



**Town of Seabrook
Planning Board Minutes
Tuesday, December 20, 2016 @ 6:30pm
Seabrook Town Hall, 99 Lafayette Road
603-474-5605**

PUBLIC HEARING

MEMBERS PRESENT

Jason Janvrin, Chairman, Donald Hawkins, Vice Chairman, James Sanborn, Francis Chase, both alternate voting this evening, Tom Morgan, Town Planner, Rick Friberg, TEC, Aboul Khan, Ex-Officio, Michael Rabideau, Stephen Zalewski, Code Enforcement, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Michael Lowry, David Baxter, Ivan Eaton, Alternates – Paula Wood and Robert Fowler

Janvrin opened the meeting at 6:38pm

MINUTES

Motion:	Hawkins	To approve the December 6, 2016 as written
Second:	Janvrin	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Case 2016-27 will be continued until the February 7, 2017 Planning Board Meeting.

CAPITOL IMPROVEMENT PLAN

Matthew Ferreira SAU 21 Business Administrator went over the Changes in the plan. Chase asked where the funds are coming from. Ferreira stated it is in the budget. Chase stated either renovate or redo for the money. The sprinkler system he is referring to is for the SMS. The Windows –SES – The School will fix temporarily 2 windows in each class. Chase asked if it would be for all the windows. Ferreira stated that it is just the Elementary end. Khan asked about the enrollment numbers for the past few years. Chase thought this kind of question was for the School Board meetings.

Chase asked about LED lighting and asked if we would re-coop the money sooner rather than later. Chase asked if Ferreira is looking into NH grant programs from Unital. Chase stated that #8 Lighting money could be recouped today and wondered why we want to spend the money. Chase asked if we are replacing the lockers. Ferreira stated that they are rusting on the bottom and so old you cannot get any replacement parts. Chase would like to see Ferreira move #8 up in front of #4 Student lockers. Janvrin asked if we are looking at a green roof or solar. Janvrin stated that they have grants available for this type of work.

Request for Security Reductions

Southern New Hampshire Services, 146 Lafayette Road, request continued until 1-17-17

Rick will follow up on this request and check with Department heads get back to us on 1-17-17

Green Head Lobster, request continued until 1-17-17

Rick will follow up on this request and check with Department heads get back to us on 1-17-17

Case 2014-17, Sea City Crossing Phase II, Map #9, Lot #49

Jim Mitchell Tropic Stars Development presented the request the Planning Board. Letter of credit has been resolved. Mitchell is looking for acknowledgement from the Board that all conditions have been met. Janvrin asked about the written easement which was addressed. Mitchell stated they are waiting to final approval that conditions have been met. Morgan reviewed the request from September.

Provided the letter of credit for \$270,000.00

Exaction fee will be paid in advance of CO

Provide written easements they are on the plans. They are waiting on DDR according to Mitchell.

Storm water operation plan is on sheet c 3

-Conditions of approval

On phase II all outstanding invoices have been paid according to Mitchell

Provide proof that all conditions have been met.

Planner and peer review, Morgan and Friberg must be satisfied

Add a stop sign through the drive through.

Chase asked him to explain DDR issue. Mitchell explained that DDR would like a signed letter stating that they have met the conditions.

Motion:	Khan	That all conditions have been met by the developer.
Second:	Janvrin	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Motion:	Chase	That the easement will be signed before a certificate of occupancy is issued.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Sanborn, Khan

Invoices

Motion:	Hawkins	That the following invoices are uncollectable; 3281, 3478, 3036, and 3080.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Seabrook Trucking Center, Arleigh Greene, Case #2013-24-GRA Stard Road, Request for to release the balance of the security.

Arleigh Green presented his request to the Board for the return of Security. Green stated that he originally asked for a full reduction and the Board kept 10%. The punch list is complete and he is looking for his final 10%. Chase stated that this is private property verses Site Plan/Subdivision. This site has been completed for 28 months.

