



Town of Seabrook  
Planning Board Minutes  
Tuesday, June 17, 2014  
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Roger Frazee; Michael Lowry, Ivan Eaton III; Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer; Rick Friberg, Engineering Peer Review Consultant;

Members Absent; Sue Foote, Alternate; David Baxter; Alternate, Paula Wood, Alternate, Francis Chase,

Janvrin opened the meeting at 6:35PM.

### MINUTES OF JUNE 3, 2014

Hawkins asked for questions or comments; there being none.

<b>MOTION:</b>	<b>Khan</b>	<b>to accept the Minutes of June 3, 2014 as written.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: In favor: Frazee, Khan, Lowry; Abstained: Hawkins, Eaton</b>

### CHALLENGE GRANT –CROWTOWN ROUTE 107 STATUS REPORT

**Donald Hawkins, Planning Board Chair**  
**Julie LaBranche, Senior Planner**  
**Rockingham Planning Commission**

Hawkins explained that this Challenge Grant's purpose was to look out 20 years at what Route 107 might look like if a casino or other large scale development were to emerge. This meant addressing the potential likely traffic implications, zoning and permitted use consequences, and the impact on natural resources. The Planning Board subcommittee had been studying this area and found that the focus needed to be on two broad issues: 1. Protection of the aquifer area, and 2. water capacity sufficient for the town's needs. Currently, the capacity is from 2.1 to 2.3 million gallons per day, with the usage ranging from 1.3 million gallons to as much as 1.9 million gallons in the summer. The wells were subject to drought. It would take good planning to assure continued high quality water resources, without long term water supply problems. The first goal was to propose a rewritten zoning ordinance to the Planning Board and subsequently a warrant article for the Town Meeting.

Hawkins and LaBranche had detailed the subcommittee's work the previous day before the Board of Selectmen. A zoning map of the wellhead protection area west of Route I-95 was being developed for the industrial and residential area, which would show the existing wells area, as well as the future new water supply location potential. Hawkins distributed to the Board the proposed zoning revision for Section 16 relating to Aquifer Protection. Hawkins asked LaBranche to explain the language changes recommended to the Selectmen by the subcommittee.

LaBranche said the Subcommittee purpose was to address the need to protect the long term future of the water supply, which was west of I-95. She distributed maps of the wellhead area, noting that one could not just sink a well anywhere. Given that the town would want to retain the industrial zone, the wellhead protection zone language should be stronger. Hawkins said that the  
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zone area changed when a new well was opened. They met with the hydrologist who said that the current aquifer zone matches fairly closely to the town's wellhead protection zones. They did not have to match exactly, because of the potential shifting when some wells come to the end of their useful life, and as new wells are opened. The western part of the zone matched very closely; the one area that did not match as closely was toward the south near I-95. Morgan asked about the blank areas on the map. Hawkins said they were areas the town had not yet used. The wellhead protection zone could change if wells are drilled in that area. The recommendation would be to leave the aquifer protection zone where it is.

LaBranche explained there were two types of aquifer areas west of I-95 – shallow sand and gravel deposits which would be susceptible to surface or hazard waste contamination, and the bedrock wells that were driven through that strata or could be driven in future well areas. Because the water is spread out, the surrounding areas that should have the wellhead protection. These areas need to be well managed and inspected regularly. The objective would be to capture all of the future well sites west of I-95 in the protection area. LaBranche said that the existing aquifer protection zone language needed to be greatly expanded, and went through the draft purposed changes. Some of the key proposed provisions included the goals for maintaining the hydrology and yield potential in the zone through recharge, maintain the water quality, and to control the volume of stormwater and runoff to retain water resources in the area. The overlay district would still extend north and south to the town borders and where and how the standards would apply for new developments or redevelopment, depending on their size, or as the Planning Board determined. Provisions for existing and new prohibited uses; disposal of sludge, solid waste, and septic systems; snow storage (onsite only); and chemicals (properly contained), specifics relating to commercial use, were clarified and modified.

Khan noted that the standards applied in Seabrook, and asked about the neighboring communities that might allow certain items that would be prohibited under the ordinance. LaBranche said the Seabrook ordinance could not apply to other towns. There had been conversations with Kensington, which had an aquifer protection ordinance that would not meet all of these new standards. Khan said that as the ordinance is being addressed in Seabrook, could the town reach out to e.g. Salisbury and Hampton Falls. Hawkins said part of the subcommittee goals was to discuss these issues with neighboring towns. Kensington representatives were very receptive to this work. It was critical to keep the communications open with other towns who were worried about the same things; discussions with Kensington, and Hampton Falls for the North Village, were very positive. There were similar opportunities through the Rockingham Planning Commission. There have not yet been discussions with Salisbury and South Hampton. The grant may be ending, but the communications could continue. LaBranche said the Kensington Planning Board had been very supportive of her description of Seabrook's this work.

