



Town of Seabrook
Planning Board Minutes
Tuesday, November 7, 2017 @ 6:30pm
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

MEMBERS PRESENT

Jason Janvrin, Chairman, Michael Rabideau, Vice Chair, Teresa Kyle, Ex Officio, James Sanborn III, Francis Chase, Rick Friberg, TEC, Tom Morgan, Town Planner, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Michael Lowry, Paul Knowles, Robert Fowler, Faye Santos, and Joseph Jones (all 3 alternates)

Janvrin opened the meeting at 6:30PM

PUBLIC HEARING

Janvrin moved the zoning hearing to the bottom of the Agenda

CORRESPONDENCE/ANNOUNCEMENTS/ INFORMAL HEARING

Mr. Jeffrey Brown, Zoning Board of Adjustment Chairman asked the Planning Board when they would like to meet to discuss the proposed zoning changes.

Motion:	Chase	To have the Planning Board meet with the Zoning Board of Adjustments at 6:30PM on November 29, 2017.
Second:	Kyle	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Janvrin stated that Mr. Boddy had a lot line adjustment on his property. Mr. Leonard Boddy paid his invoice in full and asked that the interest be waived. Mr. Boddy never received a bill as all billings kept coming back to the Planning Board Office as undeliverable dating back to 2013. As soon as Mr. Boddy received his invoice he paid it immediately. Kyle stated that as soon as this applicant was reached he sent the full

payment immediately and it was a bill he never knew he owed. Kyle feels that the interest should be waived. Chase asked if everyone has gone back to the time we voted it in. We billed all interest from September 1, 2015 forward. Brown stated that all applicants have been notified and have been billed for the correct amount. At this time we have 6 outstanding invoices from old billings. Chase asked if Mr. Boddy was ok with bill or did he have questions. Brown stated no he did not have questions and paid the bill immediately. Chase is not asking if he paid the bill he is asking if Mr. Boddy was in question of anything on the bill or did he just pay it because someone sent him a bill. Brown stated they have conversation and was set all the back up for the invoices.

Motion:	Kyle	To Approve the request to waive interest totaling \$984.86 for Mr. Leonard Boddy.
Second:	Chase	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

MINUTES

October 17, 2017

Motion:	Chase	To Approve the October 17, 2017 minutes as written.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2004-22,23,24,25, 24, London Lane, Bulbman Holdings, LLC, Close.

Security is on hold until the invoices are paid.

Janvrin continued the closing of this case until November 21, 2017.

Case #2016-12, 603 Lafayette Road, Seabrook Emergency Room, Waterstone, Requesting a security reduction.

Janvrin continued the security reduction until December 5, 2017 which was recommended by Friberg, TEC.

Case #2003-23 or 2017-19, 4 Hersey Lane, Release Security and Close.

Janvrin stated that the new Case # 2017-1 cancels out the old Case #2003-23 as the applicant did a voluntary lot merger. The merger has been recorded. Morgan is fine with the return of the security.

Motion:	Chase	To return the entire security for Case #2003-23.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Janvrin continued the closing of Case #2003-23 and 2017-19 until November 21, 2017.

Case #2017-21, 325 Lafayette Road, Jana Bee Triplett Gastinger Walker &, Jason Marnin, Jana Bee Triplett AIA, Site Plan Review, Tenant finish remodeling the space to an Ambulatory Surgery Center. A revision to the adjacent curb is planned to allow one vehicle to pull off to pick up patients out of the lane of traffic. A small canopy is proposed as required by the State to shelter patients while entering a vehicle in the pull off lane. A required backup generator is proposed behind the building. Tax Map #9, Lot # 240

Mr. Jason Mardin, Atlantic Coast surgical suites presented this case to the Planning Board. The Design Team met with TRC and all comments have been addressed and resubmitted. Morgan feels that the applicant is making a few minor changes to exterior.

