



**Town of Seabrook
Planning Board Minutes
Tuesday, November 15, 2016
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

PUBLIC HEARING

WORK SESSION (This meeting is primarily for a work session)

MEMBERS PRESENT

Jason Janvrin, Chairman, Donald Hawkins, Vice Chair, Teresa Kyle, Ex-Officio, David Baxter, Francis Chase(alternate voting member tonight), Tom Morgan, Town Planner, Rick Friberg, TEC, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Ivan Eaton, Michael Lowry, Michael Rabideau, Alternates - Paula Wood, Robert Fowler, James Sanborn

Janvrin opened the meeting at 6:37pm.

MINUTES

November 1, 2016

Motion:	Hawkins	To approve the November 1, 2016 Minutes as written.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Baxter Abstain: Kyle

CAPITOL IMPROVEMENT PLAN

Janvrin stated that he didn't see any major changes this year in the CIP. Janvrin stated that most of the vehicles requested by Departments as part of the Master Plan are also in the CIP. One update was pricing for the new Fire Department vehicle for 2018. Most of the vehicles in the CIP for years and years have been turned down by the voters and most of the vehicles are over utilized. Chase stated that the Safe Route to Schools and Rail Trail would be \$750,000.00. Janvrin stated the Rail Trail has a separate line.

Hawkins stated the Rail Trail is \$150,000.00 next year and \$200,000.00 for Safe Routes to School. The total is \$350,000.00 for the two projects. The following year it is \$450,000.00. Janvrin stated that the intent is to do all of this without any cost to the taxpayer. Chase stated that they are trying to do away with the administrative cost of the LPA. Chase stated they could reactivate the committee if they would like.

Janvrin stated that the CIP is a plan for the next 6 years. The cost of capitol expenses would be for many departments. This document is a way for the budget committee to project their budgeting for the next 6 years. Janvrin stated if we keep pushing it back in the long run it is going to cost us more.

Motion:	Hawkins	To adopt the Capital Improvement Plan as presented for 2017-2022.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

We will notify the Town Managers office regarding this vote.

NEW CASES

Case # 2016-24, 101 & 103 Folly Mill Road, Condominium Conversion, Robert R. Scally, LLC, Tax Map #9, Lot #205-20

Barry Geir from Jones and Beach will present to the Planning Board this evening. The Case #2013-27 was the original case of the subdivision that created this lot. Both units will have municipal sewer and water. The applicant provided new plans for this case tonight. The limited common line was adjusted to give the other unit a little more space and even out the size of the lots. The water shut off cannot be in the pavement area and will be addressed. The applicant will request a waiver this evening. The applicant has both properties under agreement. The driveways are 11 or 12 feet at the Roadway. The applicant is asking for 2-12' driveways. Chase asked if that will be a stipulation for us to set it at 12' not 20'. Janvrin stated that each lot can have one driveway and he doesn't want to have damage to the roadway. Chase stated if something isn't set a new owner can have 20' for each driveway. Mr. Geir is not opposed to that request. Chase is in agreement but also knows if you give a driveway permit it can be 20'. Unit B may straddle the limited common line. Friberg confirmed that a driveway is not a structure and can be run down the property line. The units will have mail delivery and the boxes will be on the property owner's side. They showed the utility pole adjacent to the shut offs with shut offs with shut on the right and left of the pole. The applicant noted that sheet c 1 and c 2 are alike. Morgan asked that the new driveway cannot be on top of the valve.

Mr. Geir stated the pavement will be a few feet away from the shut offs on both driveways. Janvrin asked to add a note be added regarding the limited common area. The applicant is requesting a waiver for driveways if one is needed. Proposed impervious surface will be added to the plan. Janvrin stated it is not required but would be good if it was added.

Chase asked if they have enough room to do a driveway or will they need an easement. Mr. Geir stated that an easement will not be needed. They added in an extra clean out due to a long driveway and no easement is needed.

Chase asked if Morgan has looked at the condo docs. Morgan stated that he looks for the letter from the attorney certifying that the condo docs are in line with RSA 356:B. Mr. Geir stated that all utilities are in place.