Frazer asked if there was a probably of a water shortage. Hawkins said this had been discussed with the Selectmen. Some of the wells were susceptible to drought and had gone down during the last two years. While two wells were nearing the end of useful life, there were opportunities for new wells. There could be three other locations. The Selectmen gave the go ahead to identify the location for the next wells. The hydrologist explained that finding the right crack in the bedrock that leads to water is a challenge. The town needs a comprehensive water plan, and the Planning Board would have to look at high water usage that also affects consumption. The Water Superintendent reported that in the summer consumption can rise to 1.9 million gallons; capacity is 2.3 million gallons.



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Fraze asked if there was enough water to meet for future uses. Hawkins said the hydrologist was optimistic, and thought there was a 50% likelihood that the supply would be sufficient, but cannot know for sure. Drilling is very expensive. Khan said there had been some drilling about seven years ago in the Pineo Farms area, but no water had yet been pumped from that. Fraze asked if it was unlikely that salt water extraction would ever be necessary. Hawkins would not say "never"; it may become more cost effective, although today it would be cost prohibitive. Today the biggest user is the power plant; there might be alternatives for them. The town is in much better shape today than when there were water bans and the wells were not maintained correctly. Janvrin thought that if there were a dry summer and consumption reached capacity, and people were not conserving usage, the Selectmen would consider corrective measures including a ban. The work being done is important, but townspeople need to understand the need to conserve.

Khan said at this time the town charges 25 percent of the total cost; when the rate goes up conservation could occur. Hawkins explained that 25 percent of the water cost is paid in the water bill, but the balance is hidden in the tax bill. If people could control their own bill, he thought consumption would probably go down. The Selectmen had that option, but the total cost would not change. Eaton asked if it would be possible to charge in a tier system. When he lived in San Diego, if more water was used the rate was higher. Hawkins said that was already in place. Janvrin said the type of user could be a factor e.g. industrial might pay 100 percent while residential paid 60 percent. Khan said the power plant already paid a different rate. LaBranche said the proposed ordinance did not address high use consumption, and thought the Planning Board should continue that discussion.

Hawkins said this consideration is for an overlay zone; the current zoning, now mostly industrial, would stay in place. The subcommittee would be meeting with the neighbors west of I-95 to get feedback for what they think about how the land is used, and what they are worried about for the future. At this point the subcommittee felt comfortable with the overlay zone, before addressing the overall zone for the future. LaBranche said the ordinance would limit any extension of a non-conforming use; if the use changed, or ceased for a year, compliance with all of the new provisions would apply. Provisions for certain substance exemptions, storage and groundwater recharge were in line with new state standards. The Board would have to further discuss how to adequately apply or revise the groundwater management and volume control provisions to new development. LaBranche thought the first step would be for the site designer to show how the project would meet the ordinance standards e.g. treating the runoff.

Hawkins said there was a lot of discussion about ground water treatment and recharging practices. One consultant said that in the aquifer protection zone it would be preferable to have treatment standards, which might not be as necessary in another part of the town. The Planning Board would have to consider whether it would insist on groundwater treatment methodology or just the natural recharging. The Water Superintendent was worried about chemicals that might run through everything. Janvrin commented this would be phosphorous, nitrogen and the like. The Board might decide to require groundwater treatment on site rather than allowing a runoff, so that stormwater would be recharged without contaminants. That would help with MS-4 requirements. Morgan asked if this would apply only west of I-95. Hawkins said it would in the overlay area at this point.

LaBranche said the ordinance would have low impact and green practice and design standards, to preserve natural buffers etc., encourage use of pervious surfaces, measures for protecting and regulating from hazardous substances and contaminants. Janvrin commented on a recent citing by the NHDES and the EPA of a business not properly controlling a large quantity of



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hazardous substances. He thought that if the proposed ordinance had been in place, the town would have picked up the situation much earlier. Khan asked about use of water for irrigation.

