



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, December 5, 2017 @ 6:30pm**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**PUBLIC HEARING**

Zoning

**MEMBERS PRESENT**

Jason Janvrin, Chairman, Francis Chase, Teresa Kyle, Ex Officio, James Sanborn III, Stephen Zalewski, Code Enforcement, David Baxter, Alternate, Tom Morgan, Town Planner, Maria Brown, Planning Board Secretary

**MEMBERS ABSENT**

Michael Lowry, Paul Knowles, Michael Rabideau

**Janvrin called the meeting to order at 6:36PM.**

Janvrin moved the Public Hearing to the end of the Agenda.

**CORRESPONDENCE/ANNOUNCEMENTS/ INFORMAL HEARING**

Saturday, Market basket 10:00AM – 2:00PM stuff a cruiser for food donations, sponsored by the Seabrook Police Department.

Soft opening Cardi's Furniture, Saturday, 10:00AM.

December 16, 2017, Seabrook Fire Department will be collecting toys for kids in need at Wal-Mart.

**CIP**

Mr. Manzi, Town Manager joined us to chat about the decision made by the Planning Board regarding the CIP. Janvrin stated that many residents have asked questions about why we have not passed the new CIP. One item that is not in the CIP was police radios. Do we amend the 2017 plan or approve the 2018 plan. The outfall pipe was moved up a year due to emergency.

The Board of Selectmen can move on the outfall pipe without the CIP approval. Chase asked what the question is. Police radios were a big number totaling ½ million dollars requested in 2018. The Planning Board function is to produce but not fund the CIP. Mr. Manzi explained that the CIP can be amended to add the radios and he would also ask that the Board approve it. Chase feels the CIP we have is very inadequate. Kyle asked how everyone has the warrant articles before the Selectmen do. The warrant articles were part of the budget discussion. Mr. Manzi stated the CIP Plan is exactly the same document since 2013. Mr. Manzi stated that if the Board does not like the granite curbing take it out as it is a Planning Board Document. Mr. Manzi gave the engineering studies to Chase which hasn't been done in years. Mr. Manzi stated that the numbers came from building studies and engineers.

Chase was concerned that they would be asking the taxpayers to spend 2/3 of the total CIP over the next 2 years. Mr. Manzi has some pretty good ideas coming from the Budget Committee on how to stabilize and equalize the burden. Breathing apparatus would be purchased overtime for one example. Chase stated that is what we want to see the CIP do. Morgan stated that the draft CIP comes to the Planning Board and it is heavily packed in the first 2 years it is up to the Planning Board to fix it. Chase stated that this is not about placing blame but changing the method. Janvrin by deferring every year the taxpayers are costing themselves more money. Janvrin stated that we don't want our taxpayers to be biting the bullet in 2018. Mr. Manzi the fact that we are bumping into some heavy years Lease Purchases will be another method to help. If the Department needs the vehicle to do the job ultimately if they don't have it they cannot do the job. The way we fund CIP in NH is different. Janvrin stated when sewer came to purchase we had 50 million dollars after 5 years of savings and planning.

Chase stated many towns are out there in this situation which is why we are acting on this to not hit the people so hard all at once. The ladder truck is a 20 year asset purchased in one year instead of overtime.

Mr. Manzi stated that the CIP not being approved has no impact on the ability to do warrant articles. The department heads worked hard on this. Mr. Manzi is more than willing to meet with the Planning Board and with the Budget Committee. Mr. Manzi stated in any case it is the Planning Board document take out what you don't like and make recommendations to the Selectmen.

Janvrin stated Mr. Manzi is fighting for his department heads as he should be. Janvrin stated that 2/3 of the CIP total spent in a few years is not the way it should work, the taxes went up, revaluation went up, and the tax rate went up 10%. Janvrin stated it is difficult to support the 2/3 CIP spending in two years.

Mr. Manzi would like to see the Planning Board give a recommendation to the Selectmen and Budget Committee. Chase wants a document that they can work with and answer to. Chase will not be a rubber stamp for the document.

