



Town of Seabrook
Planning Board Minutes
July 21, 2020
Seabrook Town Hall, 99 Lafayette Road
Seabrook, NH 03874
603-474-5605

Members Present

Roll Call: Chairman; Jim Sanborn, Vice Chairman; Mike Rabideau, Member; Paul Knowles, Selectman Rep; Aboul Khan, Max Abramson, Forrest Dow, Town Planner; Tom Morgan. **Others Present:** Building Inspector; Lacey Fowler, Town Engineer; Chris Raymond, Planning Board Secretary; Jen Hubbard

Absent Members: John Kelly

Jim Sanborn opens the virtual meeting at 2:00 pm with the pledge of allegiance.

New Business:

Case # 2020-09 Proposal by Tripoli Bakery and Pizza Company for a conditional use permit at 418 NH-286. Tax Map 17 Lot 44.

Joseph Canzano speaks on behalf of his clients from Tripoli Bakery and Pizza Company. His clients are looking to get a conditional use permit for a storage container to be placed on the property. The container will be placed on the backside of the property near the generator. Since COVID they are looking to make more space inside their building for the employees so having a storage container will allow them to store goods inside. It will be an 8 by 10 container.

Tom Morgan would like to know if the container will be temporary or permanent.

Canzano states that his clients would like to leave the storage container there indefinitely. He states that it can be moved if need be to another location on the property.

Morgan states that if they wanted to leave the container on the property for longer than three months then the applicant would have to go to the board of adjustments for a variance.

Canzano did not realize this. He would like to know what the fees are for the Board of Adjustments.

Lacey Fowler states that the fees are \$170 and \$12.00 dollars per each abutter. If **Fowler** knew that the applicant wanted to keep the storage container on a long term basis she would have suggested that they build a permanent structure. She was told by the applicant that they were looking to put the container for a short term basis only, not long term.

Motion: Sanborn	To accept case 2020-9 as administratively complete.
Second: Knowles	
Result:	All in favor

Chairman Sanborn opens it up to the board for any comments, questions, or concerns.

Khan would like to know if the business has enough parking spaces with the container on the property. **Canzano** replies that yes they do. The storage container takes up one parking spot.

Knowles asked if the container was already on the property. **Canzano** answered that yes it is already on the property.

Vice chairman Mike Rabideau states that this is a perfect example of why we have these applications in place. Individuals were going out and buying these containers and dropping them on their properties without a permit. Such as the applicant has done.

Canzano states that his applicant had an emergency situation with COVID and planning meetings were delayed due to the virus.

Fowler would like to know if the diagram of the container is an accurate description as it shows the container only being 3 ft. from the generator. She states it needs to be atleast 5 feet away from the generator.

Khan asks if this is a shipping container. **Canzano** states yes it is.

Fowler would also like to state that when she received the building permit from the applicant that they were very well aware that they were not suppose to put the box on the property until they received planning board approval. **Canzano** is not sure of that. **Fowler** states she talked to the property owner herself.

Khan would like to state that all these members are volunteers. He is not very happy that the applicant thinks we are double dipping.

Abramsons impression is that the developer has come in good faith and we work for the town's people. Our rules are not as clear as they should be. He thinks it would be better if we switched to form based codes.

Fowler would like to state that when the applicant applied for a permit for the container she told the applicant that they would have to go in front of the planning board for a conditional use permit.

Khan asks Tom Morgan if the only time we get to see that the applicant is following the zoning ordinances is when they come to the meeting. Morgan states yes, unless code enforcement happens to see something when they are out and about driving around.

Khan would like to know if there is enough parking for both businesses with the container on the property. **Canzano** states that the container is only taking up one parking space. **Tom Morgan** noticed that the containers in the back of the property.

Khan would like to state that he is not ready to approve this application. There are too many things going back and forth.

Sanborn would like to know what the date is that the container was placed on the property. **Canzano** states that the container was dropped off on April 21. **Sanborn** states that the town allows the container to be on the property for three months and the applicant has already had it on the property for three months so he doesn't want to approve the case today. He feels that the applicant should go to the Board of adjustments at this time.

Motion: Khan	Approve Case 2020-09 for a conditional use permit for 90 days with the condition that the applicant goes to the building inspector's office to see what they need to do next.
Second: F.Dow	
Result:	All in favor

Anthony Rizzo of 443 Route 286 is looking to get release of a bond in the amount of \$15,000 plus interest from a case dated back to 2003. **Tom Morgan** gives a little background on this case. One of the conditions of approval was that Mr. Rizzo needed an as-built plan in order to have his bond released. In between secretaries the plan has made it into the office and Mr. Rizzo has satisfied all conditions of approval. **Morgan** suggests that the board approve the bond release today. **Rabideau** would like to know

when the interest started. **Morgan** states that the bond is in its own account and the interest will not cost us anything.

<p>Motion: Knowles</p>	<p>To release the bond from case 2003-48 to Mr. Rizzo in the amount of \$15,000 plus interest.</p>
<p>Second: Sanborn</p>	
<p>Result:</p>	<p>All in favor</p>

Wayne Morrill from Jones and Beach is here to address the letter that was sent to the board. He states that BJ's is asking that the site security remain as cash and not as a letter of credit. Morrill states that attorney Kerri-Ann Roman agreed that keeping the site security as cash is ok. Tom Morgan agrees that cash is king. Secondly, Morrill talks about the sound wall that BJ's is looking to put up. BJ's is requesting to move the sound wall closer to the pond. Morgan suggested that Morrill get in touch with the Seabrook Village to make sure they are ok with moving the wall. Morrill stated that Seabrook Village had no problems with them moving the sound wall.

Khan would like to ask about the red line and the green line. He would like to know if both of those lines are owned by Waterstone properties. Morrill states that they are now owned by BJ's. Khan wanted to make sure that those are not town property. Khan would also like to know that if a member makes a motion to approve with the condition that a letter is provided from Seabrook Village. Morrill states that they are not changing any part of the wall; they are just looking to move it. **Morgan** wanted to let the board know that the abutters have not been notified. **Morrill** states that the abutters are all Seabrook Village and Terry is the voice for that community as he is the President. Morgan feels better knowing that Seabrook Village is the only abutter.

Rabideau would like to know if they have a rough idea of when the bus stop might start being built. **Morrill** states that it might be next year. **Mead** states that the chances of getting out to Perkins Ave this year is very slim.

Motion: Rabideau		BJ's site security to remain as cash instead of a letter of credit.
Second: Khan		
Result:		5 yes Knowles Abstained

Motion: Khan		Approval for BJ's to relocate the sound wall with two conditions: 1.) The Applicant will get a letter from the abutter, Seabrook Village, on their letter head, stating they have no objections to moving the sound wall. 2.) An updated plan will be provided to the planning office
Second: F. Dow		
Result:		5 yes Knowles No

Minutes:

Khan would like to table the meeting minutes from June 18th until the next meeting so they can be updated.

Motion: Rabideau		Amend the meeting minutes from May 5, to say donation, not exaction fee.
Second: Sanborn		
Result:		5 yes Abramson Abstained

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Motion: Khan		To adjourn the meeting @ 3:20
Second: Sanborn		
Result:		All in favor

*** Chairman James Sanborn adjourned the meeting at 2:45pm**

Respectfully submitted by Jen Hubbard

DRAFT