Motion:	Hawkins	That Case 2016-24 is administratively complete.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Motion:	Chase	To Approve the waiver for the two driveways with a combined total of 24' with a flare out and they will depict on final plan.
Second:	Hawkins	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Motion:	Hawkins	To Approve Case #2016-24 Condominium Conversion.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Chase stated for the record it is in the condo docs that the driveway crossing will not pose an issue.

CONTINUED CASES

CASE #2016-20, 32 Stard Road, Proposed addition to existing building, Stard Road Realty Trust, Eugene J. Dean, III, Tax Map # 4, Lot # 19-22

Janvrin continued the hearing for Case #2016-20 until the December 6, 2016 Meeting

Janvrin opened the Public Hearing at 7:07pm for zoning changes which is continued from November 1, 2016.

Morgan stated all proposed changes are on the 1st page of the packet he presented to the Board this evening. (Please see attached document)

Hawkins stated that he likes what has been done. Hawkins likes the change and the definitions for dwelling unit, single family, accessory, and two primary units.

Hawkins would like to see the use table note regarding the verbiage. The use table doesn't line up. Family apartment would need to come out. Morgan will align the use table. Zalewski asked if the ADU will require a common wall. The state law says they must share a door. Morgan feels the Building Department should handle the door. Janvrin stated that the verbiage means they share a door.

Hawkins asked if an interior door shall be provided between the ADU and the primary resident. Hawkins feels it is a lot easier just to show it all to the applicant. Morgan stated in theory they will ask the building dept before they file for a permit. Janvrin stated that in the past a 2x4 connected the buildings.

Chase felt that at the State level it was pretty clear that they didn't have to be attached. Baxter stated the verbiage states that they may not be detached.

Zalewski stated that the zoning ordinance talks about not using two manufactured homes but it doesn't say anything about one manufactured home.

Chase thought that this subject was taking care of a long time ago that we will have no more 2x4. Hawkins is for complete clarity of the requirements. Morgan asked if we should add one more bullet regarding the door. Hawkins feels we should say that the accessory dwelling unit (ADU) must be architecturally consistent with the primary unit. Hawkins stated that the language stops a mobile home from being connected to a stick built unit. Chase asked if he has a cape and he wanted to add a modular cape are we going to define the difference. Morgan stated he would use the RPC language and add it.

Hawkins stated that in our use table we have two attached primary dwelling units and in our next line should be the multi-family dwelling. Sticking with dwelling units is a good way to go. Hawkins stated multi-family dwellings are left out because they are not allowed anymore. Morgan will add dwelling units.

See attached changes.

Zalewski questioned the footnote 1 on page 3 of the handout second sentence. Morgan stated it has been in the zoning ordinance since 1978. The old one is not inline. Hawkins stated everything can have an ADU and it can be inside the primary home. Morgan will strike the foot note.

Janvrin asked if we had any public comment seeing none he moved on.

Zalewski would like to add verbiage as he has a 3 story accessory building and it has created problems. Janvrin stated what if you had an accessory building and it had the stalls on the first floor, a second floor area, and a hay area on a third level. Would we be limiting a family room over a garage with the way this is written? Hawkins asked why we can't just say a single story. Chase asked how many do we have as an issue at this time. Zalewski stated that we have one and it is a big issue. Chase stated we are opening up Pandora's Box and if this one case wasn't happening we wouldn't be talking about it. Hawkins doesn't see an accessory building as a two story building or three stories. Chase asked if you have 8 acres of land does this mean you cannot build a three story accessory building.

Janvrin feels one way to regulate is use open space and how many accessory buildings should be allowed on a lot. Janvrin had a wood shed, chicken house, a barn and a house at one time on a lot. He would have a hard time telling a homeowner they couldn't have this in an Agricultural zone. Chase doesn't think we need to make this change due to one case. Janvrin feels this change would send a lot of people to the Zoning Board of Adjustment. Morgan will clean it up and we will vote on something clean and Maria will post in two places.

Article 2

Conditional use permit

If you want a home office you go directly to the Building Office. If it is not a home office and you have a home based business it will fall under the conditional use permit. Chase asked if a building permit will have a fee. Morgan feels that the building department should handle this rather than involving the Planning Board. The Selectmen set the fees for the Building Office.

Chase feels there are some of us who are pretty irate over the building office charges and ask Kyle for her comment. Kyle would not answer that without the other 2 selectmen present. Chase stated we will let the public decide if they are ok with this.

