



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, December 15, 2015**  
**Seabrook Town Hall, 99 Lafayette Road**  
**603-474-5605**

**MEMBERS PRESENT**

Jason Janvrin, Donald Hawkins, Francis Chase, David Baxter, Aboul Khan, Ex-Officio, Maria Brown, Planning Board Secretary

**MEMBERS ABSENT**

John Kelley, Ivan Eaton Jr. III, Michael Lowry, Paula Wood, Alternate, Robert Fowler, Alternates

Janvrin opened the Planning Board Meeting at 6:32pm.

**Julie from RPC – Discussion regarding the \$6,200.00 grant for Seabrook**

Janvrin ask Julie to let the Board know what the Planning Board could do with the grant. Julie stated that it would be based on what the Town feels they need. The grant is for 6,200.00 and will be available until September 2016. Some of the ideas that came from the last meeting are as follows, recognizing that we will need Road improvements on Route 1, 1A, and Route 286 to meet the need of possible future flooding, amendment update for current 100 year flood plain standards, outreach to the community on ways to reduce the cost of flood insurance, evacuation and where to go, what areas are most susceptible to flooding to include a plan for those areas, and long term cost of managing infrastructure. Look at the next 5, 10, 15 years of flood projections and upgrade mapping. We could look at what the cost would be to improve the Roadways that are most venerable to flooding. Janvrin stated that most of the flood plain is at Seabrook Beach. He is curious on building code amendments and how that would affect flood plain management. Julie stated elevating buildings 1 to 2 feet above flood zone will help with flooding and insurance cost. A good idea is to require that all utilities get elevated within a structure. Janvrin stated that we do not have a coastal hazards chapter in our Master Plan. Julie stated that a logical step would be to take the information already collected and incorporate that into the master plan and create a chapter. We could prepare a draft with emergency management. Khan mentioned near Smith Town Village District Route 1 is really low and the area was already targeted. DOT has a copy of the report and they are aware of the data. Khan also stated that Route 286 is another area of concern for flooding. Chase asked if this grant is for one project. The 6,200.00 is for services that Julie's office can provide for Towns and can be for many projects. Julie stated that Hampton Falls is using the grant to upgrade their residential building code and they are using the grant to reach out to the residents. Chase we have a real dilemma with a dam in Town that needs improvement. Julie

stated that the dam issue would be far more expensive than what we have in the budget. The dam is on private property but the Town has an easement. Chase stated that if the dam is not restored the water is going to continue to go down and the stone is starting to deteriorate. Chase feels that Sue Foote has a good understanding of this dam and he feels that the Engineering has all been done. Julie stated that they could collect as much information possible and they can forward for a decision. Chase is concerned that if we get another serious storm the whole area of the dam could be wiped out. Hawkins asked why it has not been a warrant article. Chase feels that might be an option for next year. Chase stated that someone is willing to donate \$15,000 toward the fixing of the dam. Julie must have engineer insight and field work done or it would kill the idea immediately. Chase said if we have a project that needs more attention than that is fine but he believes this is a very important issue. Janvrin believes that an Engineering study has been done. Julie advised the Board regarding the Cain's Brook area we could gather all the information, photographs, identify what the problem is with fish and game, talk to DES, and prepare a report and next have a warrant article. Julie feels that it is workable maybe using \$2,000.00 toward it. Khan stated that Starkey has a lot information on this dam and maybe we could do a warrant article for 2016. Janvrin stated that the question is who owns the dam. Mr. Brown advised the Board to see what kind of easement that it is and he feels it may be an access only easement. He also suggested that the Board check with Town Counsel. Chase stated that the access is such a steep slope you cannot get equipment down in that area. Baxter stated it depends on who owns the land and that should be verified. Julie stated that she is a little hesitant working on this project given the number of unanswered questions and would be concerned it would hold up all projects. Hawkins stated that every time we ask for money we are always asked if the project in our Master Plan. Hawkins feels that the report prepared by Julie is spectacular and would be ready to go into the Master Plan as a Chapter right away. Hawkins stated that we have to get the community to decide they are willing to spend money on this project. We need to educate the community about what we are talking about and why. After the addition to the Master Plan he would add community outreach and grant writing help. The current assessment was looking directly at the flood areas and didn't go into things outside of that area. A meeting with Seabrook Village district might be a good idea also. Hawkins feels if we are making changes to building or zoning people have to understand what they are voting on. Janvrin suggested pulling a committee together Emergency Management, DPW, Planning Board, Conservation commission for discussion and involve The Seabrook Village Beach District. Janvrin would look at a January timeframe to start working on this and look at the later part of February to have the stakeholders involved. Hawkins stated just getting everyone to agree on an outline for the chapter would be a great place to start. Julie will draft a scope of work for the Planning Board for outreach. The Committee will hold a session at the beach and one at the Library.

