



Town of Seabrook
Planning Board Minutes
June 18, 2019
Seabrook Town Hall, 99 Lafayette Road
Seabrook, NH 03874
603-474-5605

Members Present

Roll Call; Chairman Francis Chase, James Sanborn, Max Abramson, C. Knowles, P. Knowles, Selectmen's Rep. Aboul Khan, **Others present:** Town Planner Tom Morgan, Building Inspector Lacey Fowler, PB Secretary Julie Thurlow

Absent Members: Forrest Dow, George Dow

Meeting Opened: Chairman Chase opened the meeting at 6:30 with Pledge of Allegiance.

Minutes

Motion: Sanborn	Approve the minutes of June 4, 2019 with Corrections on page 4 in regards to the vote. Sanborn and Dow voted No and E. Brown abstained.
Second: P. Knowles	Yes: Chase, Sanborn, C. Knowles, P. Knowles Khan : Abstained Motion Passed
	Abramson arrived after the vote was taken.

Correspondence:

Chairman Chase read a letter from Granite Engineering LLC, RSA 674:4-b which allows a Planning Board, reviewing a subdivision plat, site plan, or other land use application, to require applicants to reimburse the board for any expenses incurred by obtaining third-party review process. The letter is located at the Planning Board office. A brochure of the Rockingham County Conservation District 2018 Annual Report will be available as well. Khan presented a letter from the Board of Selectman and the Town Manager William Manzi in regards to the Premier Recycling. Chairman Chase read the letter into the minutes (see attached letter).

Chairman Chase explained why the letter in regards to Premier Recycling had not been sent to the B.O.S. He said that the minutes for the meeting had not been approved and that they must be approved before any action can be taken. Chase said that this matter will be discussed after cases on tonight's agenda have been processed.

New Business:

264 Lafayette Road, Tax Map 5, Lot 46 – Waiver of Jurisdiction:

Tom Morgan explained that the applicant is asking for a waiver of jurisdiction. Tom said that this was the former Amato's Restaurant. He said that this is from one restaurant to another restaurant and does not need site plan approval. Tom said that a third party, the bank, was involved and that they would like to see it in black and white, that the Planning Board is on board with this proposal. Tom informed the Board that a motion by the Board would be to take no jurisdiction, as no change of use, is in order.

Property Owner Dave Baxter went over the history of this location. He said it is in compliance with all of the regulations and he would follow whatever was approved for Wendy's in 1999. He said the restaurant would be serving breakfast and lunch and would be closed by 3:00pm.

Chairman Chase asked if there was anyone who wanted to speak for or against the proposal. There were none. Chairman Chase explained that "no jurisdiction" motion does not waive any regulations or restriction.

Motion: Sanborn	Waive Jurisdiction
Second: P. Knowles	Sanborn, P. Knowles, C. Knowles, Abramson, Khan, Chase Unanimous

920 Lafayette Road Tax Map 7, Lot 91-104-Waiver of Jurisdiction:

Tom Morgan said that the applicant, Darren DiBartolomeo came to him and asked if he needed a site plan review. Tom said the site is an existing mixed use and the proposal for unit #4 is a very minor change. DiBartolomeo explained to the planning board that he had purchased the property just recently and was communicating with Lacey Fowler, the building inspector. Fowler suggested to DiBartolomeo that he should go before the planning board on a change of use.

Chase asked Tom Morgan if DiBartolomeo needed to fill out an application. Tom Morgan said the change of use is so minor that the board could make that decision either way. DiBartolomeo explained to the board that he and his wife would like to establish a non-denominational small church. He told the board that he had taken over a failing church and restored it. He said that he had been made aware of this unit opening and that it was a good fit for his proposal. He said that he is aware of his abutters and neighbors and looks forward to being in the community. Henry Boyd spoke in favor of this and said that in his opinion it doesn't need site plan review. Abramson said he had concerns with the traffic interference. The applicant said that he had looked at all the businesses in this plaza and his proposal will not interfere with the other properties.

Khan had concerns with notification of the abutters. DiBartolomeo assured Khan that he had spoken with the abutters and that his wife was going to be helping with the condo association. He said that his next door neighbor is a catering business with very little traffic. Chairman Chase polled the board members.

Motion: Abramson	Waive Jurisdiction
Second: Sanborn	C. Knowles, Abramson, Khan, Sanborn, Chase Abstained: P. Knowles Motion: passed

**Case #2019-11 79 Foggs Lane, Tax Map 7, Lot #3-20 – Condominium Conversion
Continued:**

Henry Boyd cleared the record in regards to ownership of this property. Boyd informed the board members that the property they were concerned about was owned by Paul Lepere and was north of this site. Tom Morgan told Henry that the reason that the board did not approve this at the last meeting was because of G. Dow's concern about ownership and trees. Henry went over the condo conversions for the side by side duplex units at 79 and 81 Foggs Lane. Boyd said that he had submitted the digital copy of the plans. Chairman Chase asked for comments by abutters and board members. There were none.

Motion: Khan	To accept as administratively complete
Second : Abramson	C. Knowles, Abramson, Khan, Sanborn, Chase, P. Knowles Motion: passed unanimous

Motion: Khan	To Approve the Condominium Conversion
Second: Sanborn	C. Knowles, Abramson, Khan, Sanborn, Chase, P. Knowles Motion: Passed unanimous

2019-12 – 81 Foggs Lane, Tax Map 7, Lot#3-10 –Condominium Conversion Continued:

Henry Boyd described this as the same as 79 Foggs Lane a condo conversion of a duplex.