Morgan stated that the warrant article is in support of small business. Chase stated we ignoring the back door and we are allowing the fee to happen. If it went through this board it would be several hundred dollars. Baxter asked that we leave it for the people to decide.

Chase asked how many have come before this board for a home occupation permit. Janvrin stated that the Planning Board has had 2 home occupation requests. Chase asked how many times we have had a home office request. Janvrin stated we have had zero requests for a home office approval. Baxter stated by not addressing dumpsters it says you cannot have it.

The use table says outside commercial amusements and entertainment. Morgan asked if we should take carnival out. Some outside commercial amusement would be permanent. Morgan stated many years ago a request for helicopter rides came to the Planning Board. Janvrin stated that it has been happening for the past two years without approval. Morgan will take Carnival out of the use table.

Chase asked if the Carnival and home office should be on the same article. Chase would like them to be separated. Morgan asked if the Board would like to keep it as one article or split them into two. Janvrin feels we should split them off. Hawkins wants a few articles on the ballot as we can have. At this time it will be 4 if they are split. Kyle agrees we should split them.

Janvrin asked if we had any public comment seeing none he moved called for a motion.

Article 2 and 2A

Motion:	Hawkins	To adopt Article 2 Home Office definition and use table to go before the voters at the Town Meeting.
Second:	Janvrin	Approved: Hawkins, Janvrin, Baxter, Kyle Abstain: Chase

Article 2A

Motion:	Hawkins	To adopt Article 2A Special event definition, use table, scratch carnival from the use table and place before the voters at The Town Meeting.
Second:	Kyle	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Warrant Article 3 - Signs

Please see attached for more information. Morgan doesn't want to get in to regulating political signs. Page 6 - proposed a maximum duration of 90 days. Page 5 - Morgan placed size in the Zoning District Table. Janvrin stated this is for onsite signs. Morgan feels the setback for signs isn't understood by most property owners. The edge of pavement is a lot easier verses where the property line is. Morgan would like to take property line out. Hawkins asked what if they are on state property. Page 6 - Mobile signs on vehicles is against the law. Morgan proposes to simplify it. He is not proposing to change the substance to just continue to be prohibited and take out some verbiage.

Look toward the top of page 7.

Janvrin stated we have a grandfathered adult entertainment business and if that paragraph is removed nothing prohibits pictures of what they are selling on the side of the Road. Janvrin feels if we take it out we wouldn't have a leg to stand on. Morgan just wanted to test the waters to see where we would go on it. Hawkins is confused with none conforming signs. Morgan is just moving it to another section.

Look toward the second half of page 7.

DOT standards bulleted line needs to be take out. Janvrin asked about blade signs. Zalewski stated they get told to remove them. Janvrin stated that they distract the drivers.

Janvrin asked if we had any Public comment seeing none he called for a motion

Motion:	Hawkins	To adopt Article 3 and place before the voters at The Town Meeting.
Second:	Baxter	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

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Janvrin recessed the meeting at 8:14pm until 8:23pm

Master Plan Chapter

Chapter #9 Coastal Hazards and Adaptation.

Hawkins stated that we reviewed the chapter with Julie Lebranch who is the primary author. We haven't had any changes other than filling in a few blanks. Julie made all the changes and updated the chapter along with the action plans which includes what the town should do in preparing for a huge storm. The chapter was prepared at no cost to the town. They spent a lot of time with department heads and for the most part they came up with a very detailed list that they were worried about. If hurricane Sandy had moved north of Boston what would have happened and are their things we should have been planning for. We have had a few big winter storms and heavy wind storms. This chapter shares what we think the town should be doing. The sewer department had the most impacted area that they felt needed to be addressed. The School was also an area of concern. The immediate things and short term items are things we need to be thinking about now. You have to review it, you have to have people committed to sitting down and discussing it and the Planning Board has been very active. Sea level rise is another area addressed. Storm surge on top of sea level rise would be very damaging. Hawkins met with Julie for one last review and everything is ready for adoption.

Janvrin noted figure 3 is on two pages he would like to have it on one page also figure 9. Julie is still working on the formatting. Janvrin cited the matrix has a separate chapter and it should reference the other matrix. Janvrin stated that if hurricane Sandy would have hit Seabrook we would have lost 35% of our tax base.