Friberg reminded the Board that the site is in aqua fore protection area. The detention basin grass hadn't taken root initially and it has since grown. Green stated that they have an As-Built and he will email it to us. They will release the remaining balance.

Motion:	Chase	To release the remaining security plus interest for Case #2013-24 with one conditions; 1) As-Built be delivered to the Planning Board Office prior to release of security.
Second:	Khan	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Case #2015-20, Kardinand Properties LLC, Request for an extension

Gary Dolan presented his request to the Planning Board. Janvrin stated that all of the conditions have been met except for the \$5,000.00 security. He originally asked the Board for a 3 lot subdivision from one lot, it is Industrial property on Stard Road and Chase Way. Mr. Dolan would like to move forward with the completion of the detention pond and complete the conditions. He would like the Mylar to be signed. Janvrin the original approval expired February of 2016. Mr. Dolan wrote the Security check and delivered it to the Planning Board Office last week.

Motion:	Chase	To extend the conditions of approval for Case #2015-20
Second:	Khan	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Janvrin asked that he come in and sign the site security agreement for two years from today.

Janvrin recessed the meeting at 7:22pm until 7:33pm

Case #2016-26, 270 Lafayette Road, Site Plan Review, Cardi's Furniture and Mattress, Ocean State Job Lots, Brixmor, Tax Map #9, Lot #49

Frank Bourque manager of construction of Ocean State Job Lot will present the case this evening. Ron Cardi, owner and John Kusick, Bohler are also in attendance this evening.

Cardi's Furniture is a family run business and they support the local communities. The 911 attack on America they donated over \$525,000.00 in supplies, services, and funds to help. They sent 8 trailers full of medical supplies. They did the same for hurricane Sandy victims. The furniture showrooms vary in size from 10,000 square ft to 150,000 square ft. Cardi's Furniture will use the 65,000 square feet on the West side of Ocean State Job Lot. Rabideau asked if this was the first Cardi's in NH. Bourque stated it will be the first one.

The Wareham MA store is very similar. Ron Cardi felt he could just turn the store 90 degrees and use that floor plan. Ocean State will still have 22,000 square ft available at this time. Cardi's will have a canopy for outside furniture, windows, loading dock, and an entrance all along the side facing Route 1. The receiving area was needed. Looking at it they decided to put it on the west side to help the neighbors and noise. Zalewski brought up putting the loading dock on the back but it would block the road completely. The site plan shows the garden center as a patio area and they cut back the sidewalk. They will add a cross walk connected the parking lot on the west side and the new front entrance. They will be adding planters and trees to the islands. Cardi's will also have a

seasonal component where he will sell outside furniture. The cross connections is done. The additional loading dock will be opened up with a 24' door. The truck will drive in the building and will keep the back access opened. They may have to add more landscaping when they have new tenants for the other side of the building. Brixmor is under by 27 parking spaces and Ocean State Job Lot is over by 24. They are looking for some relief for the parking.

Khan asked about the cross connection. Low frequency of the trucks entering and they will not be a cash and carry. At least 95% of what they sell is delivered. All loading will be done between 7am -10am. Khan stated that we have a history with using cross connection.

The trucks will continue to come around the building as they always have. The truck will be parked in the building when they unload. They looked at the North side and it would completely block off the back access. The Police and Fire were not ok with dock being on the North side. The business is mostly a showroom. Small box trucks will be used most of the time. The only bollards are added on the corner of the building. Janvrin use to be a home delivery person. Mass will have to pay tax if delivered. Those residents will want to come to Seabrook for pick up. Cardi's stated that the customers he has will want the deliveries done right and the impact on Cardi's is minimal. The loading dock smaller door is for cars and it is next to the 26' wide door. They have to remove some lighting and will add lighting to each corner.

