



Town of Seabrook
Planning Board Minutes
Tuesday, November 17, 2015

Members Present: Jason Janvrin, Chair, Donald Hawkins, Vice Chair, Francis Chase, Michael Lowry, David Baxter, Aboul Khan, Ex-Officio, Maria Brown, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, peer review civil engineer.

Members Absent: John Kelley, member, Ivan Eaton III, Paula Wood, Robert Fowler, Alternates.

Janvrin opened the meeting at 6:40 PM.

MINUTES

Approval of Public and Non-Public Minutes, Tuesday, November 17, 2015
 Hawkins noted a correction on page 6 item # 3, change the wording to impervious surface calculations.

| | | |
|---------------|----------------|---|
| Motion | Hawkins | To accept minutes, November 3, 2015 with correction |
| Second | Khan | Approved Janvrin, Hawkins, Khan, Baxter Abstain Lowry, Chase |

| | | |
|---------------|----------------|---|
| Motion | Hawkins | To accept the non-public sealed minutes from November 3, 2015 |
| Second | Khan | Approved Janvrin, Hawkins, Khan, Baxter Abstain Lowry, Chase |

CORRESPONDENCE/ANNOUNCEMENTS

Request from Scott Mitchell

Questions regarding a lot line adjustment for a land swap. This was approved under site plan by the Board. DDR would like a letter from the Planning Board that the swap would not put DDR out of compliance with their site plan. They would like to have both Planning Board and Code Enforcement sign off. Khan asked about the parking lot having a sink hole in front of Ihop in another State. Friberg feels very confident that everything is ok with our location. Invoices were paid yesterday and all are up to date regarding this case.

| | | |
|---------------|----------------|---|
| Motion | Hawkins | To allow the Chairman to sign a letter on behalf of the Board for DDR's request. |
| Second | Khan | Approved Janvrin, Hawkins, Khan, Baxter, Lowry, Chase |

Wal-Mart request for 700 Lafayette Road

Janvrin stated that the minutes from last year's approval for temporary storage units were for that year only. Hawkins and Chase stated that was their understanding also. Revisit this request after we review the amendments.

Amato's Sandwich Shop

The applicant will be on the Agenda for December 1, 2015 for an informal meeting to answer some questions they have. Morgan met with them but they still had questions for the Board. Hawkins stated it seems they understand our methodology well.

Jones and Beach

Informing the Board that Rigz will make a donation in instead of the exaction fee. The donation will be \$96,120.00 and must be paid to the Town prior to occupancy. This letter should be sent to the Board of Selectmen and Town Manager.

SECURITY REDUCTION, EXTENSIONS, ROADWAYS

Janvrin just wanted to touch base on the DDR. We have the As-Built. Rick has not heard any feedback on the As-Built positive or negative. Janvrin

stated he will give everyone a few more weeks for feedback and then return the security.

NEW CASES

Case #2015-25 – Allowance of six (6) 8' x 40' Connex Containers to be placed as shown on the plan submitted herewith, 571 Lafayette Road, Tax Map 8, Lot 9.

Janvrin wanted to give the applicant a moment to review the memo from the Town Planner regarding this Case which was forwarded to Jones and Beach on October 26, 2015. Since that date we have not received anything further from the applicant. Janvrin stated that this case was continued from the last meeting due to applicant not providing 2 abutters for the mailings. Chase asked if we are looking for a motion. Attorney Keri Marshall will be presenting this case on behalf of Fantasy Fireworks. At this point Attorney Marshall was given a copy of the memo to review. A request was made to have the Chair read the memo and he did. Baxter asked if the Board could discuss the merits of the case. Janvrin said that has been done before but where this case is incomplete we might be on a slippery slope. Incomplete applications would result in a fee of \$75.00 and a date certain cannot be set until we have re-notice abutters. Jarrod Savinelli addressed Board several times asking why he was not notified of the outstanding issues before the meeting. He also stated that Jones and Beach were the only ones notified of the punch list. Janvrin stated that Jones and Beach were notified and the case has a punch list that needs to be met before the Planning Board could review. Baxter asked if the Board has ever encountered this before. Hawkins stated that the Board has encountered this before due to so many things not completed. Hawkins agrees it is a shame not to discuss since the abutters are here but the list is pretty long of what is not here. Hawkins has no problem with extended the case by way of continuing the case. The applicant should have a discussion with the Town Planner on what is missing. Hawkins stated that we should ask the applicant if he can get everything in by December 1, 2015. Janvrin stated that this case is not an expedited case and will be treated as a full site plan. Jarrod asked why he was not notified of this. Janvrin stated all memos were going to Jones and Beach. Janvrin stated