Morgan stated again it is up to the Planning Board to fix the parts of the CIP they do not like. Morgan suggested that rather than reject the CIP he would suggest fixing it. Morgan stated that when everyone comes in with the wish list it is up to the Planning Board to decide if it is ready and it is the Planning Board's responsibility to fix the document. Mr. Manzi feels the Board should approve the CIP and make recommendations and changes as they see fit. Janvrin has the utmost respect for everyone that worked on this we had the CIP in August. Janvrin feels the Planning Board needs to be involved more as we develop the next book. Janvrin feels April is fairly quiet and would be a good time to meet on the CIP. Manzi asked Janvrin to tell him what the timeframe will be and we will have the department heads work with the Planning Board. Janvrin feels starting early spring we could have department heads meet following the TRC meetings on the second Tuesdays. Janvrin stated that the two things to be included are the outfall pipe at black water bridge and the police radios. We can say the 2018-2023 CIP is good and adopt it or amend the 2017 CIP. Chase stated that the document needs to be approved. Baxter stated that it seems like Mr. Manzi is saying we would like the document approved. Baxter agreed with Mr. Manzi that we should work on a letter to outline the concerns. Baxter would like the Board to gather a letter to pass on to the Selectmen for the next Board Meeting. Morgan would like to see the entire meeting for the CIP. Kyle asked the Board to approve the 2018 and amend it as needed. Baxter feels the Board should dedicate the next meeting December 19 to discuss the CIP. Chase with what has been said he would be willing to take the next meeting to review the CIP. Chase feels the document needs a lot of improving. Friberg will attend the next meeting. Janvrin stated that the CIP is referred to as a wish list the Planning Board doesn't want it to be a wish list but an actual document. Morgan it is up to the Planning Board to make sure the cost is realistic.

### **Master Plan**

Janvrin would like to see the Board update the master plan chapter of what the assets of the town are. They are already in the GIS system. Mr. Manzi stated that the Town is putting more and more information into the GIS system every day.

Mr. Manzi stated in the annual audit also has the assets listed. Mr. Manzi talk about what the RFP and what it would look like. Morgan suggests in April when we work on the CIP it would be a good time to work on the GIS Data. Chase stated that we need to evaluate what we have and Mr. Manzi has a lot of items already with cost. Morgan feels the Board should not wait but work early on the Master Plan. Chase asked how we

would come up with the numbers for the warrant articles. Janvrin will call RPC for roundabout figures.

Janvrin asked that Chase speak to the executive director for some round about figures. Janvrin asked if Morgan wants to reach out to RPC also.

Janvrin asked that the members look at the Master Plan to familiarize ourselves to discuss on December 19, 2017. Morgan will pull the chapters for the meeting. Chase feels the members should look at the plan before our next meeting.

## **SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS**

### **Case #2016-14, Update from Engineer, Mr. Henry Boyd**

Mr. Henry Boyd spoke on the behalf of the Sweets for 72 Lafayette Road. The only deficiency noted after heavy rains that they eroded just a little bit on a few areas which will be repaired. They had a very few small puddles. They are asking for a bond reduction. They are still waiting for the top coat of paving. They owe a final As Built.

They will be adding another inch of pavement but wanted a full season of circulations. They added a little more landscaping on the edge above what was required. Janvrin sign off sheet comes from Rick Friberg. Boyd feels if Friberg is seeing every department head it is a healthy bill for the applicant and he doesn't know why this is needed. Janvrin stated that the process was changed awhile ago. Janvrin stated that it is peer review. Kyle stated that it is interesting that the applicant does not have an OC but they are renting spaces out. Zalewski stated that the forms 3 years ago use to come from the Planning Board Office for sign offs. The Planning needs to produce the document. Janvrin stated that they go through TEC and have for awhile. Chase stated that maybe we should create a check off sheet. Janvrin stated that we look for follow up on recommendations from Friberg. Janvrin stated that most cases go to TRC.