Motion:	Chase	To Approve Case #2017-21 as Administratively Complete.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

They will have a Diesel power generator that sits about 12' from the ground. Line will run to the generator and refueling only takes place 2 times per year. Weekly testing will take 30 minutes and 1 hour testing once per month for testing of generators. Janvrin feels 9:00AM to 4:00PM timeframe for testing would be good. Friberg just verified how much space between generator and sidewalk. Slated fence would be about 10' tall.

Janvrin any concerns from water and sewer. Friberg stated that the tenant already has existing utilities and they will run a new line for water. They will request a waiver for the floor drain from the Sewer Department. Friberg added that DPW would like a note

added to the plans that the floor drains will not be connected to the storm water. Janvrin asked about bio hazard waste. The bio hazardous waste will be taking away by a company not in the dumpster. Chase stated the plan is not being recorded. Janvrin stated it appears they are adding handicap parking and a drop off area. Friberg stated they will all be in compliance with ADA.

The applicant will require 75% of the building, all of famous foot wear and the back 25% of Sleepy's. The other 25% is vacant and still controlled by the land lord. Janvrin stated they have 5 outside doors. Zalewski stated they may be some other changes to sidewalks handled by the Building Department.

The 2 front doors will be used by the public and 1 door in the back will be used for staff mostly, the other 2 doors will be for medical gas utility and electric room only accessed by providers supplying gas.

Janvrin asked about the grayed area in the front of the building loading zone and canopy. The applicant will rephrase the named area as suggested by Janvrin.

Janvrin asked if any abutters that wish to be heard.

The Tiber Court abutter asked about the generator. He is very concerned with noise and smell. Janvrin stated that the exercise for the generator will be once a week for 30 minutes and once a month for a full load restricting the hours to 9:00AM to 4:00PM timeframe. The abutter is concerned with noise and smell. Janvrin stated the noise and muffler shoots straight up. The sound will sound like a large truck in the parking lot starting its engines. The abutter also asked about the stipulation that no nuisance will be caused to the abutters. Morgan stated that the generator can be enclosed with some noise barrier. Kohl's and Lowes doesn't have a generator but neighbor still hears Lowes announcement all day long.

Janvrin stated that the generators exhaust goes straight up and you could have a conversation right next to it. Janvrin wonders if generators should be enclosed. Friberg stated a wall would make it even louder but vegetation lowers sound better than fence. The abutter hears Lowes announcing on the speakers all the time. Generator with diesel is a continuous source and starts up very quickly. Natural Gas could lose continued source so generator would not run. The applicant will put a landscape buffer in between with 8-10' abutments. They would do 3 sides around the generator if the Board would like. Janvrin asked that they have 6' between fence and generator and move it to the other side. Chase they have underground wires and not much space on the South side. No matter where you put it on the site you will still have some noise from the generators. Friberg stated the applicant is willing to increase the buffer and work with the Town on hours of operation testing for the generators. They will employ 12 full time staff and 10 others.

Janvrin suggested moving the generator further to the North leave it up to Zalewski if that needs to happen. They will provide a landscape buffer around the generator. Zalewski and the Deputy Fire Chief will meet with applicant, and Zalewski would not agree to enclose the generator due to carbon monoxide issues.

Conditions;

Vegetative buffer between the generator and abutters and Zalewski will work with the applicant. Janvrin asked if they fall under hospital licensing.

The applicant will be providing selective elective outpatient surgeries open 6am – 6pm. Group of physicians will be doing same day surgery care. If any complications they would be brought to local hospital. They partner with area physicians.

The applicant would like to start this month so it would be a March or April opening. Generator landscape will be high on priority. Janvrin stated that the Planning Board deals with some sound, lights, and as far as odors if it becomes an issue an abutter may go to the board of Selectmen.

