



**Town of Seabrook**  
**Planning Board Minutes**  
**Tuesday, November 3, 2015**

**Members Present:** Jason Janvrin, Chair, Donald Hawkins, Vice Chair, Aboul Khan, Ex-Officio, David Baxter, Alternate (will serve as voting member of the Board tonight), Tom Morgan, Town Planner, Rick Friberg, peer review Civil Engineer, Steve Zalewski, Building Inspector, Maria Brown, Secretary.

**Members Absent:** Francis Chase, Michael Lowry, John Kelley. Alternates, Paula Wood, Ivan Eaton III, Robert Fowler.

Janvrin opened meeting at 6:30pm

**Minutes:**

Approval of the October 20, 2015 Minutes both Public, and Non-Public

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to accept Public Minutes, October 20, 2015 as written.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Khan, Hawkins</b> <b>Abstain: Baxter</b>

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to accept Non-Public Minutes, October 20, 2015 as written.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Khan, Hawkins</b> <b>Abstain: Baxter</b>

## **CORRESPONDANCE and ANNOUNCEMENTS**

Janvrin announced that Emergency Management will be hosting a Radiological Training Event presented by DHHS on November 5, 2015, @ 11:00am, Seabrook Library, open to the public.

The Board received a letter from the Federal Communication Division and the Consulting dealing with the approval for the Verizon Towers. Verizon has amended the initial filing to meet the requirements and the Board has already given the approval.

Invitation for Rockingham Planning Commission and the Planning Board Members on November 18, 2015, all are welcome to attend the legislative forum at the Unitil head quarters in Hampton. Coastal Flooding and Climate changes are the topic of discussion.

Janvrin spoke with Justin Avery from the Division Economic Development. Justin received an application from US Foods for relief from state business taxes this board recommended approval back in 2013 and Janvrin will be meeting with him later this week.

Request from Wal-Mart to allow storage containers at 700 Lafayette Road during the holiday season for layaway customers. Located far end of the parking lot and area described is currently unused. Scott Quinny representing Wal-Mart asked the Board for permission to have the storage containers again this year. Morgan stated that the recent proposed amendments would nullify the ability for the Board to approve tonight. Janvrin stated due to the proposed amendment to zoning being public noticed the Board cannot act tonight but the applicant can bring back up at the November 17, 2015. The old Wal-Mart property 270 Lafayette Road was approved for the storage containers but not the new location. Janvrin asked if Wal-Mart has enough space inside for storage as the store is much bigger than the old one. Mr. Quinny stated they serve many more customers at the new store so the containers are needed. Two storage containers were approved last year for the Holiday Layaway at the new location 700 Lafayette Road. Hawkins stated that it was for a limited time. Mr. Quinny stated that the limited time frame was also the plan for this year. Janvrin stated that he will go back to the record to see if last year's approval was year to year or indefinitely and welcomed Mr. Quinn to come to the next meeting.

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

### **Case #2007-11 Beckman Woods - Sidewalks**

Janvrin said it doesn't appear that we are in a place to release funds and we have had many emails regarding this matter. Janvrin will leave on the Agenda for the next

meeting. Based on Starkey's feedback we are not ready to take acceptance of the Road or return any security at this time. They also have an outstanding punch list. Janvrin stated the sidewalks were just completed recently so they are moving forward.

### **Case #2008-23 Memo from DDR and As-Built**

Janvrin stated that DDR's forwarded their As-built plans which he believes was one of the last conditions that needed to be met for release of Security. TRC is meeting next Tuesday and would like them to review the As-Built before the release of the funds and give the Board a recommendation.

Provident way site security has been released the check was sent out this am by the Town Treasurer.