Motion: Abramson	To accept as administratively complete
Second: Sanborn	C. Knowles, Abramson, Khan, Sanborn, Chase, P. Knowles Motion: Passed unanimous

Motion: Khan	To Approve the Condominium Conversion
Second: Sanborn	C. Knowles, Abramson, Khan, Sanborn, Chase, P. Knowles Motion: Passed unanimous

Flood Maps:

Henry Boyd told the board that he was willing to come in to teach a class about the changes to the Flood Map by FEMA. He said that he had taught this class to realtors and it is very important. He said it would be a two hour class. T. Morgan said that this was a very generous offer by Henry. The board set up a date to hold the class on the July 16, 2019 planning board meeting and that it would be first on the agenda and that the conservation committee, the B.O.S

and zoning boards are welcome to attend. The board thanked Henry for all his dedication to the town.

Other Business:

Chairman Chase presented a plan worked on by the Town Engineer for road painting at the intersection at Dow's Lane, Railroad Avenue, Farm Lane and Centennial Street. Chase said that he had witnessed firsthand the dangers at this intersection when a car ran into a school bus about a year ago. He said that no one was hurt. He said that the B.O.S and police department would have to be on board with this proposal. Abramson proposed a mini-round-about and said that it would only take 6 feet. Chairman Chase said that there is not enough public right-of- way to do a round-about at this intersection. Khan asked for comments from the members. Sanborn had concerns with traffic lights at Amato's. Abramson stated that he had a good long talk about traffic lights along Rte 1 with the State D.O.T and they said that we have to keep asking and asking and that we must contact the RPC with all our request for all state roads to B.O.S. and the P.B. and send it over and over again to get it in the 10 year plan. Khan said that future traffic lights on town roads should be addressed.

Motion: P. Knowles	Made a motion to write a letter to Board of Selectmen about the painting of the road at intersection at the four corners.
Second: Sanborn	Vote: 5 in favor C. Knowles, P. Knowles, Chase, Khan, Sanborn 1 not in favor Abramson Motion: Passed

Master Plan

Chairman Chase said that he and Julie, the PB Secretary, are working on the master plan. Khan said that the master plan should include future work on intersections in town. T. Morgan said that department head comments should be received in 30 days. Tom told the board that there are two ways to put intersections in the master plan. Number one was to make an amendment to the existing plan to include intersections or number two was to re-write the whole plan which would require a public hearing and would take about a year.

Previous Discussion – Premier Recycling

The board members went back to the discussion in regards to the Board of Selectmen's letter about Premier Recycling. Abramson said that he had stated five times that Premier Recycling was in violation of section 11 of zoning regulation and that section 11 makes it absolutely clear that enforcement is out of the planning board's hands and that it is up to the Board of Selectmen or the Code Enforcement Officer to take action. Lacey Fowler said that it is noise and should be a PB conditions. T. Morgan explained to Fowler that the conditions of the planning board would be that all doors would be shut so all noise would be inside of the building. Khan requested that the planning board has to state in the letter that there are no violations of stipulations by the planning board, and for T. Morgan to consult the town council. T. Morgan explained to the planning board that we need the original case of the site plan, approval of any conditions and include section 11. He said that we have to go through and review each condition and vote on it. Chairman Chase suggested an open discussion. The board members discussed the concerns of abutters. Chairman Chase said to postpone the letter until we can go over the site plans and condition. T. Morgan said we need the Minutes of November of 2017 and all documents. The planning board will go over the case in the next meeting on July 2, 2019 under New Business Abramson went over the impact fees in the Land and Regulation zoning books T.Morgan told the members that zoning book is updated on-line and that the update in the books would be done in house on colored paper and that it would be cost efficient.

Motion: Khan	To adjourn at 8:00P.M.
Second: P. Knowles	Abstained : Abramson Meeting adjourned

Respectfully Submitted by Secretary Julie Thurlow

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June 18, 2019

Dear Planning Board:

The Board of Selectmen have been notified via Select Board representative Ella Brown and Town Manager William Manzi that the Planning Board has "referred" the Premier Recycling matter to the Board of Selectmen. To date the Seabrook Board of Selectmen have not received written notification of that referral. In light of that, and knowing that the Planning Board has had multiple hearings on this case, the Seabrook Selectmen have authorized this letter seeking clarification of the Planning Board's action.

Premier Recycling was approved by the Planning Board with multiple conditions. The Planning Board has conducted multiple hearings on this matter. The questions the Board seeks clarification on are:

1. Has the Planning Board made a finding that Premier has violated any of the conditions of approval placed on the project by the Planning Board?
 2. If the Planning Board has made such a finding could that finding be transmitted to the Board of Selectmen?
 3. If the Planning Board has made no findings of fact on the conditions attached to the Premier Recycling case what is it that the Planning Board seeks from the Board of Selectmen?
 4. The Board of Selectmen understand that they are the enforcing authority, by and through the Office of the Building Inspector. It is not clear that the Board of Selectmen could undertake to discharge the duties of the Planning Board by citing violations of conditions set by the Planning Board.
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The Seabrook Board of Selectmen would appreciate clarification by the Planning Board, and respectfully advise that the Planning Board seek legal clarification of its role in this matter.

Sincerely,

A handwritten signature in dark ink, featuring a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke.

Aboul B. Khan

Chairman, Board of Selectmen

A handwritten signature in dark ink, featuring a stylized 'E' followed by a series of loops and a long horizontal stroke.

Ella M. Brown