Motion:	Chase	To Approve Case #2017-21 with the following conditions; 1) A vegetative 3 layer buffer will be installed around the generator, 2) Floor Drains will not connect to the storm water system, 3) Generator testing will be between the hours of 9:00AM and 4:00PM, Monday through Friday.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Case #2017-22, Waterstone Retail Development, Inc, ASKJA Real Estate Holdings, LLC, Jones and Beach Engineers, 570 Lafayette Road, Subdivision, proposed one lot subdivision for National tenant, Map # 8, Lot # 90

Mr. Wayne Morrill, Jones and Beach Engineering, Mr. Doug Richardson, Waterstone, and Arleigh Green from ASKJA presented this case to the Planning Board. They received 3 variances from the Zoning Board of Adjustment; to allow frontage for a lot on a private Road, to allow zero foot setbacks toward the rear of the lot, to allow a zero foot setback on the side of the existing building. This is one piece of a very large development from Case # 2013-15 they developed 9 buildings. The following changes have been made per Morgan’s suggestions; needed zoning relief and variance are on the plan, waiver request for topographical contours, added monument markers to the boundaries on the south access road and the other two corners are located on the

corners of the existing Hobby Lobby building, added a note to the plan that the property is not locating in any wetlands area, the lot will not access south access Road they have an easement that the exit will be out on Provident Way to the Route 1 traffic lights, they do not have a set tenant so they have not depicted the building location on plan. They have been requested to come in and get the subdivision lot created at this time and are talking with a National tenant. The plan lot number has been set by the Assessor as Map 8, Lot 90-4 services by 570 Lafayette Road, Suite #101. This should meet all of Morgan's comments.

Janvrin almost 2017 and they are still working on occupying spaces. This is one of the last ones and the approval for coffee shop will expire very soon. Janvrin shared his concerns with a need to have another full site plan review at some point. This case had offsite improvements that have finally been completed and it may be time to close it out. The new lot once subdivided will need a site plan review. Janvrin still waiting for light coordination and we need to get on the state about it. Chase feels the Town of Seabrook needs to come to a memorandum of agreement regarding Route 1 widening. The site is all flat and drops off in the back.

Motion:	Chase	To Approve Case #2017-22 as Administratively complete.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

They have all of the required zoning and the access agreement out to the light will be a new recording. This will not interrupt the maintenance of the sight as it will still be included and they will add a note on plan that the storm water maintenance agreement is in place. The light will still be including as note number 1 states to add all the original approvals.

Janvrin asked if any abutters wish to be heard.

Motion:	Chase	To Approve the waiver for the topographical elevations.
Second:	Kyle	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Motion:	Chase	To Approve Case #2017-22 with the following condition; 1) To add the storm water manual note to plan.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Case #2017-23, Rena E. Mclaughlin, Millennium Engineering, 51 New Zealand Road, Subdivision, Map # 6, Lot #38

Mr. Henry Boyd, Millennium Engineering presented the case. Mr. Charles McGlauphlin was also present. Boyd stated that due to the property being in the 6M zone they had to go to ZBA and get a variance for frontage which was granted. The only issue was that the 2 lots with reduced area and frontage for zone 6M have been revised.

Boyd created an access agreement for both homes to share entrance.

The sheet 2 has topographical contours and utilities. All monuments have been set or found. No proposed utility construction as everything already exists. The two separate homes went way back many years and the people lost the rights due to changes in zoning. Janvrin is hopeful they will be fixed tonight. Boyd stated that it is a challenge to get to the back of the area.

Motion:	Chase	To Approve Case #2017-23 as Administratively Complete.
Second:	Rabideau	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

Janvrin asked if any abutters wish to be heard seeing none he asked for a motion.