Janvrin asked about the oceans and oceans of hard top. Janvrin asked if they have any additional proposed landscape islands in parking lot. They are putting in 3 islands and will reduce another 6 spaces. Bourque cannot commit to anything else until he gets a tenant for the other 22,000 sq ft. Hawkins stated the Planning Board already gave them a buy because they knew they were coming back. The parking is very inadequate and the parking area is nowhere close to as nice as the others shown on the Cardi's video. Hawkins feels they have several parking spaces to reduce and make the property look better. We should try and make this site look better than it does at this time. It needs a significant upgrade in the way it looks. We have a low traffic user let's do something to make it look nice. Hawkins would like to see the islands look a lot better than they do. Bourque stated if this was a Greenfield property it would be a lot different. The property will be maintained and cleaned up. They plan on putting in trees and adding grass to the islands. They don't have the money at this time to put more in. Khan stated that they asked for job lots first and they would do more to make it look nice. Bourque doesn't have a problem adding more islands but cannot rip out 40 parking spaces.

Chase asked who will maintain the property and we don't have that in an agreement as of today. Bourque stated that the Board could make it a condition of approval.

The sidewalk is 6' wide and it is inside the owner's property. Janvrin feels this is nice and a lot safer than at the edge of the road. Hawkins stated that we still have an ordinance for landscaping on Route 1 that we must follow. He would like the owner to go back and bring us more landscape. Bourque thought that the Board was talking about pavement removal which is very expensive. Bourque will double landscaping and add plantings along Route 1, add trees, and sea grass. Hawkins asked to reconsider the plan to put forth. Hawkins will not vote for a landscape waiver. The site looks awful and it has for 20 years with no improvements. Hawkins stated the parking needs are not anywhere near what they have. He would like to see what they can do. Hawkins stated we let you leave with Ocean State Job Lot approval with the idea improvements will be made. Hawkins asked what Ocean State Job Lot is doing.

Bourque will add 6 islands; re-landscape the area that shows bare in the ariel. Rabudeu stated that greens would not survive as the islands are very small. How about double to 12 islands instead of 6 and continue every other island. Your trees would survive and 20 spaces will be taking out. Chase asked if we have trees planted now. Rabideau stated the trees are not doing well. Chase asked for an upgrade. Janvrin stated that the lot has not changed a bit in 20 years you can go to Google earth and see for yourself.

On the sidewalk area they own 17 spaces facing Route 1. Janvrin asked if they could add a pocket park in a few of those spaces. Bourque feels they have a decent area to add a pocket park. The bank has a cross easement so they couldn't take out any spaces. Bourque stated that they can add a pocket park in the corner. They will add disease resistant elms along Route 1.

The exaction fee has been addressed. Hawkins thought the Ocean State colors were blue. They are not and will have the same color throughout the building as it has now. Bourque could reduce 4 spaces near Route 1 and reduce 20 more spaces to add landscaping along with updating the existing islands. Rabideau asked that when the next applicant comes in bring back a plan with landscape. We have trees available that are completely salt resistant. They will add two trees per island. Dumpster's location need to be added to the plan that is concrete and screened.

Will the applicant be adding any landscaping around the back of the building? There are not many white pines left. They took down the rotted trees when they did the cross connections. Janvrin asked the Board if they felt the site plan was administratively complete.

Motion:	Chase	That the case is administratively complete
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Janvrin asked if an there is any abutters that wish to be heard.

Friberg from TEC noted that they have no outstanding utility issues, they will have a list of waivers needed, they are adding a crosswalk to the satalight parking from the building, dumpsters are on the plan, and he is suggesting that the Board waive the security.

Khan stated that the cross connection from KFC and this parking lot was a huge problem for many years. Chase asked if they have a stop sign or a yield. Hawkins the cross connections at KFC should be better as the Boyton Lane cross easement will be used more.

Chase asked if any lights are being added to the back of the building. They will add lights on the corner of the building for safety. Rabideau stated that already have lights some may need to be fixed. Bourque stated they fixed the lights they have and tried to stay away from adding anymore due to the close neighborhood.