Hawkins feels eventually FEMA will dictate how we build things in flood areas. Kyle asked if we were looking at buildings on stilts like they do down south. Hawkins stated there are things that we can do to allow homeowners to protect their homes better.

Hawkins stated that it was a good exercise for the department heads to go through. Janvrin feels that during a lot of this discussion our Emergency Management attended and we worked together. Mr. Titone had a lot of good input on this document.

Janvrin asked if we had any public comment seeing none he called for a motion.

Motion:	Janvrin	To adopt Chapter 9 Coastal Hazards and Adaptation as part of the Master Plan of the Town of Seabrook.
Second:	Hawkins	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Site Plan regulations

Board adopted expedited application many applicants think that they will move through the process much quicker. Morgan is proposing to remove the word expedited.

See attached for more information.

Janvrin stated we could take the one we have and add this to the checklist. Morgan was told to separate the two. Chase stated we use the Page 5 of 6 on the application. Get rid of the word expedited.

Janvrin asked if we had any public comment seeing none he called for a motion.

Motion:	Hawkins	To adopt sections 3 and 4
Second:	Baxter	Approved: Hawkins, Janvrin, Chase, Baxter, Kyle

Section 10

Hawkins stated that we started this discussion on December 15, 2015. The exaction fee is keeping us from refilling open properties. Hawkins made a few recommendations such as capping exaction by square footage. We settled on the fact that they should be an adjusted exaction formula for reoccupation. Vacant for less than a year you're not going to have any fees. Proposing that we have a limit for the exaction based on the amount of time the property has been closed. At this time the existing formula applies to everything. Baxter feels that the reoccupation language is pretty straight forward. We are talking about tear downs, rebuilding, vacant lot, or modifying the exteriors of buildings. Hawkins we can use the example of Market Basket North and it is going to be redeveloped at some point. They may tear the whole thing down or it may be

modified. Chase asked if Verizon wanted to add on a small addition total of 3,000 sq ft would they be subject to this new fee. Janvrin stated that the exaction fee would be based on the 3000 sq ft addition and exaction fee would include the increase in traffic. Baxter stated according to our regulations they could bulldoze the entire building and rebuild on the same foot print.

Section 10.041

Baxter asked if the point is to help the owners of the property and to fill up their empty space. We could consider what they paid the first time they developed property for a reoccupation of a business. Baxter stated they paid \$40,000.00 to widen the road. Hawkins stated everyone pays for the space at their own front door. We are trying to collect funds from the people that are benefiting from the road improvement. Chase asked how many reoccupation have we got in to date.

Janvrin stated that when 270 Lafayette Road project came to town we had no exaction fee. DDR and Waterstone have paid a lot in fees for the Road improvements. Kyle stated that the owner Brixmor is making out as the Town abates his taxes because they don't have any use. Baxter feels it is very hard to re-tenant a building.

Hawkins stated that the plan on our end is for 4 lanes the DOT says no you're getting 5. Chase stated that for the people out there that are writing the checks out they may not elect to come here. Janvrin stated that if we leave it the way it is right now and it is vacant for one year they are paying the full amount. If we find it isn't enough we can change it. Baxter feels it is an improvement and we should go with it. Janvrin wants the public to know we want to fill vacant buildings and we don't have a cross walk going to the recreation center. If 270 Lafayette Road was reoccupied it would slow down the traffic.

Section 10.07

Donations

Hawkins would like to add transportation as it would bring in the Rail Trail. The town could use the funds toward those types of thing instead of road improvements only. Baxter stated what if someone says lets use the million dollars on the Rail Trail. Chase agrees that if all the exaction fee came in and someone said were going to give it all to the Rail Trail or Safe Routes to School there would be nothing to stop it. Kyle stated that the Rail Trail was going to be built with grants and not taxpayer dollars. Hawkins agrees that the donations should be used on roads and road related systems. Baxter feels it is a good idea to fund the sidewalk plow with donations. Hawkins stated the donations could be used for other transportation related projects along the Route 1

corridor. Chase is in agreement but is concerned with the language. Morgan stated the proposal is not in the notice tonight.

