



**Town of Seabrook
Planning Board Minutes
Tuesday, December 6, 2016
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

MEMBERS PRESENT

Jason Janvrin, Chairman, Donald Hawkins, Vice Chair, David Baxter, Michael Rabideau, Aboul Khan, Ex Officio, Francis Chase and James Sanborn-Alternates serving as voting members tonight, Tom Morgan, Town Planner, Rick Friberg, TEC, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Ivan Eaton, Michael Lowry, Paula Wood & Robert Fowler - Alternates

Janvrin opened the meeting at 6:00pm

Janvrin called for a moment of silence in honor of Pearl Harbor.

MINUTES

Motion:	Hawkins	To approve the November 15, 2016 with the following changes, Page 9 vote should be to adopt section 3 and 4.
Second:	Janvrin	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau Abstain: Khan

Case #2013-24, Arleigh Greene, 27 Stard Road

Mr. Greene is requesting full security. Janvrin stated that we will hold security until June 2017 and we will notify the applicant.

Janvrin shared correspondence from Curtis Slayton regarding Felch Lane.

Janvrin stated we cannot sign off for recording. Boyd revised plans and brought them to Attorney, Mary Ganz Office. Boyd stated one of the shut offs is in Felch Lane the other one is behind the fence of Unit 2. Boyd stated once you see the new plans everything should be ok to move forward. Boyd stated that there is a clear intent that Felch Lane

was to be a public right of way. The Mylar has a note on it that Felch Lane was to be a public right of way. Janvrin stated that the brother doesn't agree with the road being a public right of way. They have water and sewer in the house beyond 2 ad 2A Felch Lane. Morgan stated if the Water Department decides they have a right of way to access the shut offs they will sign off. Chase asked if a new easement should be created. Janvrin stated that the owner of the road will not sign an easement. Janvrin stated that the Board of Selectmen, Water and Sewer should create a new easement for Felch Lane.

The Planning Board will send a letter for the Selectmen requesting their action on this matter.

Case #2016-25

Wayne Morrill from Jones and Beach, Doug Richardson from Waterstone, and Emily Sanborn an owner of the property are all in attendance. They made minor modification to the plan last night. A lot line adjustment was made to Map 8 Lot 6. Map 8 Lot 5 will become part of the overall proposal for the access to Perkins Ave. Morrill added the owner's names in the title block on the plan. The old lot lines are depicted on the new plans. All lines have been clarified. The set back has been added to Map 8 Lot 6 on the plan. The street address and owners have been added to the title block. All three parcels are showing on the plan.

Morrill asked if the Board had any further questions or comments.

Janvrin stated we have 2 lots merging and a lot line adjustment to the 3rd lot. Morrill stated that the mobile home that was on Lot 5 and has been relocated. The drainage is installed with the exception of the water line as DOT asked them to hold off until the spring so to avoid a bump. Janvrin stated they will be tying into a 12" main on both sides. Morrill stated that the Hospital has to have uninterrupted water at all times. They have worked with our Water Department so they can have water service from the North and South. The DOT didn't know that they have fiber optic cables in the middle in Route 1 and if hit it would shut the whole Seacoast down. The right thing to do is open cut it and they all agreed. Morgan has no additional items and everything was addressed. Friberg stated that the relocation of the driveway was huge benefit to the residents and the owner.

Janvrin asked if any abutters or property owners wish to speak seeing none the following motion was made.

Alternate Sanborn was a voting member this evening.

Motion:	Hawkins	To approve Case #2016-25 as administratively complete.
Second:	Janvrin	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Motion:	Hawkins	To approve Case #2016-25.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Waterstone

Doug Richardson wanted to update the Board on Route 1. The Phase II project has been completed and the permanent traffic lights will be in on December 15, 2016. Both Janvrin and Chase asked when the lights will be adjusted. Richardson stated they will have a new coordination of the lights along Route 1. The lights are interconnected and it will be ideal to do it at the start of the new year. Janvrin stated that it has been a huge traffic safety issue. Janvrin stated that camera's have been installed for Police and Fire. This was done as part of the phase II project.