LaBranche said the Planning Board needed to discuss whether stormwater could be stored and used for the landscaping. Janvrin thought if allowed it would be water collected in rain barrels or in a rain garden. In the case of the Market Basket, they wanted to pay for the water used for irrigation rather than dig a well. In the aquifer protection area treatment might be appropriate. Eaton said that large facilities like hotels could use the same water over and over. LaBranche said a percentage might be allowed. Janvrin thought it might apply to commercial and industrial users and not to households. Hawkins said this required discussion; they did not want the ordinance voted down because of the desire to water lawns. LaBranche suggested that those proposed provisions that needed more discussion could be in a separate section. Hawkins said there was more for the Board to do, and Morgan would want to review the proposal in detail. This should be an agenda item for the September work session to ready it for a public hearing and vote. Hawkins thanked LaBranche for all of her effort, and thanked the Subcommittee for reading through the documentation and participating at meetings. He also thanked Curtis Slayton for his feedback relating to this project. LaBranche will put together a resource listing for background, and commented that the Selectmen were considering reclassifying the groundwater which would help with enforcement and dealing with violations. Janvrin thought neighboring towns would have to recognize the reclassification.

#### **IMPACT FEE REPORT**

Hawkins continued the Impact Fee Report to the July 1, 2014 work session at 6:30PM at Seabrook Town Hall.

#### **CORRESPONDENCE/ ANNOUNCEMENTS**

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

##### **Case #2004-50 Cabral subdivision, Azor Way**

Attending: Paul and Lisa Cabral;

Appearing for the Applicant: Henry Boyd, Jr, Millennium Engineering;

Hawkins referenced the request for another extension, and asked Cabral for an explanation. Lisa Cabral requested another 2-year extension for the approved 2008 subdivision. Hawkins said applicants had 180 days to meet the conditions, and could receive another 180 day extension. The state ordinance allows 5 years for completion. Boyd said financing was starting to be available but the Cabrals needed more time. The subgrade was in; the water installation had been accepted, the sewer was partially installed. Morgan asked if there were abutter issues. Janvrin asked if security were being held. Hawkins asked if there were construction issues. Garand said the substrata was complete. The project had been on hold due to the economy. The Cabrals wanted the extension to keep the approval in force. Boyd said they only needed to finish the road.

Hawkins asked Garand for the subdivision status. Garand said there were still some things to be done; they did not want to lose the subdivision approval, but the economy is taking a toll. Boyd



thought all of the conditions had been met; it was just a matter of finishing the road. Hawkins wanted time for review Janvrin asked for the expiration date; Hawkins said July 20, 2014. He asked for comments; there being none. Janvrin asked if any other department should be queried. Hawkins thought a review of what was supposed to be done would be sufficient to be reviewed to identify what had to be done. the consensus was to get up to date information. Janvrin asked for the DPW view. **Hawkins continued Case #2004-50 to July 15, 2014 at 6:30PM in Seabrook Town Hall.**

#### **PUBLIC HEARINGS**

Hawkins opened the Public Hearings at 7:47PM.

#### **Case #2013-28 – Proposal by Heirs of Charlotte Marshall, Rushbrook Real Estate Investments, LLC, and Michael Green to amend subdivision approval by reducing length of sidewalk and extending water line to property line at 49 Rocks Road, Tax Map 7, Lots 104 & 104-1,**

Lowry and Janvrin recused themselves for Case 2013-28.

Hawkins recalled the conversation in which the Applicant had agreed to extend the water line to the NextEra property line, in exchange for the Board agreeing to reduce the amount of sidewalk in the cul de sac. While the Board had agreed, Morgan said this change should have a public notice, and also notify abutters. Morgan said in the event there are any significant changes to a subdivision approval; the law requires that the abutters be notified. He said this was also good practice, citing the difficulties with the Boarder Winds project. There could be some flexibility because the Case #2013-28 changes were not substantial; the sidewalk proposed for removal was relatively short length, and the bulk of the subdivision would still have sidewalks. He thought the Board had discretion as to whether to make a decision at this meeting. Hawkins said effectively the Board and developer were already in agreement. The public notice had been posted. If abutters had to be notified, there would be a 5 minute discussion on July 15, 2014, or the Board could decide this was not a significant change and vote at this meeting. Khan said the sidewalk extension had been his proposal to the developer; after this discussion, he would move to go ahead, so as not to delay the business. Eaton agreed to get on with the subdivision work; no one else would be affected.

<b>MOTION:</b>	<b>Khan</b>	<b>to find that the change for extending the water line and reducing a part of the cul de sac sidewalk was not significant enough to require notice to abutters.</b>
<b>SECOND:</b>	<b>Eaton</b>	<b>Approved: Unanimous</b>



## NEW CASES

### **Case #2014-16- Proposal by ISstar LLC, Soraghan Realty Trust, Provident Holdings, and DDR Seabrook LLC for a lot line adjustment at 652 Lafayette Road, Tax Map 8, Lots 49, 50, 51-1, and 55-30;**

Attending: Scott Mitchell, Jim Mitchell IStar;  
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Michael Burke, DF Pray Contractors, Attorney John Arnold, Hinkley Allen;

Morrill said the proposal was for a lot line adjustment among 4 properties along Route 1 and Provident Way:

1. The existing 55,137 square foot Sea City Crossing property would become 64,914 square feet;
2. The existing 47,525 square foot Pizza Hut property would become 47,518 square feet;
3. The existing 48,653 square foot Provident Bank property would become 38, 874 square feet;
4. The existing 61,214 square foot DDR property would become 61,223 square feet.