<b>Motion</b>	<b>Baxter</b>	<b>To approve having Julie put together a section for The Master Plan regarding the Coastal Hazardous Chapter</b>
<b>Second</b>	<b>Khan</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

Julie stated that the attached form needs to be filled out and forwarded back to her.

## **MINUTES**

### **November 17, 2015 Minutes**

<b>Motion</b>	<b>Hawkins</b>	<b>To approve the November 17, 2015 minutes as written.</b>
<b>Second</b>	<b>Janvrin</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

### **December 1, 2015 Minutes**

<b>Motion</b>	<b>Hawkins</b>	<b>To approve the December 1, 2015 minutes as written.</b>
<b>Second</b>	<b>Khan</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter Chase</b>

## **SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS**

### **MacKenzie – request for return of security fees -2013-02**

Karivan visited the site on December 7 and 9<sup>th</sup>. Kerivan found that everything was in general conformance to the plan. He didn't make a recommendation on the amount of the site security to be returned. Hawkins asked what we are holding. Janvrin didn't know the amount and would have to pull the file. Hawkins stated that no road work on case 2013-02 was involved he doesn't see why we would hold any site security. Janvrin thinks some security was held for drainage. Chase stated that the security should be released. No security was held over from the old case for the new case. Janvrin asked if Code Enforcement had anything for the Board. Zalewski not sure if what he has is pertinent to this discussion. He stated that he still has an issue with

trucks and a storage container located on the site. Zalewski also has an issue with a sign installed at this location with no permit.

<b>Motion</b>	<b>Hawkins</b>	<b>To approve the return of the site security for Case #2013-02 with the following conditions; 1) An electronic As-Built be sent to the Planning Board, 2) All open invoices be paid prior to release.</b>
<b>Second</b>	<b>Janvrin</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

**DDR – follow up on security request**

Kerivan forwarded a large punch list to the Planning Board regarding DDR’s As-Built. The punch list must be met before anymore security is released. All the underground utilities were left off the plan.

**Tesla – follow up on security request –Case#2015-07**

Janvrin, Code Enforcement, and Fire walked the lot. Janvrin feels they have met everything they needed to do. Hawkins stated that we should use our Department Head checklist. In the past we have sent the Department Heads an email for an update before release of any site security. It is a procedure that worked well. This is a Kerivan case and is a little different. Janvrin added that Friberg collects all the Department Head sign offs currently. The TRC meeting might be a good place to get feedback from Department heads regarding release of security. Janvrin will ask Friberg to move Security release to TRC meetings for all cases.

**Arleigh Greene and Waterstone – update on Route 1 improvement**

Doug Richardson will update the Board regarding the Route 1 improvements. As of tonight the signal was turned on December 8<sup>th</sup> and is coordinated with all the other intersections. New traffic counts were collected and the data has been programmed into the signals today. Electrical is fully done but the cable is still being worked on. The large signs are on Route 1 to help inform the public. They have completed the first phase. They are respectfully asking for Wendy’s occupancy permit as they are ready tomorrow if possible. Janvrin stated that a traffic accident occurred at the staples entrance. Janvrin noticed a do not enter sign but it was facing the entrance coming in and asked for a second sign be added on the left shoulder. Mr. Richardson will add a second sign. The work is complete for the year and they will have a gas line installed they will finish the pavement overlay in the spring and the cable lines will be installed in the spring. The east side sidewalks are 100% installed. A pole will be relocated off of

the pavement by 2 to 3 and the work area will be surrounded by barriers for safety. Chevy Chase is a right turn in right turn out and traffic should not cross over Route 1. Janvrin walked near the old Bob's location and he saw a sign that is not a regulation sign. That issue will be taking care of. Chase stated that outgoing traffic leaving staples needs a sign immediately. Chase stated that Waterstone should put something in the middle of Route 1 by the old Bobs not to cross Route 1 to turn in. Signals are strung across will have permanent poles put in and will take 1 day. Janvrin stated that the budget committee had a few questions about the provident way light and how long before the Town will have to pay. At this time it is on Waterston's meters and at this time it looks like the Town will never have to power that or maintain the lights. Chase stated that it was very clear who would pay and the minutes need to be pulled to see the agreement. Zalewski stated that the Wendy's location is complete and ready to open. Mr. Richardson has the agreement for Wendy's to be signed tonight if possible. Hawkins feels that the lights are in and the Road is widened and he feels that what needed to be done has been done to allow occupancy on the site. Khan stated the DOT made them do more work than planned on. Baxter stated that the Wal-mart signal still has issues from the old Wendy's the cycle is taking too long. Richardson stated that at certain times it does run a little different. The adjustment was made to that light to try and lighten the bottle neck. Richardson stated that they need more tweaks and fixing. Hawkins stated that two things are different Wal-mart south and Shaw's is closed which resulted in less traffic on Route 1 in that area. DDR probably didn't take into considerations how many exit 95 on Route 1 to avoid tolls. The peak at 5:30pm is probably partly due to the avoidance of tolls. Baxter stated that Route 1 needs to be the priority. Chase stated that people were all over Route 1 today working on the lights.