Janvrin recessed the meeting for 5 minute at 6:58pm and opened it back up at 7:04pm.

Case #2016-20

Henry Boyd from Millennium and Mr. Eugene Dean owner of the property presented the case to the Board. Boyd stated that the case went to TRC and he has made all the changes they suggested. Boyd added the hydrant, water, and sewer service on the Plan. They added a drainage design to treat roof top run off and a Wetland Scientist visited the site. The size of the foot print is twice as big as it needed to be. Mr. Dean and his dad park dry good storage trailers only on the site. They have a down spout collection for drainage. They did two test pits on the site shown on sheet 4. The water will leach into the earth before even gets to the overflow. A Fire Lane will be added with a no parking sign. Perkins, Deputy Fire Chief was concerned with debris on the property. The pile was clean steel placed in the wrong area and it has been cleaned up. The gravel area is defined so a truck could come in now and back into the access area.

Chase asked how the driveway will be marked up. Janvrin asked that a sign or fence be put in place and to leave it up to the Fire Department or Code enforcement to take

care of it. The applicant needed the building bigger to get equipment in. They got a variance from the ZBA due to the fact that they are 16' from the wetlands.

Janvrin stated that the impervious area is on the plan. Boyd stated that 4% of the lot is sealed and the lot is massive. The lot has a power easement and a 350' right of way. The lot is 19 acres in total. Janvrin stated they are adding drainage. Boyd stated that it is in the Aqua Fore zone and the applicant decided to do what needed to be done ahead of time. The plan has been updated. A storm water package has been submitted. Morgan asked if they will have any new lighting. The applicant will add a light on the corner with a camera. A fire access way will be the only sign added. Friberg feels they have covered all topics of concern from the TRC review. Boyd stated they didn't go to the Conservation Commission but they have a ZBA variance. Friberg stated to relieve Curtis a note on the plan stating that no restricted chemicals will be stored in containers larger than 5 gallons will be onsite. Janvrin asked if that note should be on the storm water protection plan as sheet 2 will be recorded. Boyd will add to plan. Friberg stated that the hours of dumpster pick up should be added to the plan. The applicant will need a Landscape waiver and a waiver for lighting. They have a movable trailer that the steel goes into and it will be put inside. Friberg stated they should designate the area for storage and add to the plan. The new building will have to be sprinkled. Mr. Dean stated that the main coming in is 6". The original building is 9600 sq ft. Friberg stated that the drainage and silk fencing are in. Friberg would suggest \$5,000.00 for storm water security. Boyd will remove the clean up debris note on the plan.

Motion:	Janvrin	To approve the waiver request for lighting.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Khan, Sanborn

Motion:	Janvrin	To approve the waiver request for the landscape requirements.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Motion:	Janvrin	To approve Case #2016-20 with the following conditions; 1) \$5,000.00 security for storm water, 2) All invoices must be paid prior to occupancy of the new building, 3) The Plan must meet the approval of the Town Planner.
Second:	Hawkins	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Khan, Sanborn

Warrant Articles

Hold off on Site Plan Revisions

Exaction/Impact fee and ADU for warrant articles.

Janvrin opened the Public Hearing at 7:25pm

See attached

Warrant article #1

Page 1 - The last two bullets are new. One was for the doors and the other was to maintain aesthetic continuity.

Page 2 - no changes

Page 3 - Add dwelling in the last table. Foot note number 1 knocked off the last sentence.

Hawkins asked about residential buildings per lot in 6R as we have two. Should we make it one and the footnote also apply to 6R? He doesn't understand why 6R would be different. Janvrin thought we were trying to work on the density in 6M. Hawkins feels that footnote #4 should apply. Hawkins asked that foot note #4 be changed from a 2 to a 1 add zone 2R and 6M. Chase asked where the duplex fits in. Morgan is not trying to change too much. Does everyone agree to make the change above?

Motion:	Hawkins	To consider the two minor changes as minor editorial changes.
Second:	Janvrin	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Motion:	Janvrin	To approve 2, 7, and 8 and move them to the Town Meeting.
Second:	Hawkins	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Morgan asked if it is ok to fix the table that had a computer glitch from 12 or 14 years ago. Zalewski stated that it was for commercial use. Janvrin stated that after Town Meeting they can post it on the website.