Boyd stated if you have an existing building for a condo conversion no TRC should be needed. Morgan and Zalewski make the call on low impact. Morgan states that process is working great. Morgan knows when cases should come or not.

Janvrin will push the request off to Friberg for the December 19 meeting.

Boyd explained that Premier Recycling has removed the Cylo's. The Culverts are a concrete box that we drive over. Some had concerns on whether or not they would hold up with heavy trucks passing over. Boyd looked at it at low tide the structure is massive. It has corrugated metal pipe in the ground with concrete. They decided they would leave the pipe but move it as they serve as an overflow. They went to AOT due to disturbance. Morgan felt that Boyd should talk to Zalewski and he did. Both Zalewski and Morgan felt it did not need to be a Planning Board Case.

Boyd stated they have an asphalt burm and Walton road run off goes directly in the creek with no treatment at this time. The applicant will make the update to have this run off go through a treatment which will be overseen by DES.

Janvrin read directly from the site plan scope section 1 and 2 and feels this is under the Planning Board jurisdiction. Boyd stated that the applicant is trying to make a bad situation better. Morgan feels the Planning Board has to decide to waive jurisdiction or have another case.

<b>Motion:</b>	<b>Janvrin</b>	<b>To waive jurisdiction.</b>
<b>Second:</b>	<b>Sanborn</b>	<b>Approved: Chase, Kyle, Janvrin, Sanborn, Baxter</b>

**Janvrin recessed the meeting at 8:10PM until 8:15PM.**

Morgan feels the letter is directed to the owner of the property and it is sent the Planning Board as a courtesy. They want to hear from NH Division of Historical Resources.

Cimarron Properties has updated the 22' access driveways. They are working with Building Office and the Deputy Fire.

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

<b>Motion:</b>	<b>Janvrin</b>	<b>To close Case #2004, 22, 23, 24, 25.</b>
<b>Second:</b>	<b>Sanborn</b>	<b>Approved: Chase, Kyle, Janvrin, Sanborn, Baxter</b>

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

Janvrin continued this case until the next meeting. We are waiting on Friberg's recommendation.

**Case # 2016-14**, Mr. Ken Sweet, 72 New Zealand Road, Request Security Reduction

Janvrin continued this case until the next meeting.

## **Route 1 update**

The executive council has proposed hiking the toll rate at Hampton toll to \$2.50 from \$2.00 and off ramps will go from .75 to \$1.00. Janvrin stated many people are against this hike in the tolls. Channel 9 news reported that the executive council had this on tomorrow's agenda but that has since been postponed until January 2, 2018. Prescott asked for a plan if the toll rate went up showing what projects we would fund. None of the projects or conversation took place at TAC and yesterday was the only public hearing. The DOT came in at the 11<sup>th</sup> hour with that proposal. The Governor has pulled from the agenda for tomorrow. They have to have this done by January 3, 2018.

Janvrin stated that we are trying to get the Route 1 widening moved up and be done soon. Chase, Janvrin sat with Mr. Watson and discussed the plan. January 3, 2018 Javrin is hoping that none of the added new plans go forward.

Baxter stated even though we are in the draft we could potentially be dropped. Baxter agued the numbers are not accurate. The state portion should be taking out of that amount. Janvrin and Chase stopped by and spoke with Mr. Watson. They discussed the coming projects, they have about a million dollars, and they are aware that Seabrook is looking to do this. They fought for the four lane widening and lack of need of right of way funding if we do that. Baxter stated that they put in the total cost of the project. The project is 5.5 million if Market Basket does move forward they will half of the 5.5. This should have gone on gasket hearing at \$1.75 million. Chase stated the number comes up to the 8 something. Janvrin feels we should reach out to Mr. Prescott. January 2, 2018 is the deadline. Baxter and Chase have met with Counselor Prescott.