<b>Motion</b>	<b>Janvrin</b>	<b>That the Planning Board finds that in the case of Waterstone Development is substantially complete on Route 1 and they can occupy the Plaza.</b>
<b>Second</b>	<b>Chase</b>	<b>Approved Janvrin, Hawkins, Khan, Chase Abstained Baxter</b>

Janvrin signed the certificate of occupancy for the new Wendy's.

**David Baxter request – 264 Lafayette Road**

Baxter excused himself from this case. Wendy's is opening now at its new location and Mr. Baxter has worked hard to get a tenant for the old Wendy's. The new tenant will be Amato's Sandwich Shop. No work will be done outside of the building other than a sign and fence. The site will not have a change of use. Baxter asked for the Planning Board to waive jurisdiction. Janvrin feels Baxter is good to proceed. Hawkins agrees we would not have a Planning Board case here at all. Khan requested that Baxter read his

letter to the Planning Board so the public will understand what is happening. Chase is not expecting anyone to have to do this as it was a courtesy for Baxter to come to the Board not a must. Baxter needed to do this for the tenant agreement. Chase doesn't want this action to set precedence by this one case.

<b>Motion</b>	<b>Hawkins</b>	<b>To waive jurisdiction to the Building Department for 264 Lafayette Road.</b>
<b>Second</b>	<b>Janvrin</b>	<b>Approved Janvrin, Hawkins, Khan, Chase</b>

**CORRESPONDENCE/ANNOUNCEMENTS**

**Case #2015-20 question on 150.00 fee**

Mr. Boyd has asked that the fee be looked at by the Board. The Board stated that Mr. Boyd needs to pay the additional 150.00 fee.

Janvrin recessed the meeting for a break at 8:00pm. Janvrin reconvened the meeting at 8:08pm.

**PROPOSED WARRANT ARTICLES**

**Janvrin opened the Public Hearing at 8:08pm**

Janvrin asked for any public comment seeing none he asked for a motion.

**\*see attached public notice for full text**

Janvrin asked if we have any public comment seeing none he asked for a motion

<b>Motion</b>	<b>Hawkins</b>	<b>To approve the changes to section 2 as written in the December 15, 2015 posting and forward to Town Meeting.</b>
<b>Second</b>	<b>Khan</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

## Section 5

Janvrin brought up the accessory building verbiage and asked the Board if they should put this section as a separate article or state that we are not ready to put it forward at this time. The board had discussed bumping up open space that would accomplish the same thing without limiting the property owner to 1 accessory building per lot. Khan would like not to hurry on the accessory building piece and feels it is important and needs to be done right. Chase stated on the east side the lots are 30,000 square feet and the west side is 45,000 square feet so he has concerns how the limitation would work. Zalewski stated that the foot note was moved to section 5. The 30,000 square foot lot verbiage is under Section 7 moved up to Section 5. Dwellings must be attached for lots under 30,000 square feet and Dwellings can be detached for a 45,000 square foot lot. Hawkins questions why we would put this in front of the voters when it is not a change in zoning. Baxter stated if we can move it from section 7 to section 5 without putting it in front of the voters we should do that. Chase asked for clarification if this can be done. Janvrin stated that the thought was based on the word “principal” building and part 3 has to be left in. Hawkins stated that if the one accessory building per lot is taken out everything else is as it should be. Janvrin stated that the word principle was added.

Janvrin asked for any public comment seeing none he made a motion.

<b>Motion</b>	<b>Janvrin</b>	<b>To strike the verbiage from Section 5 starting with one accessory, ending with square feet and approve Section 5 as amended forwarded to Town Meeting as proposed in the December 15, 2015 Public Notice.</b>
<b>Second</b>	<b>Lowry</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

## Section 11.5

Janvrin asked if we have any public comment seeing none he asked for a motion

<b>Motion</b>	<b>Chase</b>	<b>To strike Section 11.5</b>
<b>Second</b>	<b>Janvrin</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

### Section 13

Chase asked Zalewski if he checked State laws regarding the footnote if being placed under chart under 6M North Village. Chase questioned whether the rest of the charts need to be filled in. All of the rest of the chart should be added. Smith Town and North Village should be underlined. Smith Town column needs to be carried over to North Village.

