to find a good avenue in the future in this type of situation. Hawkins if we don't have security in place we should call the letter 5 days in advance. Janvrin will bring the suggestion from Attorney Mitchell to the work session. Khan stated that the Board hasn't heard from them for the last 15 days. Janvrin will cc the letter to the following; Zalewski, the Treasurer, the Town Manager, and the town council.

The Board received a letter from our Attorney regarding 2 Felch Lane. The original case request was withdrawn and the applicant has now filed a new application for a Condominium Conversion. The Attorney stated that unless they have a substantial change to the buildings we have to hear the case and the application cannot be denied.

The Board will look at proposed changes for the Site Plan Review, Exaction for Site Plan Review, and Warrant articles on November 1, 2016 at the work session and public hearing.

The RPC sent the timelines for public hearings.

The updated CIP hard copy is in the packets. Please review over the next two weeks and any questions for the Department Heads must go through the Town Managers office. We added one thing in our master plan on page 77, item 8 and the justification is on page 81. The source of the grant money would be through the Office of Energy and Planning if available. Hawkins stated that the Planning Board could take a couple of chapters per year and do updates as suggested by the town planner. Hawkins stated

that some of them don't change very much and he feels that the Planning Board should go through them on a regular basis. Hawkins stated that most of the time what is in there is ok. Janvrin stated some areas are five years old now relating to impact fees. He feels we should look at updating that chapter next.

Janvrin adjourned the meeting at 7:58 pm

Respectfully Submitted,  
Maria Brown, Planning Board Secretary