Motion:	Janvrin	To Approve Case #2017-23 with no conditions.
Second:	Chase	Approved: Chase, Kyle, Janvrin, Rabideau, Sanborn

CIP

Friberg stated as part of the CIP process he and Chase visited the Department Heads. Friberg feels a lot more value could be added to the CIP with cut sheets added to each line item. The CIP is in good shape and just needs some things added. It has been used a planning tool but he feels with the input of reserved funds may be used for known needs ahead of time setting aside 10% each year. This will add value to the planning document. He will create a memorandum for the Town to better understand what it is for and how it is allocated. They have back up data but it is not all in place and putting these together would have a lot of value. The Town Manager's Office has compiled the information for many years and the draft copy came in spending mostly in the first two years due to yearly delays. The CIP should be spreading the cost over 6 years and the CIP was not meeting the intent of it. Thank the Procurement Office for their help. Janvrin stated that the CIP has never been a Planning Board Document and we would like it to be. Janvrin stated they are now in the legislative zone speaking about zoning changes and he doesn't want to approve a document that doesn't stabilize over a 6 year time. Friberg feels the document itself list all the project and needs. What goes into the Budget and what goes into the CIP and if those key items are decided it would add a lot of value and would stabilize the tax rate. The CIP really does a great job of leveling out and it will be decisions for the Town to make. Chase stated that the first word is planning and not disaster cleaning up by using the general funds.

Janvrin asked if we would like a subcommittee to work on the CIP. Chase asked if we should wait until after March and he is in agreement to wait until after Town Meeting.

Friberg and Chase have been fact gathering and a subcommittee may be needed down the road. Chase stated that some things should be on the CIP that are not. We wait for a catastrophe. The Department Heads are very informational and helpful people. Friberg feel that he and Chase are learning a lot. Chase would like to continue and report back every other month. Friberg stated this will engaged the Town Manager and Selectmen at some point. Chase stated it is a Planning Board document and the Planning Board should be involved. Morgan stated years ago the Planning Board was very much involved and did a good job at spreading it out. Morgan stated the Planning Board really had ownership at one point. Janvrin asked Morgan to meet and get involved with the CIP. Janvrin feels it is time to stop just approving things. Morgan was very much involved with the CIP. Morgan will share the older CIP's with Friberg.

Janvrin called for a break at 8:04PM until 8:12PM.

The NH Municipal Conference will be held on 11-15 to 11-16, \$100.00-1 day and \$150.00- 2 days. Janvrin stated that if interested we would have to let the Town

Managers Office know and ask for funding and the Town Manager would have to agree to add you.

Route 1

DOT Meeting - Janvrin and Chase went to Concord and met with Russell Prescott. Baxter and Chase also met with Mr. Russell Prescott. They met with Mr. Bill Watson and he was very informative of what was going on with the Route 1 expansion. They shared that they would like to be able to come up with close to 1 million dollars. All are in favor of our project and the committee will be voting very soon. Seabrook needs to be on the 10 year plan and the details can be worked out. Janvrin stated the Town of Seabrook has asked for a 4 lane widening over the 5 lane. The price tag will be much lower. The 8 million dollar price tag was projected to the year 10 and the cost was figured for 10 years from now and with high right of way expenditures. Janvrin feels the abutters are willing to give a right of way easement which will lower the cost. If Market Basket comes forward as planned it will also help with the cost along with the 603 Lafayette Road again a very large exaction fee will be collected. The funds are available and must be spent in 6 years. Janvrin stated that we are looking at 2020 and 2021 for planning purposes. The executive council will be deciding how we move forward and we hope that Seabrook is put on the plan.

Chase wanted to let the public know that one of the main reasons we are in this situation is that we are not getting the tax we use to from gas. They would like to implement Road Usage Fees which would help with all road work. This would ensure that all drivers are paying the same amount in fuel taxes to fix roads. This is why our Roads are not being repaired as the vehicles are using a lot less gas the gas tax has been increased a little. We have to be able to maintain our bridges and highways. LSR list has a 2018-2311 Establishing a Road usage fee. Janvrin stated gas tax is around 16 cents per gallon but some are subsidized out of that fund. Not all of the tax has been going to road work. Janvrin stated it is a policy decision do we fund our State Police out of the budget or fund them out of the gas tax.