Janvrin asked if we have any public comment seeing none he asked for a motion

<b>Motion</b>	<b>Janvrin</b>	<b>To approve all edits as minor and editorial.</b>
<b>Second</b>	<b>Hawkins</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

Janvrin asked if we have any public comment seeing none he asked for a motion

<b>Motion</b>	<b>Chase</b>	<b>To approve the proposed amendment in Section 13 and send to the Town Meeting as posted in the December 15, 2015 Public Notice with the minor edits added tonight.</b>
<b>Second</b>	<b>Khan</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter, Chase</b>

Zalewski is thinking 24 month limit with a 12 month extension would be good. The Town has nothing written to limit or not the length of time and no ending period. Khan would like clarification and have clear language. Janvrin stated that once it expires it expires. Chase stated that 24 months after permit issued you have the right to ask for a 12 month extension as long as it is before project permit expires. Chase questions what happens after 36 months. Hawkins stated that you can always apply for a new building permit. Khan asked if the applicant would have to pay another fee. Zalewski stated that you only apply for what you have not finished. Chase asked if we are going to put a burden on someone by making an applicant get a new permit. The old code stands for the work that has been done and new codes if they apply for a new permit. Chase sees a case where we will be in court. Khan stated if 80% already built it would not be as bad but it could be 10% built which would make it difficult. The new building codes would have to be abided by in the case that a new permit is needed. Hawkins asked if building code ordinances need to go to the voters or is it like our subdivision and site plan ordinances. Zalewski stated that Morgan advised him that it

needs to go to the voters. Zalewski stated that it should all go to the voters unless it states that it can be enacted by governing body. Zalewski did not check state law the building codes are already in Town rules and Town Laws. Hawkins checked and did not see anything about building codes and he still has questions. Hawkins stated we have always had the ability to strengthen the code not weaken. Chase stated we adopt codes by the state. Chase asked why it has not come up as far as a state issue and he will look in to it. Zalewski feels that most administrative verbiage in the building codes is left up to the cities and towns. Chase asked if Zalewski was calling this change administrative. Zalewski absolutely feels it is administrative.

Janvrin asked if we have any public comment seeing none he asked for a motion

<b>Motion</b>	<b>Hawkins</b>	<b>To approve the language in the December 15, 2015 Public Notice regarding timeframe for building permits and add it to Section 2.</b>
<b>Second</b>	<b>Janvrin</b>	<b>Approved Janvrin, Hawkins, Khan, Baxter Present Chase</b>

**Janvrin Closed public hearings at 8:43pm**

Janvrin brought up the large trucks parked on Route 1 which is a State right of way and creates a very dangerous situation. This letter was cc to code enforcement, Town Manager. Hawkins stated not one of the trucks is the size they should be and the proposal states that they should be in the parking lot unloading not on Route 1. Janvrin stated that the site has only one handicap access on the right and the person that runs store cannot park in the handicap area and it should not be blocked. Janvrin sent a letter to the Seabrook Police asking them to look into the matter.

Chase asked about Town Fair Tire tractor trailers. He thought tractor trailers were stopped when they had an accident. Janvrin asked about tires being stored in the parking lot. Khan stated that one property can help other property owner by letting them use his driveway for backing into Tire Shop. He has seen a big amount of tires during the day outside and they are taking in at night. Hawkins stated we have a site plan that says it is parking not storage. Building department needs to look at that.

**Re-open exaction fees**

Hawkins presented the Board with a Proposed Change to Section 10 Offsite impacts of Development (Exaction Fees) 12/15/2015. The Purpose: To encourage reoccupation of existing properties

- At the sole discretion of the Planning Board
- Reoccupation of existing buildings may be eligible for a reduced exaction fee if:

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| <ul style="list-style-type: none"> <li>• <b><u>Business has been closed for:</u></b> <ul style="list-style-type: none"> <li>-Up to one Year</li> <li>-One to three years</li> <li>-Three to five years</li> <li>-Over five years</li> </ul> </li> <li>• Conditions for reduced exaction fee: <ul style="list-style-type: none"> <li>No increase in building size</li> <li>No change in use –or- if there is a change in use</li> <li>Traffic cannot increase more than 50% over the prior use</li> </ul> </li> </ul> | <p><b><u>Proposed Exaction Fee</u></b></p> <ul style="list-style-type: none"> <li>0% of calculated exaction</li> <li>25% of calculated exaction</li> <li>50% of calculated exaction</li> <li>75% of calculated exaction</li> </ul> |
|--|--|