Khan asked when they plan on opening the store. Bourque stated that they will deliver Cardi's a shell. It will take some time and Ocean State is hoping to be opened by the end of May. Cardi's would like to open this time next year. Khan asked how many new jobs with this store have. Cardi would guess about 45 full time jobs. They are up here delivering now. Cardi stated that 87% of decisions made in this industry have a women's signature. This facility has to be conducive to children and families the store has to look the part. They will not have an ugly field in front of the building. Khan stated that the owner is here tonight and Seabrook residents would like to know if you will hire local. They will do their best on this matter. Chase asked that when they subdivided the lots was it made clear who takes care of the sidewalk. The bank owns that property and maintains the sidewalks.

Zalewski will take jurisdiction of lighting onsite. Now that the leaves are gone on the trees some lights are shining into people's bedrooms. They have places that will need lights fixed. Janvrin asked if they will have any added signs or will they be updated. Bourque before they open they restripe and any signs that need to be done they will do it. It may have to be done a little later after opening in the spring. Janvrin the right out only is on their property. A do not enter sign should be added next to exit by KFC.

Waivers

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

They will take out 27 parking spaces and that is closer to the 40. Hawkins feels they have ample parking even after removing spaces. Bourque stated that they didn't see this coming and wished they have known. Chase asked how many disable parking spaces are needed. Zalewski will not sign off unless the disable parking is right. They need 12 they have 15. Every time you go to Walmart you cannot get a handicapped parking space.

Cardi never heard the term pocket park. Cardi will put another pocket park in at his expense that will take up 8 spaces someone in the middle of the lot. They will take out eight parking spaces next to Cardi's loading dock and add a pocket park. Rabideau stated they have given us the 27 and they can do the additional 8 the next time we see the other tenant. Morgan likes Mr. Cardi's proposal to remove the 8 now. Cardi would like to keep landscaping low out front for safety. The total parking spaces reduced are 35. Janvrin would like to see 5 more reduced when they come in with new tenants. Sanborn asked about putting the pocket park in the middle of the parking field. They will be 20' back for pocket park and will be a nice space to sit.

Motion:	Hawkins	To approve the parking waiver as 35 spaces have been accounted for with the following condition; 1) 5 more parking spaces will be reduced by the next tenant.
Second:	Chase	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

The landscape regulations were put into place due to 270 Lafayette Road. It went from a field and farm to looking awful. Janvrin would like people to see green space and a place to relax. Get people out of the cars shopping and visiting. This is another reason the cross access is in place. Janvrin would not be happy until it is back to a horse field. Hawkins stated that they have an agreement on exaction. Ocean State Job Lot will pay \$47,100.00, Cardi's Furniture will pay \$19,601.00. Ocean State would be giving a credit for the sidewalk and credit for the \$5,000.00 paid by Verizon for the cross-easement. The total due would be \$61,701.00. The applicant may decide to make a donation instead of exaction fee of \$42,390.00 for Ocean State, Cardi's Furniture would

be \$17,640.00 minus \$5,000.00 credit the donation total would be \$55,030.00. Hawkins asked for a letter if they are making a donation.

Hawkins stated that payment is due before a CO is granted for either tenant. Bourque stated that the CO would be given to Ocean State before the payment. Bourque will resolve the matter with Hawkins and get the payment beforehand either way. Separate donation from each tenant to the Town of Seabrook. The 7:00am – 10:00pm trucking delivery hours are already on the plan so Janvrin will not make it a condition. Dumpster location and pick up hours are already on the plan.