The exaction fee report was forwarded to the Planning Board with an ending balance of around 1 million dollars. Janvrin feels we are pretty close on our estimation. Chase asked if the figures reported includes donation. Janvrin stated that it does.

Rabideau spoke about the outstanding interest and bills. Rabideau stated that Maria has been working on collecting the outstanding invoices some back to 2010. He is concerned with the outstanding invoices that are not being paid. Rabideau feels we have done enough and Maria's has done a great job tracking people down and collecting the monies. We are correcting the books and it has been a year in progress. It is been a lot of work and Maria has done a good job. Kyle feels no permits or further work shall

be done until the applicants pay their bill. Kyle doesn't care how big or small the bill is we need to have them pay. Janvrin agrees with Kyle. Kyle feels the names should be posted in the local newspapers when they owe money as we do for taxes. Kyle feels small claims can be done by a secretary of the Town if needed. Rabideau stated that it is a good idea from a business standpoint. Kyle stated we are not an open faucet for money to be flowing and we have needs. Janvrin feels we don't have a policy per say. Janvrin feels when the first invoice goes out something should be included that we will be charging interest. Let it go until day number 90 at that point the certified letter of no co will be granting by the Planning Board on the lot until it is paid. Janvrin asked if this should go into the zoning. **Morgan will draft a public hearing notice for this change.** Chase asked if the rate is on the application. It is not at this time. Chase will do a minimum application for \$100.00 and what is in the fee. Chase feels for the layman walking in the door pays the fees. Janvrin stated we can craft the explanation in the application and in the packet. Chase will use his case as an example. He received a very large bill after the fact of returning from a 2 week vacation and has never received one before. Janvrin stated back 10 years ago the invoices were not being billed. Kyle stated a certain department wanted to write off a lot of money when she first became Selectman. Kyle met with the Department and they had a few meetings. They went over everything and found negligence and got a new billing company. That is how we have 4 new staff members form that fees collected. Janvrin feels that Maria has been doing a great job. Kyle stated that everything has grown and become much more professional. We are not a charitable organization we are a business. Morgan will draw up a proposal for December 5, 2017. He will adjust the application form, fee form, and the packet that goes to every applicant.

Zoning Amendments

- 1) Definition: Cargo Container.....Containers, and trailers.

Zalewski stated that two pods have been dropped by DDR. Zalewski stated after a month of being there he would look into that. Janvrin asked if a trailer is registered and wheels are inflated that can be moved anytime. Morgan stated that it could be a statue. Zalewski sees a loop hole. Kyle feels a month is reasonable. Morgan states they shall not keep them for more than 3 months per regulations. We are looking at targeting commercial property.

We will need to look at some point if the state has restricted our ability to regulate. Janvrin stated that properties along Route 1 have several containers. He suggests looking at the amount of containers/trailers at Phoenicia Motel on Route 1. Zalewski stated there are several areas but he would rather not get into it. Janvrin stated they should have built the buildings larger if they needed more storage space. Assessing is assessing each container at \$1000.00 per property

value. Zalewski feels the trailers are a discussion for an attorney. Janvrin will call Walter Mitchell or call Cordell.

- 2) Section 7 Table adds: Setback from streets for opaque fences, 15'.

Zalewski stated they have a lot of fences going up getting as much as they can from each piece of property. He doesn't see anything in the zoning for the height of a fence. Zalewski states that a fence is put up right to the Road way blocking views. Zalewski stated that fences are exempt from setbacks. Zalewski would like it to be not more than 15' from the street. DOT driveway regulations may give us an idea on setbacks. A fence requires a building permit. Morgan suggests a little language added by the Building Department on the permit regarding safety may help and he will draft some language. Janvrin stated we have fence viewers in the Town. Zalewski stated that they determine who is responsible to fix broken down fences. **Morgan will draft a notice relative to fences being installed so that it allows visibility.** Kyle feels that the Town owns a certain amount of property from the road. Morgan suggested it be crafted so that Zalewski discusses this with the applicant. Zalewski stated that we have some language. Kyle asked if it is the same thing if it was bushes. Our DPW went and cut all the brush from 286 to Pickens Ave and you can see much better now. The corner of Collins Street to Washington Street has shrubs that are really bad in that area. Zalewski would like some conversation up front.