### **Case #2015-7**

Received a letter from the Board of Selectmen regarding Marshal Woods and Marshal Way- Janvrin excused himself from the case. Residential subdivision off Rocks Road is substantially complete at this point. Mr. Green would like to have curbside trash and recycle pick up and have post office begin mail delivery. Janvrin has suggested that the Board hold off giving services until the Roads have been accepted by the Town. Hawkins should wait for all department heads to sign off before the Board takes any action. Khan stated traditionally the Planning Board has no issues Board of Selectmen would approve just the trash pickup as the residents are already paying taxes. This is not new to have DPW pick up the trash. Khan just wants to make sure the Planning Board has no issues. Hawkins stated the Board's obligation to release security will be based on the department heads and the Engineer telling us the work has been done according to the plan. Hawkins state that the Selectmen have full authority to provide services and whether or not it will be a Town Road. Khan a few residents came to the Board of Selectmen requesting services. Khan stated if the Planning Board didn't have any issues with trash pick up the Selectmen will consider. Khan asked if the Board has any objection. Janvrin go back to Jean Drive extended Town services to the residents for plowing and Beckman Woods Beckman Landing and Zagarella drive. His concern as a member of the Planning Board to a dedicated but not accepted Road could be confused with an acceptance which has caused issues in the past. Janvrin would suggest that the Board should hold off until we get recommendations from Kerivan. Hawkins stated we have nothing from Engineer, Department Heads, or anyone else on the completion according to plans. Request a letter from Kerivan on current status.

## **ONGOING CASES**

### **Case # 2010-24 33-35 Gove Road Realty Trust**

Janvrin stated the Board has yet to hear from anyone or get any correspondence on this case so he will leave it on the Agenda. Janvrin asked if Henry Boyd would like to comment on this case. He had nothing to add at this point last time he actual anticipated something from the Board on our position. Janvrin asked if it would help to have Kerivan and Henry sit down face to face and go over the punch list. Would that help us close out the case. Henry will report back to the Board and Janvrin will reach out to Kerivan for some input. Just so you know on the Beckman Case the Green's have worked vigorously and the sidewalks are completed and we are very close to producing As-Built as we speak which is the reason we have seen a flurry of activity regarding emails. Mr. Boyd hopes to have the As-Built ready next week.

## **NEW CASES**

### **Case #2015-25 - Proposal by 571 Realty Trust, LLC to place six 8' x 40' storage boxes's at 571 Lafayette Road, Tax Map 8, Lot 9**

Janvrin announced that this case will be continued until November 17, 2015 @ 6:30pm due to the fact that two of the abutters were not brought forward for notification by the applicant.

### **Case #2015-24 - 72 New Zealand Road TO ESTABLISH A SELF STORAGE FACILITY tax map 7, lot 55**

Henry Boyd will present plan for applicant Ken Sweet who is also in attendance. Morgan provided Mr. Boyd with a memo that included 7 comments regarding this case. Mr. Boyd stated that around the mid 1950' an estimated 80% of Seabrook residents were employed by the Shoe Company in this same building. Henry Boyd stated that there is a part of him that is glad someone hasn't come in and demolished the building as it is so rich with history. The applicant had attended a Zoning Board meeting and with the help of Mary Ganz a variance was granted to have a self storage business. The applicant has made many renovation to the inside of the building. A new sign will be added and a portion of the existing building will be removed which once housed offices on the West side. The proposed sign didn't have ZBA approval or dimensions yet which is why it was not on plan. We felt that we would want to go back to the Zoning Board for a larger sign. The Board granted the variance for a sign with dimensions of 100 feet per side for safety reasons as the applicant would not want drivers on Route 95 to be focused on a small sign. We show now that the sign will

be placed 16' off the line and may need to be slightly moved. Morgan noted that several boundary monuments are missing. Henry Boyd stated that he has met with DOT and the monuments will be put back in place. No data on traffic for this site but note that these types of Business's have very low traffic. Drainage is working and has a French type drain which half the building goes in to and some of the building drainage goes into a catch basin which has a pump to push water to the French drain area. Mr. Boyd will forward sign package. Lighting and Landscape will remain the same. At some point the applicant may expand but not at this time. Sealed surface calculations are done and applicant is not adding any at this time may take some away. Variance will be added for use and sign size. The sign on building is allowed. Mr. Sweet explained that the building storage is inside and climate control. Mr. Sweet has 3 entrances on the 95 side and two on the other side as it is a loading area. Mr. Sweet expects that he will see small box Uhaul type trucks possibly a few May Flower type. The main entrance for driveway will be on the New Zealand side will add stop sign, stop bar, and parking lot stripes. Hawkins asked if they have a list to show what can be stored in the building. Mr. Sweet stated the contract excludes many things it is very strict. Unit size is 5x5 up to 10x20 each having a roll type door. Office area will be in the southeast corner of the building and the front parking will be striped. Mr. Boyd agrees striping works. Mr. Sweet stated that the monitor well is a discontinued one. Khan stated one of the main water sources is next to this property just to keep in mind if expanded in the future.