Motion:	Janvrin	To approve the waiver for landscape with the condition that they meet the conditions of approval.
Second:	Rabideau	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Motion:	Janvrin	To approve Case #2016-26 with the following conditions; 1) Hours of operation will be no greater than 8:00am-11:00pm, 2) A pedestrian cross walk to Route 1 parking field will be placed on the plan and erected, 3) A pocket park will be added in the parking lot adjacent to Route 1 in the North driveway, egress will be constructed using no less than 4 spaces, 4) No less than 5 groups of 4 parking spaces to be eliminated for additional landscaping in the parking field adjacent to Cardi's, 5) 8 additional parking spaces to be removed adjacent to the main driveway access to the south will be replaced with additional landscaped area in front of Cardi's and Ocean State Job Lot, 6) 5 additional parking spaces will need to be eliminated by the next tenant, 7) No less than 3 disease resistance Elms will be planted in the Route 1 Green way but outside of the State right of way, 8) Security will be set at 0 dollars, 9) Landowner shall maintain the pedestrian walkways and bike ways at all times, 10) The Landowner shall maintain the landscaping so far as practical, 11) The landowner shall maintain the sidewalk adjacent to Route 1 through ADA compliance at all times, 12) Cross Access Easement agreement needs to be fixed for Boyton Lane and must be satisfactory to the Town Planner, 13) Exaction Fee must be satisfactory to the Town Planner, Chair, and Vice Chair, 14) The applicant with the next tenant agrees to eliminate 5 more parking spaces and replace them with landscaping.
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Second:	Khan	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn
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Ocean State Job Lots will have a movable shopping cart area.

Janvrin recessed the meeting at 9:34pm until 9:40pm.

Public Hearing for Impact Fees opened at 9:41pm

The schedule came straight from BCM Planning and his document was reviewed in September. We were left with a decision on whether we follow a rate schedule based on a total dollar amount or square footage. The Board decides to base fees on the size of the dwelling. A dollar amount per square foot for residential and commercial has been set. Document was dated June 2016.

The ordinance was passed March 10, 2015 and the work was not done at the time this passed. The fee schedule was to be enacted after the studies were done. Janvrin stated per square foot of living area for residential, commercial, and industrial, will be in place on December 31, 2016. Janvrin stated that the assessment and collection of impact fee will be through the Code Enforcement Office.

Janvrin asked if the implementation date will be a little soon. Zalewski stated that Hawkins can talk to the Town treasurer about this date.

Zalewski emailed Don, Jason, and Tom. He feels they have a few things missing. Hawkins stated the verbiage is part of the impact fee ordinance and was approved by an attorney. Zalewski stated that no where does it mention 2500 square feet. Will it be total or based on square footage of living area? Hawkins stated this is for a single family residence. Zalewski would like a few words added. Residential impact fee per dwelling unit based on square feet of living area. Chase states it is single family detached.

Add assessment and collection of impact fees. Add waivers and appeals to fees accessed must be granted prior to issuance of a building permit. Add a signed agreement to pay assessment prior to a CO being issued. Morgan stated that Administrative procedure is usually handled in the Building and Code Office.

The Zoning Board of Adjustment gets the appeal on amount in question. If they want it waived it comes to the Planning Board. Hawkins stated there are only a couple of individual conditions where you can waive fees. Morgan suggests that we are talking about the fee schedule and the other is a written policy that guides the Building Department. Zalewski would like something in writing from the Planning Board that this was passed by them with a date.

Hawkins stated that the impact fee calculation sheet would be the start of Zalewski's form followed by the administrative procedures he would like to see enforced. Zalewski is talking to the attorney and they haven't heard back. Zalewski should wait until he hears from the attorney.

Janvrin asked about the implementation of the fees. Zalewski stated that he will have to make sure the Town Treasurer is set up. Hawkins has had this discussion with the Town Manager. The only responsibility for Zalewski is to hand them a check. Hawkins doesn't feel that we should hold everything up until the Treasurer is ready. It was voted on a year ago. Chase asked Zalewski if he would you be ready to charge fees as of now. Zalewski would not be ready for this yet. Zalewski would like the Board to take out finished area out of commercial property requirements. Khan asked if we should have a subcommittee. Hawkins feels we need to adopt this and it is ready.

Chase stated it is done by square footage. Khan feels Zalewski doesn't have enough answers for the public if they apply. Janvrin stated that if we vote to implement this tonight it needs to go to the Town Manager and Town Clerk.

Janvrin asked if we have any public comment.