Hawkins would like to adopt this when it is complete. It would be a crime if the selectmen would say I will take the entire fund and apply to the Rail trail he would be upset. Hawkins stated the town of Salisbury built the Rail Trail with grant money. The town could benefit by having greater flexibility to broaden the potential uses. Janvrin if it remains the same the Board of Selectmen would make that decision. Hawkins stated it is for the donated funds.

Hawkins asked if we should have a minimum exaction fee. He suggested a \$5,000.00 minimum for the ones who sit at 50 trips. Chase feels this is like an impact fee. This would mean that everyone makes a contribution even if it's not a lot. Leave your calculations the way they are and add any new development. Kyle feels that is a good suggestion and if we have lack of proposed business request the board can amend it.

Hawkins shared an exaction proposal and trip count proposal for the Board to review.

*see attached document for more information

Janvrin asked if it would be useful to add a narrative. Chase doesn't see wholesale in this document. Hawkins stated if it is a BJ's its retail. Morgan would propose that he will take all the suggestion for section 10 put into one public notice for December 6, 2016.

Janvrin would like to continue the public hearing for the last page of the proposal page 4 # 2. Continue the section 10 for the December 6, 2016 meeting.

Route 1 update from Baxter. They met with NH DOT last Monday. Mike Dugas is running the study for the proposed Route 1 improvements. We would like to add a 4th lane going north. The state wants to do a five lane from the Sunnoco Station to Market Basket North for about 5 million dollars. The town thought the 4 lane project was better and they pushed back a lot. They looked at the intersection at Rocks Road and the state is not interested in doing that. The Rocks Road traffic coming out is a real safety issue. Baxter feels they didn't look at how safe that intersection is. A 5 lane proposal for Route 1 will require taking 12' on both sides. The east side has fewer numbers of businesses and maybe we could take the 24' on that side. The cost of 5 million dollars to do the five lane project will take awhile. The RPC and the State will update the plan. Morgan will continue to work with them on the 10 year plan. Some of the properties already gave the 12'. Hawkins stated if we need it we take it this is not a negotiation of oh I have already gave my share. Hawkins feels it is important to point out that a group of Land owners have already contributed property and maybe it would be fair to look at the other side of the Road. The 5 million dollar price tag will be a barrier. The four

lanes could be done with what the state already owns. Janvrin asked if we have traffic accidents on that intersection. The municipalities may put in for grant money if we can show the accidents. Chase talked to him and they stated you must have a death. Baxter stated that another lane north will make it harder to come out of Rocks Road. DOT is on a mission to widen 5 lanes.

Baxter would like the Board to come to a conclusion to where we go from here. Janvrin stated that there are some people in the DOT whose only purpose in life is to show there is a purpose. They went outside the scope of what we asked for. If their only purpose is to justify their job they are doing a great job. Hawkins feels DOT was more open than he has ever seen before. Brian from DOT was very corporative. They were insistent on using the MOU. Hawkins feels we need more discussion. Hawkins feels the issue is they don't see the need to do anything unless Market Basket redevelops. Our current count shows that we are maxed out. Hawkins feels we made tremendous progress. They are still persistent that Rocks Road should go through the nuke plant access Road. Janvrin feels we can open Class 6 Dows Lane and make it a Class 5 for traffic flow. Hawkins we got no consideration for a light at Rocks Road. The cost of 4 lanes is 2 ½ million and for 5 lanes it is 5 million. The 4 lane proposed project is in our reach right now with money the town has on hand we could potentially ease a lot of problems.

Baxter what if we went to Market Basket and they came up with a contribution a whole lot less than the state would make them do up front. Baxter stated if they give a 1 million dollar up front contribution and the Town matched it. Janvrin stated that when they do their research have them come back to the Board. Hawkins feels that the DOT is much more comfortable dealing with small groups. Chase feels we should stick on the same route we are going now. Hawkins feels they are cooperating with us. Continue on like we are going. Chase asked if we have the power to address the lights on New Zealand Road. Waterstone has control over the light at this time. Janvrin stated we don't have the power to do anything at this time. Janvrin stated we had a lot of power to make them return the security and we all know how that went. Chase cannot make it through the light without it turning red.

Janvrin adjourned the meeting at 10:13pm.

Respectfully Submitted

Maria Brown, Planning Board Secretary