Rick suggests that this plan is subject to site plan review, number of parking spaces required, water or sewer shut off's not on plan, the Board can waive the drainage requirements, approval from water and sewer. A \$5,000.00 security is recommended. Mr. Boyd stated they are working closely with Water and Sewer Department. The hang up for Jason is the water drainage and he does agree it was not an issue in 1950. Mr. Boyd thinks it would be unfair to require the applicant to do a new drainage system at this point and will be performing some water level testing. Jason believes some drainage goes into the wetland area which has been flooded and stays for a number of days. Mr. Boyd stated that this lot is really flat and doesn't think water runs off site.

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to approve plan with the following conditions;</b>  <b>1) Applicant will provide the sign package and any new signs must comply with ordinance, 2) Zoning Board Variances from February and October need to be noted on the Site Plan, 3) Impervious Surface Calculations added to Site Plan, 4) A copy of the Notice of Decision from Zoning Board for file, 5) All invoices to be paid by due date prior to getting occupancy permit. 6) Acceptable to Town Planner and Engineer. 7) Add stop sign at entrance off New Zealand Road to include a stop bar and stripe parking spaces in the front of building. 8) Show water and sewer locations on plan and shut offs, 9) Monuments placed on property show on plan, 10) Acceptable to Water and Sewer Department Heads, 11) All conditions must be met within 180 days by April 2016 or approval will expire. 12) Provide list of materials to be stored in the building a copy to be kept in Applicant's file.</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Khan, Hawkins, Baxter</b>

Morgan states application is administratively complete.

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to accept case as administratively complete</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Khan, Hawkins, Baxter</b>

Janvrin opened Public Hearing at 7:43pm

Please see attached Public Notice for complete verbiage of each revision left from October 20, 2015 meeting to be voted on tonight. Sections 4.401, 4.422, 4.5, 6.112, 8.1, 8.170, and 9.105. Public notice for November 17, 2015 Section 2 – Definitions,

Section 5 – Buildings Per Lot, Section 6 – Permitted Land Use, Section 7 – Dimensional Requirements,

Changes will be for discussion only.

Section 4.401

Section 4.422 –

Hawkins stated bird's eye view is good to see the location of abutting properties and how it affects neighbors. Janvrin stated that they could add to include the abutters.

Baxter stated it would be clear if we added abutters.

Section 4.5

Section 6.112

Morgan noted that a sentence is missing from the page.

Section 8.1

Janvrin Liberty Elms no longer available in New England.

Section 8.170, Section 9.105

Janvrin asked if we had any Public comment, hearing none, Motion to adopt the changes to the sub division regulations.

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to adopt the changes to the subdivision regulations Sections 4.401, 4.422, 4.5, 6.112, 8.1, 8.170, 9.105 and move to Town Meeting</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Hawkins, Khan, Baxter</b>