- 3) Section 7 Footnote 6

The requirement shall not apply to lot of records that was recorded in the registry of deeds prior to 1974. Zalewski would prefer it to say single family dwelling with an ADU. Morgan stated that the Town voting it in to make sure the owners had property rights. Morgan feels that not many lots out there exist with nothing on them. Janvrin stated that you have to comply with zoning to have an ADU. Zalewski if you go into 2R and say you have 20,000 square feet they can put a duplex per your zoning. Janvrin stated that anything less than 5,000 square feet you couldn't have an ADU he thinks. You cannot condoize a condo but you can have an ADU and a condo. Chase stated any single family Condo can have an ADU. Janvrin says our zoning says you cannot. Chase stated that you can have two condos and each one may have an ADU. **Morgan will draft up proposal for the change.**

- 4) Section 6, Table 1 Mixed Uses shown in 2 places

Janvrin stated Boyd had to go to get a variance tonight due to this mixed use. Zalewski would like to see the language to match in the two different areas. The ZBA was more 6M loaded with residential buildings. Zalewski asked why 2R and 6M cannot be the same. Janvrin stated we still have residents along Route 1. In 6M we cannot say you cannot have a single family dwelling. They would like to see commercial use also never intended on saying no residential. Exeter had

commercial use on the 1st floor but could have residential also. Janvrin stated the Avon store is commercial and the second floor is residential. Morgan feels we have internal contradiction that needs to be resolved. Zalewski feels it is easy to do and Morgan thought that at first but needs to look a little deeper into it. Janvrin feels that the Zoning Board of Adjustment will have some pointers for us. Some people are being denied the use of the property. Boyd brought this forward. Morgan will reconcile the contradiction but what the goal is will be the question. Chase stated we are talking about mixed use what and asked what Morgan feels the goal is. The mixed use was done during Smith Town also. A subcommittee along with RPC worked together with input from neighborhoods. We have apartment buildings, storage sheds, and potential behind Market Basket. Morgan feels we should schedule one meeting to discuss this issue.

Place Public Hearing on November 21st for Zoning. Morgan doesn't see any other zoning issues. Janvrin has a zoning issue regarding the 5 criteria would have mandated the Zoning board to vote on that criteria and have a final vote to approve. Seabrook is already doing that. Janvrin would like to ask if that is sufficient for them to have in their procedure manual or do they want it in the zoning. The Governor will not require this if the Town's can put into the Zoning Ordinances. Morgan feels this would not be a good thing better left in the procedure manual out of zoning. Morgan put the motor vehicle repair up for public hearing. Motor vehicle repair is allowed in zone 3 but the aqua fore protection says no motor vehicle repair. Morgan recommends to reconcile the contradiction and believes the Planning Board will go with protecting the water source. Janvrin feels we have at least one in that zone and they should be grandfathered. The five gallon rule is in effect. Morgan states that the aqua fore protection specifically calls out motor vehicles repair.

Janvrin read the public notice change regarding motor vehicle zoning. The proposed change will be that it will be allowed in zone 2R and no other zone. Morgan stated that we should just go by the standard dictionary definition. The more restrictive goes in place tonight and stay in place until Town Meeting. Chase really feels we need a definition. You say auto what about boat repairs. Morgan will add a definition for the next meeting.

Continue the Public Hearing until November 21, 2017.

Janvrin adjourned the meeting at 9:51PM

Respectfully Submitted,

Maria Brown, Planning Board Secretary