Hawkins feels that the amount charged for exaction fees may be discouraging Business's from filling our empty buildings. Hawkins forwarded some suggestions on reducing the amount of fees charged for discussion of the Board. Baxter agrees that the fees may be a barrier. Hawkins stated that may be the Board would like to see the % equal across the Board. The Board reviewed the document and discussed. Zalewski asked if the Planning Board has always been collected these fees. The exaction fees were put in to place in 2009. Baxter stated that no exaction fees were charged to the original Wal-Mart. Wal-Mart paid for a lot of road improvements and the new Wal-Mart paid close to two and half million dollars. Hawkins stated the theory is if you want to bring business you have to mitigate what you may be causing with the impact fee and everyone along the corridor should be contribute to the cost. Hawkins has looked at places like West Marine and Wendy's when someone moves out we would like the buildings reoccupied. The question is could the exaction fee be adding a road block to occupy these empty buildings. Exaction fees are only charged to Route 1 Business's and if a need comes up they can place fees elsewhere. Khan asked where the Board could get the current language on exaction fees. Khan asked if we would like action tonight. Baxter feels that the larger buildings are much more difficult to fill and one percentage may be better for all. Baxter understands that we all need to raise more money to upgrade the system. Zalewski stated that even if the use is changed the whole idea is based on traffic count. Hawkins stated that during the discussion with large contributors regarding the widening to route 1 the state never really talked to the little guys they just dictated. Hawkins stated that one big problem was the state dictating to market basket what they were going to make them pay not considering other contributions. Market Basket couldn't do it as the cost was much too large for them to absorb so they walked away. The little guys never made a contribution. Baxter stated that 12 Business's on Route 1 had to give 12' of their properties to get a driveway permit. Khan stated everyone up to Bob's furniture on the East side of Road had to give 12 feet. Hawkins thinks we should acknowledge that existing buildings should not be treated the same as brand new buildings. Khan asked about sidewalks snow plow machine and feels that the coordination is needed. Hawkins stated the Planning Board encourages the Selectmen to take care of this. Khan stated since last year the Board has been looking into whether or not the exaction fees can be used. The planning Board feels that they would like to see exaction fees used for that purchase. The Board has been trying since last year to find out if exaction fees can be used for Route 1 sidewalk maintenance to buy the machine. The attorney stated that the money can be spent from exaction fee for purchase. Khan will ask that someone handle the purchase

of the equipment and it has to happen before December 31, 2015. Khan asked for another traffic study so it is current. Hawkins stated that typically the applicants are asked to provide traffic study. Waterstone did a traffic study 2 years ago. Khan stated 10 years ago they did a corridor study and nothing is on the agenda now. Chase asked what the purpose of the study would be. Hawkins stated there are not many delays on Route 1 compared to other areas. Hawkins stated that Waterstone stated tonight that a new traffic study was just completed. Baxter feels that it is important to get the coordination of the lights fixed.

## **OTHER BUSINES**

**Site Plan/Subdivision Regulations – number of plans submitted – technology update**

### **Reports from Sub-Committees**

Update from Route 1 Committee;

Baxter stated that the Route 1 Committee needs to start planning now for the system expanding north. We have a bottle neck north of Wal-Mart so we need to continue an extra lane going north. Baxter suggested that an informal discussion with the business's along that area regarding the need for another lane to be added along Route 1. Bring DOT in on the conversation, get pricing, and understand that it may take a few years. We would have a plan so 5 years from now we would be ready to make the change to add one lane. Baxter asked to pick a date for a meeting to get the flow back on track with the extra lane. Hawkins feels the extra lane will help at the Route107 intersections and he feels we will still bottleneck all the way to Hampton falls. Hawkins stated that Hampton Falls and Hampton will not go along with adding another lane. Baxter feels the small change made up to Route107 helped and we can only do so much. Hawkins stated that it took the backup out of that intersection but we will still have issues with bottleneck a little bit further up the Road. Baxter stated that Rocks Road needs a signal and we can at least get control of our Town. Hawkins stated that the residents may be given an agreement to go around the back side.

Janvrin recognized the nice job done on the Town of Seabrook sign on the wall in the meeting room.

Janvrin adjourned the meeting at 9:25pm.

Respectfully submitted,

Maria Brown, Planning Board Secretary