the additional documents need to be submitted. Jarrod stated he will have all changes in tomorrow and he will get Code Enforcement or Town Planner to sign. Janvrin stated the documents must be delivered to the Planning Board office by Tuesday, November 23, 2015 and the case will be continued to December 1, 2015 Planning Board Meeting.

Janvrin continue discussion on this case until the December 1, 2015 Planning Board Meeting.

Janvrin recessed the meeting for a five minute break. Janvrin called the meeting back into session at 7:15pm

Case #2015-26 – Gun Shop – Sale of related items, 256 Lafayette Road, Tax Map 9, Lot 44

Baxter excused himself from this case. Owner introduces himself and stated that he has owned a gun shop for the last 25 years. Owner will be selling guns and ammunition. Tech Reviewed application at the TRC Meeting. Friberg pretty quick review nothing going outside the building. Parking spaces, ada accessibility was in question and hard to tell on the plan. The applicant states they have about 15 spaces out front and 10 more spaces out back of the building. He has about 3 or 4 customers per hour. He also owns a shooting range in Salisbury and that is very busy. The applicant has spoke with the Police Chief . He is sure the owner will update Handicap parking if it is needed. The new business will be located where the old tanning salon was. He will be renting about 800 square feet. Friberg stated based on the information shared by applicant he would suggest waiving the parking space requirement. Friberg also stated because their will be no changes to water, sewer, or parking or anything outside of the building he would recommend the Board waive the \$5000.00 security. Owner has to have an FFL License which is the only requirement he needs besides Planning Board Approval. New Hampshire has no other requirements regarding sales of guns. They have guns you can sell in New Hampshire but cannot sell in Massachusetts. Steve asked if the applicant would be occupying the building in the back of the existing business. The applicant explained he would not be using the back building and believes it is the owners home. Steve questioned the front building having ADA access to get into the building. Applicant believes it has stairs on both sides. Steve will have to check ADA rules to see if changes are needed. May need to have at least one space for ADA parking which is site plan

related. Steve realizes it is existing but things still may need to be brought up to certain standards and he suggest that Janvrin continue the case. Janvrin asked if the Board could make Steves suggestion a condition of approval. Khan is very delighted that a gun shop is coming to Seabrook and he asked how often the applicant had to call police at his current business. The applicant stated he has never had to call police. Khan asked that the Police Chief give a letter of endorsement to the Planning Board.

| | | |
|---------------|----------------|---|
| Motion | Hawkins | Motion that the plan is administratively complete |
| Second | Lowry | Approved Janvrin, Hawkins, Khan,Lowry, Chase |

Janvrin stated that Morgan had no comments or objection to the case. Janvrin would ask for motion that the applicant has met all regulations. Chase asked Steve where he will go to find answers to the ADA question. Steve stated he is not up on the existing buildings and needs to check his codes and the State codes. Chase stated we do have codes on existing buildings. ADA accessibility has a document to follow and a separate document for parking. Chase doesn't think existing buildings have to be ADA accessible.

| | | |
|---------------|----------------|--|
| Motion | Janvrin | Motion to waive the following; 1) Waive Section 8 of Site Plan regulations. |
| Second | Lowry | Approved Janvrin, Hawkins, Khan, Lowry, Chase |

Janvrin asked for any public comment, hearing none he called for a motion.

| | | |
|---------------|----------------|--|
| Motion | Hawkins | Motion to approve with the following conditions; 1) Security set at zero dollars, 2) ADA parking spaces as deemed necessary by the Code Enforcement Officer will be done before occupancy 3) A letter of Endorsement from the Police Chief prior to occupancy 4) A copy of the Federal License for Planning Board file, 5) All invoices to be paid prior to occupancy |
| Second | Lowry | Approved Janvrin, Hawkins, Khan, Lowry, Chase |

Applicant will need to work with the Code Enforcement Office.