No action tonight just conversation. Janvrin stated that October 20 public notice for section 6 recommendation but held until tonight. Two notices use different terms to describe storage containers. Steve and Tom have agreed on the November 17, 2015 wording so Hawkins would like to start at this point. Baxter stated that cargo containers you may have your house differ greatly from a 48 foot long containers. Hawkins to list every single name someone may use we could go forever on every ordinance we write. Steve stated containers should be allowed to be used for house fires or construction sites. Steve thought we might want to make some allowances. The definition is the most important part of the whole thing where they are used is case by case situations. Khan would like language that none can be inhabited by humans. Steve considers them structures they are taxed by the Town if someone applied for a bedroom or bathroom it would be a case by case matter. Some construction sites actually use as job site construction trailers. Steve said we have an explosion of these units all over Town. Hawkins stated that cargo containers are not permitted as dwelling unit. Steve stated not to be inhabited by human is a good way to put it. Assessor is assessing at 1,000 per unit. Hawkins said the next page limits 2 per lot and not permanent. Hawkins

stated we should make people come in for approval on a case by case basis and making sure they have a leave date. Khan asked if Morgan can bring in language for the next meeting. Cargo definition seems to be fine. Morgan said any changes needs to be made at the next meeting.

Janvrin asked Steve to talk about the two dwelling units. Steve asked to define a substantial part of a common wall. He is being challenged constantly by the words. Hawkins asked if it means a full common wall or just touching walls. Baxter thinks leaving the substantial part of a common wall is a good definition. Janvrin said the appeals will go to the ZBA. Are you trying to define a two family dwelling that may have an entire wall? Steve asked what about the open roof or a 2x4. Morgan asked is it really a problem and what is the public interest of getting involved in this. Janvrin asked do we want to continue and what does the master plan say. In Steve's Town doesn't matter how they attach as long as they connect with something. Hawkins stated this is being used to get around the 45,000 lot size for two units with the existing rule. Steve said another wrinkle is the Family apartments and what happens when they are sold or the owner no longer lives on the property. Zoning says in no case should they be more than 2 units. Janvrin has seen three dwelling homes on lots and should not be more than 2. Janvrin if we remove substantial part does it help or not. Hawkins thinks if we take it out all they have to do is touch. Hawkins said should we say 50% of wall must connect and Baxter agrees. Steve asked do we really care and is it causing a hardship. Hawkins doesn't think that this type of unit helps the abutter's evaluation. Janvrin as a planning board we are suppose to look for zoning for the future. Baxter suggested they should have to connect the entire common wall. Hawkins is in favor of the entire common wall also. Baxter said the wording comes from the city type homes that the actual houses connect not a garage or a two by four in the middle. Baxter said one of the four walls actually is common. Hawkins believes Baxter has a good point with a % of a common wall stipulated. Friberg suggested use actual perimeter instead of percent. Baxter stated that you need 45,000 square feet for two dwellings. Hawkins says leave it alone. Section 5 is defined and how many accessory buildings can be on a lot and how much open space defines how much you can have on a lot in Section 7. Janvrin stated open space requirement would prevent too many buildings on a lot. Section 6 no more than two cargo units can be on commercial lot not to exceed 3 moths. Hawkins suggests changing zone 6M from N to C and change the footnote. Hawkins believes that a time period is set and that takes care of it. Hawkins says maybe we need criteria set around the use. Janvrin cares about the possible blockage of traffic for fire hazards. Hawkins stated that the conditional use permit needs to come in with a drawing. Hawkins asked if this is where we should add not to be used for human habitation. Morgan stated that we should add a second sentence on footnote for all zones. Janvrin we have to hold all changes for next meeting. Janvrin wondered if we only want to allow in zone 2. Khan questioned grandfather clause and