Motion:	Khan	To give Tom Morgan the Town Planner the authority to revise the Zoning Regulations to what it should be.
Second:	Hawkins	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Page 2

10-4

Hawkins suggested a minimum exaction fee on new development of \$5000.00.

10-040

The last 4 words of the sentence were changed.

Janvrin asked how this would apply to Kohl's if they wanting to add 5000 sq ft. Hawkins stated it would be a calculation based on new development. Janvrin asked about Market Basket North. Hawkins stated if they reoccupy we calculate the 50% rule and the traffic. If it is torn to the ground it would go under a different calculation.

Page 2

Add exaction fee based on %.

Janvrin assumes they will get a credit for traffic.

The ITE book is going to be gone and we will be using our table. We have a retail category and all retail will have a minimum of a \$5,000.00 fee. Should we say general retail, all retail, or just retail? Chase do we know what is not included here. Hawkins stated that we have warehousing that is not allowed in the zone. If we had a request for something like a movie theater we would have to go back to the ITE.

Hawkins asked about the traffic threshold. If it is a new development or redevelopment it may be possible that you could pay the minimum. Hawkins asked to take out land development or we don't need to refer to a number. Khan asked what kind of category fireworks would be. They would be retail. Chase agrees lets scratch more than 50 vehicles. That would prompt applicants to look at the formula. Janvrin asked to take the threshold out of the equation. Baxter stated we could say shall be accessed an exaction fee. Strike more than 50 in 10.015 and Land development and redevelopment shall be accessed.

Chart on the top of page 2

Strike the general retail line. Add a footnote for the whole chart. Retail malls will be divided into their component uses.

Page 3 under donations.

Janvrin suggested we add the wording, "at the discretion of the Planning Board."

Baxter asked what about the developer that comes in and they bring the traffic and the corridor needs the work. Baxter is concerned that it is just a little too loose. Baxter stated in the last sentence we said the Rail Trail. Hawkins stated if the developer can choose to pay the exaction fee instead of a donation. The exaction fee cannot be used on anything but the roads and donation will have flexibility. Baxter agrees that the snow removal machine would be a good idea but he is not sure that developers are reading through this and seeing what it may be used for. Hawkins stated everyone makes a donation now instead of an exaction fee. Baxter stated we have a possible 5 million dollar road improvement for Route 1 North. Baxter would like to see as much money go toward the Road as possible. Transportation along the Route 1 corridor is delineated in the master plan. The Planning Board can identify uses for the donations. Baxter doesn't want it to become a slush fund. Hawkins feels the authority should be in the hands of the Planning Board to decide. Janvrin stated donations shall be utilized as identified in the Master Plan.

Khan has asked the Planning Board to buy the sidewalk equipment to plow the sidewalks on Route 1. The MOU agreement for Route 1 states that we will maintain the sidewalks. Hawkins feels that it is appropriate for discussion. If we make this change it goes in effect tonight until the vote at town meeting. Janvrin asked if it should be in the CIP and Master Plan. Janvrin stated we are the adopting authority. Morgan feels the changes tonight are minor and editorial. Baxter feels the use of the money for the sidewalk plow makes sense.

Motion:	Hawkins	To approve the site plan review changes to section 10 for exaction calculations with the changes noted in the discussion.
Second:	Khan	Approved: Hawkins, Janvrin, Chase, Baxter, Rabideau, Sanborn, Khan

Hawkins added the executive summary and wanted to move to page 2. We have the calculations and every department head and the school were interviewed. He made a chart for impact fees that he is recommended. See attached document.

Hawkins wants to ignore the chart on the bottom of page 2 because it takes out public vehicles. Hawkins would like to use the table at the top of the second page. See attached

We could also base the fee per sq ft or living area on residential. Hawkins recommends that we use the square footage calculation.