Case #2015-27 – Condominium Conversion of the two single-family residences, 109 & 111 Folly Mill Road, Tax Map 9, Lot 205-40

Jones and Beach Engineering are presenting the case this evening. Friberg suggested that sewer needs to be including in plan. The applicant has no problem granting an easement so the Water Department can get to water and sewer shut offs if needed. Fencing is on the abutters property. Each building has its own shut offs. Driveways are partial pavement. Janvrin asked if the applicant would be willing to give an easement and they would. Unit B shut off is in the right of way and Unit A shut off is just inside the property line. Janvrin asked if an easement would be ok. Friberg stated that the Water Department recommends that the applicant not use an easement but relocate the shut off. Owner is changing and it triggers the Condo conversion which states that shut offs should be in a public way. The houses are fully constructed and it would be a matter of shifting the current piping to the public right of way. Chase asked what the purpose of this change would be. Hawkins and Janvrin agreed that this would be an unnecessary expense and should be an easement. Everything is built and water is already installed. As long as the condominium members are ok with an easement Janvrin feels that is the

way to go. Janvrin asked if any monuments will be put in. Friberg stated that is not necessary with this plan it is not a formal subdivision.

| | | |
|---------------|--------------|--|
| Motion | Chase | Motion that the plan is administratively complete |
| Second | Lowry | Approved Janvrin, Hawkins, Khan, Baxter, Chase, Lowry |

Janvrin asked for any public comment, hearing none he called for the motion.

| | | |
|---------------|--------------|---|
| Motion | Chase | Motion to approve with the following conditions; 1) The Town will be given an easement which will be recorded 2)The easement will be reflected in the Condo Documents for Unit A water shut offs and will also need to be recorded, 3)The Board will waive the \$5,000.00 site security, 4) Add the location of Sewer shut offs to the plan, 5) All invoices must be paid before the Chair will sign off |
| Second | Lowry | Approved Janvrin, Hawkins, Khan, Baxter, Lowry, Chase |

Janvrin recessed the meeting for a five minute break at 7:55pm

Janvrin opened the Public Hearing at 8:02 pm

***See attached updated Public Notice for the complete changes of the following Sections.**

Section 2

Janvrin said the Board agreed they would make no changes to the existing definition. Any discussion on this or comments from the public.

| | | |
|---------------|----------------|---|
| Motion | Hawkins | Motion to adopt changes to Section 2 of the zoning ordinance as listed in the Public Notice of November 17, 2015 and place on ballot at Town Meeting in March. |
| Second | Khan | Approved Janvrin, Hawkins, Khan, Baxter, Chase, Lowry |

Section 5

Chase asked for the rationale of this recommended change. Janvrin added whether or not this would mean no barns. After looking at the Condo Conversion tonight which is two principal building on one lot so Steve feels we need to look at the verbage and maybe add as allowed by Section 7 as it talks about maximum number of primary structures. This would keep some consistency. Hawkins has no issues with principal would like to have Morgan refer to section 7 in the zoning. Janvrin if passed as of now we could not allow the condo conversion we just approved because it had two buildings on one lot. Janvrin adopt as written, amend and continue to a date certain for another public hearing, or re-notice. Hawkins suggested to let Morgan decide how we proceed and continue the discussion. The Planning Board will continue this Section until December 15, 2015 when Morgan is available. If renote is needed we will still have time to do so. Hawkins stated we are well ahead this year so we have plenty of time. Janvrin moved to continue discussion to December 15, 2015.