how that will phase out. Janvrin stated they have one year to re-open. Hawkins and Janvrin thinks zone 3 conditional use might be added but Hawkins would leave under conditional use and show us the same thing Seabrook Trucking did. Hawkins stated water and fire department do inspections every 3 years. ZBA has been given guidelines from the Planning Board. Janvrin thinks conditional use in zone 3 would be good and the goal is to push as less as we can to the Zoning Board. Hawkins stated 6M we allowed a little bit greater density. Baxter states that we have someone that collects automobiles they may have several garages. Hawkins suggested limited number of the accessory buildings or the size of building. Steve suggested limit lot size. Khan asked if a barn is an accessory building and it is. Hawkins asked how big of an issue are we seeing. Steve said it is becoming more of an issue and can cause a fire hazard as setbacks are only 10 feet. Steve says after garage is built next they decide they will come in for a home occupation permit. It is up to the Board how they want to shape the Town. Hawkins said at the beach you are only allowed one accessory building. He thinks we have to do something and let the voters decide. Morgan said the unique thing about the beach most all lot's are the same size which is not the case for other parts of the Town. Hawkins stated that the zoning would only allow only one accessory building if we word it that way. Khan asked if a shed is accessory building and it is. Baxter stated the applicant can always go to the ZBA if they want a variance to allow more buildings. Baxter agrees one accessory building just like the beach to include a size stipulation. Khan agrees the size is very important. Janvrin stated his grandmother had a barn, chicken shed, wood shed, and a home. Now we have a 13 house lot subdivision. Janvrin stated Agricultural should have different guidelines. Khan says New England is known for Barns and we don't want to take that away. Hawkins suggested we make the recommendations for the Town to vote either yes or no. Kahn thinks we should put barn so that the people don't think we are trying to do away with it. Baxter states we can make the change and if the applicant has a hardship they can take it to Zoning Board. Janvrin all new home base business's need to come to the Planning Board. Janvrin we have a lot of commercial use in residential areas. Steve stated he gets questioned a lot about that. Janvrin stated if they want to expand the business they may need to move. The deadline cut off is in January to have changes submitted. Hawkins would like to public notice limit not more than one accessory building on each lot. During public hearing we can decide if it is a good idea or not. Hawkins is concerned with containers on residential lots. We can deal with that just using the container on 2R we have a no but maybe changing it to one container not to exceed being on lot for more than three months. Hawkins at this time they are not permitted in 2R. Baxter stated if we changed it to C they can only have temporary period. Steve allows on construction sites at this time. Janvrin stated maybe we should add a footnote that cargo containers are ok for construction sites.

Baxter stated to leave it as is. Steve stated that people have the cargo containers everywhere.

Janvrin has a request from the Water Department regarding the CIP. The Department has a million dollar decrease and another decrease in another line. The CIP is 1.5 million dollars less then it was a month ago. Slayton asked us to adopt the change. Hawkins made the motion to adopt the revised CIP. Jason seconded, all in favor,

<b>Motion:</b>	<b>Hawkins</b>	<b>Motion to adopt the revised CIP</b>
<b>Second:</b>	<b>Janvrin</b>	<b>Approved: Janvrin, Khan, Hawkins, Baxter</b>

Janvrin spoke about outstanding invoices and after reviewing them. Some have a 9,000.00 outstanding invoice and a certain case that has been to superior court 3 times and the invoices are over 31,000.00 at this time. The amount will never change if we don't start charging for late balances. Khan said the Selectmen would like to have a joint meeting with the Planning Board to address the unpaid invoices. Janvrin believes once we start charging interest we will get paid. Baxter stated lots of good developers have paid their bills on time. Khan stated that the town residents have to pay interest on back taxes. Steve believes we should contact legal before charging the interest. Hawkins stated we need a method to get people to pay their outstanding bills. Janvrin agreed and made a motion to adopt.

<b>Motion:</b>	<b>Janvrin</b>	<b>Motion to establish a 12% interest fee consistent with the Water and Sewer Department and the Tax Collector's Office. All current overdue balances will be given a notice that all invoices must be paid within 30 days and after that time will be charged the new interest fee.</b>
<b>Second:</b>	<b>Hawkins</b>	<b>Approved: Janvrin, Khan, Hawkins, Baxter, Roll call all in favor</b>

<b>Motion:</b>	<b>Janvrin</b>	<b>Motion to go into Non-Public Session at 9:33pm under RSA 91-A;3,II-(a) personnel</b>
<b>Second:</b>	<b>Khan</b>	<b>Approved: Janvrin, Khan, Hawkins, Baxter, Roll call all in favor - *Minutes were sealed</b>

\*The Board came out of Non-Public Session at 10:30pm and the public meeting was adjourned at 10:31pm.

Respectfully Submitted,

Maria Brown, Seabrook Planning Board Secretary