Page 1

Executive Summary

Hawkins would like to add the following; if the square foot assessment is used for residential development, the Planning Board should see an upper limit on the living area subject to assessment. This document is our back up fee and it shows a consistent mythology. Hawkins would like to section out the bottom of the fee schedule.

Khan asked if a single unit dwelling will be 750 sq ft added next to his house how much he pay for impact fee. Hawkins stated if it was new development or a new addition? Chase doesn't see senior housing here. Janvrin stated that if it is senior restricted they do not pay for the school. It has to be deeded and restricted. We should change senior housing to age restricted and it will take the government out of the picture.

Janvrin stated why they haven't done an impact fee yet with good reason. If you want to build a house you're going to be paying around \$8,000.00. The fee is more on residential than it is commercial. Impact fees are clearly against the homeowners. Impact for schools for a single family home will be \$3.37 per sq ft. Commercial properties do not have any fee. The impact is not going to save the town of Seabrook's tax issues. Impact fees are not based on needing a new fire truck. Hawkins asked if we will use square footage and implement the fee as of 12-31-16 or do we have it go in effect tonight. The amendment was adopted last year.

Zalewski asked if we are going to apply it to building permits as of a certain date. It handles home owners and developers at the same time. Zalewski feels that it should be done after town meeting. The voters adopted the amendment in March of 2016. Zalewski questioned if the square footage will be just living space. Hawkins stated it doesn't include your garage, unfinished basement, not the porches on the outside of the house, and it will show up on his tax cards. Living space has a methodology on how to define living space. Hawkins asked how the assessing department does it. Hawkins thinks they do the outside size. Morgan feels we need to be consistent leaving the table that says living area. Baxter suggested we add a footnote that references the standard living area that the assessors go by. Baxter stated that the assessors use the outside measurements but they must have rules and regulations. Hawkins will find out how the assessing office does it and add a foot note to the chart. Hawkins stated that living space should be defined. Rabideau asked if the assessor will go with the new way and fees.

Chase feels a person buying a home will have to pay the same fees for a ranch as he pays for a two story home. Chase stated a two story home will have twice as many kids as a ranch but they will pay the same. Hawkins stated that this has nothing to do with the fee. Chase favors the square foot charges. Hawkins stated that it matters what side of the equation you're on.

Khan stated that this table and the numbers are comparable to any other town. Hawkins stated they are comparable to any other Town around us and they are in line with Hampton. Khan asked if money goes to the school. Hawkins stated if collected for school it must go to school, if collected for fire and police it must go to them, and Recreation has nothing as needs at this time. Hawkins stated that some of the money could be used to pay off things that you already owe. Chase asked if the fee will be separated. Hawkins stated that the fee will be set aside for school fire and police and the interest goes into the individual accounts. Janvrin stated if we take in a fee it will be used to pay debt services. Hawkins thinks the money should be paid before the CO is given. Hawkins feels they need to define a mythology stating what living space means and how is it calculated. Morgan will have it ready for posting in two places no need to repost in the paper.

Hawkins proposed the effective date for building applications submitted after 12:31pm on December 31, 2016 will be charged an impact fee. Hawkins stated this board has the right to implement the fees the Selectmen has nothing to do with it. Khan stated the Selectmen wanted the Planning Board to do impact fees. Hawkins would be happy to sit with Zalewski to develop the form for the permit. Hawkins stated the ordinance was passed on March 2016.

Janvrin asked if we have any public comment seeing none Janvrin moved to continue the hearing until the December 20, 2016 meeting.

The State Representatives will be sworn in tomorrow at the State House if anyone would like to attend.

DDR

Morgan has spoke with Kerivan and he had no more issues. His email his pretty clear stating the Board should release the funds.

Janvrin asked if it has been more than two years since it was constructed and it has not. Will the two years start after it is tied to an occupancy permit?

Hawkins stated that Provident Way went the first year with just a top coat. Chase asked if we are talking about just Provident Way. We are looking at everything onsite and the Security must be held until it is done. The DDR request will be moved to the December 20, 2016 meeting.

Janvrin adjourned the meeting at 8:58pm.

Respectfully Submitted

Maria Brown, Planning Board Secretary