Section 6

Hawkins asked that the Public notice be updated with changes from November 17, 2015. Janvrin applicant can always go to the ZBA and show that they have a hardship. We had three changes to this Section. Hawkins cited the foot note needs to be updated. Adding *not to be used for human habitation or hazardous materials storage. As soon as the changes are voted on it will be law until the Town Meeting and the people can vote them in or not. Baxter asked if we have a big problem with cargo containers. Steve noted he is aware that we have a firework business within zone 6M but if the cargo containers were approved they would be grandfathered. Khan asked if the Town of Seabrook knows the numbers of cargo containers on property and if they are taxed the Town is aware of the

current containers the business should be all set. Hawkins stated that section 7 notes talk about accessory buildings not to exceed a certain square footage and limit to one per lot. Hawkins thinks we should hold on adopting any section until we are sure the language is correct and would suggest continuing discussion. Chase shared house bill 146 which explains accessory buildings pretty well. Adopt now with the three changes and come back and re-notice with footnote 2 if Morgan thinks we need to. Hawkins suggested doing it on December 15, 2015. Janvrin shared a Supreme Court case that had to do with notice. If you want this to apply for case 2015-25 the Board would need to take action tonight and present to the Town Clerk.

| | | |
|---------------|----------------|---|
| Motion | Janvrin | Motion to adopt Section 6 with minor changes and place on ballot at Town Meeting in March. |
| Second | Khan | Approved Janvrin, Hawkins, Khan, Baxter, Chase, Lowry |

Section 7

Janvrin we don't have a specific proposal and anything added to it would be a change. Baxter asked if we are saying we want to change building size requirements or open space requirements. Baxter feels the open space is the best way to handle it. Hawkins stated it could really become a nightmare and what if we say 50% would still allow 22,000 square feet of building which is pretty big. Hawkins stated the lots at the beach are 5,000 square feet and they only allow one accessory building. He would like a definition of x number of accessory buildings with size. Janvrin stated East of Route 1 buildings were allowed to be 20,000 square feet and the applicant can go to the ZBA for a variance. Janvrin asked how we could do this for residential. Steve brought this all up for discussion as he sees people in Town trying to get the maximum out of their property that they can. Chase asked if we are trying to reduce the amount of space people can build a building on. Hawkins stated that Morgan recognized that we have had no discussion about accessory buildings and he wanted to know if the Board was comfortable with that. Hawkins how many buildings do we want on one lot and would five buildings be ok to a neighbor. Hawkins wonders how other Towns handle's it and this discussion is to see if it is an important issue. Hawkins suggested asking the tax collector to print out how many accessory buildings are listed with them. Steve feels we would

not get an actual number. Hawkins asked that the Board think about the pros and cons of accessory buildings, how many, and what size should be allowed. Steve stated that in Residential code they have some size limits. Chase stated that we have 1080 square foot allowance already in the code book. Janvrin feels if we are looking for a limited number of accessory buildings we should add it to Section 6.

Section 2 was amended on November 3, 2015 so it could still be opened for minor change. Chase asks if the Board is saying we cannot construct two buildings and connect with a garage. Chase feels that will hurt the economy and feels if the buildings are connected that should be enough. Janvrin feels that it needs to be simplified and technically the Code Officer can deny the permit unless we fix the wording. Janvrin stated by striking the whole revision on Section 7 will go back to Section 2 share a substantial wall. Janvrin stated it is up to the Building Inspector and applicants can go to the Zoning Board if they want to appeal his decision. Janvrin moved to continue discussion on Sections 7, 11, and 13 to December 1, 2015.

Janvrin stated that the Rockingham Planning Commission has \$6,000.00 available to Seabrook for improvements. Julie will deliver the documents for the Board to review and decide what they would like to see done. Khan stated that this is a very important issue with the rising sea level. Chase asked if the dam was on it and it was. The dam on Mr. Hamel's property would be put back to original state before the mother's day storm and the new owner would pay to fix it. Janvrin thinks we should support this. Sue Foote has had input with Janvrin regarding the repair of the dam.

Janvrin adjourned the meeting at 9:21pm

Respectfully Submitted,

Maria Brown, Planning Secretary