Mike Rabideau and Dave Baxter started to review the exaction fees. They looked what should be in. The Town numbers are different. Baxter will send the documents to Hawkins for an update. Chase stated that a meeting of the minds and negotiations took place that they all agreed on. Market Basket has a large difference in exaction from Town report and Hawkins report. They have a \$90,000.00 difference. Baxter stated that we will see how the Gasket hearing turns out. Chase asked how much was donations? Janvrin stated that the entire list is donations. Chase stated we should know where we stand. Baxter asked what amount are donations and what are not and what happened to the \$90,000.00.

Sea City II has been approved and they had just came and got an extension. Janvrin stated they have 5 years to complete the project so when they come back for another phase we should reassess what the bond requirement is for the new date and not the

original date. Janvrin stated we allow extensions but it is not to grandfather the plan. He wonders legally if we can access a new bond. Chase feels we should ask Friberg for an update. Does he feel if a project doesn't meet the substantially complete will the bond amount be sufficient 5 years from now. Janvrin asked that Friberg be present for December 19, 2017 meeting.

<b>Motion:</b>	<b>Chase</b>	<b>To Approve the November 21, 2017 Minutes.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Chase, Janvrin, Kyle</b> <b>Abstain: Sanborn, Baxter</b>

Janvrin stated that the Budget Committee has a 3 unexcused absences they are removed. The Planning Board doesn't have that same rule. One of our members has been very ill. We are a volunteer Board. Rabideau is working on another committee tonight. We cannot remove someone from a board but the Board of Selectmen may remove someone from their position if they are not showing up. Alternates can deliberate in the discussion but not vote if the PB has a quorum. The Planning Board is not in the statue for members not showing up. Janvrin stated that due to not being a home rule state we cannot go above and beyond the statues. Kyle would expect that if you volunteer on a committee you should be here.

Janvrin stated in March we will have 2 positions open.

**Public Hearing opened at 9:00pm**

**Zoning changes are as follows;**

- 1) Remain the same
- 2) Prohibited in 2R and 6R, permitted in Zone 2  
 Janvrin stated that we will still have home occupation and home office. Morgan stated that it prohibits use in 2R and 6R, but is permitted in Zone 2. Morgan stated that we have no conflict in 6M so we don't have to change that.
- 3) No changes
- 4) Opaque fences, in general to be removed, explain why not to have opaque fence add safety reasons. Very helpful to tell people why they cannot have it. Janvrin stated that it helps to give guidance to the spirit of the change. Chase asked if it is true we are allowing people to build on the town right of way. Morgan stated pavement and right of way vary in Town. Morgan feels most are 15'.  
 Janvrin feels we would not know where that right of way ended. Baxter states it says a minimum of 15' and the building office gives permits for fences.

Zalewski stated that closer to edge of pavement a chain link fence would work. A see through fence would work and the whole purpose is to have a good sight distance. Morgan states his example a small child walking fence at the end of the road the car backs up cannot see the child and hits them. Kyle states we have many areas that have a shrubs growing and blocking view. Janvrin states if a zoning proposal past tonight the vote will go into place immediately unless the Town at Town meeting votes differently.

- 5) Move foot note to another location
- 6) Will not go to town meeting.

Morgan suggested that date of the invoice refers to the interest.

Kyle suggested AG's Office could be contacted. We will have a non public added to the December 19, 2017 meeting due to nonpayment of invoices. Post Public Hearing tonight in two places. Chase feels we should write a letter to Zalewski to have the shrubs or bushes blocking views removed. Janvrin stated we should take a field trip and they are in violation of zoning board approval for many Route 1 Businesses. In the 1970 some may be an exception.

Janvrin stated they are compiling a list and will give it to Zalewski.

Chase feels the fencing needs to be removed around the dumpsters at Sherwin Williams because you cannot see.

<b>Motion:</b>	<b>Chase</b>	<b>To asked that Case #2016-10 be asked by Zalewski to remove the slates in the fence around the dumpster due to visual safety issues.</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Chase, Kyle, Sanborn, Baxter, Janvrin</b>

**Janvrin adjourned the meeting at 9:24PM.**

**Respectfully Submitted by,**

**Maria Brown, Planning Board Secretary**