Angel Jean from the Newburyport Daily News had some questions. She asked if the fees will start on Jan 1, 2017 or after. She asked if Ocean State Job Lot has a permit. She asked if Cardi's Furniture has a permit. Hawkins doesn't understand how we can give permits already. Zalewski stated the applications are in. Angela asked if they are not required to pay the fee. They put in an application and this fee was nowhere to be found. The impact fee does not apply at this time. Hawkins stated we should not be accepting applications for building permit without an approved plan. Zalewski asked why we shouldn't. Angel feels we are discussing a commercial permit not a residential permit. Angel asked if the residential fee is based on square feet of living area. If an apartment complex is built and each apartment was 950 square feet and they would based on 900 square feet. Hawkins stated that if they are larger they will be based on 2500 sq ft for each one.

Janvrin closed the Public Hearing at 10:12pm.

Khan feels this has been in the works for at least 10 years and needed to be done a long time ago. Khan approves this tonight as we need it for Police, Fire, the School and the maximum living area subject to the impact fee is 2500 sq ft per dwelling unit.

Hawkins asked if they want the waiver and appeals on this document. Zalewski will have to abide by the fee schedule as terms of operations he has a lot of leigh way. Rabideau asked if we remove finished area off of fee schedule would that help. Janvrin asked if another bullet added would help.

Khan withdrew his motion.

We can add commercial impact fee based on total square footage of enclosed living area. Angel asked how the money is split and if it can be for all 3.

Under residential impact fee

First bullet-Maximum living area subject to the impact fee

Under category-Commercial Impact fees - Add based on total square footage of enclosed living area. Drop the word finished on the fee schedule.

Commercial has 3 changes to the fee schedule all to improve the clarity of the fee schedule no significant change to the notice itself.

Motion:	Hawkins	To adopt the fee schedule notice as amended
Second:	Khan	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Motion:	Janvrin	To go into non public session under 91-A:3,II (e) Legal and return to public session only to adjourn.
Second:	Khan	Roll call : Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Motion:	Janvrin	To seal the minutes until the case is adjudicated.
Second:	Khan	Approved: Hawkins, Janvrin, Chase, Rabideau, Khan, Sanborn

Khan made a motion to adjourn at 10:40pm and Janvrin second, all in favor.

Respectfully Submitted, Maria Brown, Planning Board Secretary



Town of Seabrook
Planning Board Non Public Minutes
Tuesday, December 20, 2016, 6:30pm
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

Non public 10:27pm

Summons served by superior court by case 2016- Felch way. Tom certified the record with Maria for the Lawyer. Basically this board followed the statue and we are being sued for it. We are in the middle of a family feud and we need to get out as soon as possible. March 2, 2017 is the hearing date and Janvrin would advise the Planning Board not to be present. We want to let the court base the decision solely on the Planning Board record. We followed the statue and we approved the condo conversion. Our attorney is going to defend us in court. Hawkins stated everything is based on the record. Hawkins stated that we don't care what they decide. Seabrook taxpayer loses. This board is being sued from a decision being made. Janvrin stated that the legislature has never allowed the municipality to re-coop the lawyer fees. Khan wanted to know if we want to have someone appointed to go to the court. Janvrin would rather we don't do it. Khan asked if we need to take a vote. Hawkins feels we should talk to the town manager and let him know that we don't care about the outcome it is a family feud and we don't care what the court decides. We don't want to spend tax payer money to defend this case. He would like Mr. Manzi to make this clear.

Hawkins stated that we owe Mitchell a response from his Attorney letter stating that they will not pay invoices due. Hawkins stated we were only trying to recover our cost. Hawkins feels we need to go through the case after. Morgan thinks we had 11 plans. Khan we stand behind our decision that will be the fees. Hawkins stated they have to pay all the bills before they get an OC.

Sanborn asked if Allen Felch is paying taxes on Felch Lane and if not he should have been.

Motion:	Khan	To come out of non public at 10:39pm.
Second:	Janvrin	Roll Call: Hawkins-yes, Janvrin-yes, Chase-yes, Rabideau-yes, Khan-yes, Sanborn-yes