Morrill said none of the frontage changed, only the open space at the back. All lots would meet the 25 percent minimum open space. There were letters of authorization from all of the landowners. The Applicant was asking for acceptance, and to be scheduled for the Technical Review Committee. Morgan said one of the 4 properties got bigger, and asked how the other 3 properties got smaller. Morrill said the only property to get smaller was the Provident Bank. The other 2 properties changed by only a few feet. He asked if those properties were currently in conformance with the zoning. Morrill said this was a busy plan; he could supply a plan showing the existing conditions and open space. Morgan asked for a table showing the before and after configurations to be put on the plan to confirm conformance, and that no lot gets less than conforming. Morrill will do this.

Janvrin noted that there had been adjustments to the layout of the Bank parking lot, and asked that these changes be superimposed on the plan to understand any overlap(s) on the parking area. Khan wanted to know if those approved changes were shown on the plan. Morrill said the property line had been modified, and pointed out the portion that would change for this application. Janvrin thought that was a man-made detention pond. Morrill pointed out the pond area. Khan said asked about the big tree that the board wanted kept. Morrill said it would remain. Morgan said the biggest problem was the plan was too confusing. The color presentation was helpful, but for recording purposes it would be a black and white mylar. He hoped for the depiction that could be looked at 5 years later and know what happened, because the plan submitted did not do that. The drainage easement was appreciated, but added to the confusion. Morrill said it was important to see it all on one sheet, but he would clarify the depictions. It was important to see that the drainage went through all the properties. Morgan suggested separating this into two plansheets.

Hawkins asked if the changes would affect any of the businesses e.g. the parking, which would have to be conforming. Morrill said they conform to the 25 percent open space and the setbacks, although it might seem a little tight. Morrill said that all the lots originally had tails going across the pond. This proposal would make the shapes look better. Also they did not want to change the DDR square footage so that increased a little. It was important to maintain the same size lot for Pizza Hut. Janvrin asked how the monumentation of the new lots would be done, given the wetlands. Morrill said they would be filling in the pond and placing 380 underground detention



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chamber systems. The visible area would have green space, benches, and walking and bike paths connecting all of the sites. People could walk from the bus stop to each site. Janvrin wanted to know what would happen if the plan were not approved. Morrill said there would be visible pies in the ground. Morgan asked if they would set monuments around the perimeters; Morrill said they would be set by the approval of this plan during construction. Morgan asked if everyplace other than the pond would have a monument correctly set. Merrill confirmed this, and said DDR would be monumenting their site and access way.

Hawkins asked how to know about the setbacks if there were no buildings on the plan. Morrill said he would list this on the table; the site plan application would show it all. Janvrin asked Morgan what was outstanding in re his memorandum. Morgan said the biggest issue was the clarity which needs to improve to see what was going on. Janvrin asked if there were request for waivers in the monuments. Morrill said just during construction. Janvrin said the street numbers were not depicted, and asked about contours. Morgan did not think it important for this plan, but it was a requirement. Janvrin said if not depicted, a waiver request would be needed. Morgan asked if there were a distinction between a vacated and dissolved lot line. Hawkins said that Morgan had recommended the application be considered incomplete because of [the lack of] clarity. Morgan still believed that to be the case; color was good but that would not survive. Morrill did not think they were items missing that should not allow acceptance. The clarity could be accomplished; he asked for the Board's acceptance. Morgan said they could do the clarity; the question was whether acceptance should be at this meeting.

Hawkins asked if this lot line plan was contingent on the approval of Case #2014-17. Morrill did not think the lot line changes would go forward without the approval of the siteplan case. The cases run together. Hawkins asked Morgan for the expectations if the Board accepted the case at this meeting. Morgan said if accepted the 65 day clock would start, and Morrill would try to improve the readability of the plan. Hawkins asked how they would show that the new lots were conforming to the existing regulations; at this point nothing can be seen. Morrill said he would probably site the buildings, clarify the property lines, and go to a second sheet. Hawkins asked when that would be available; he did not want this to go to TRC. Morrill said it would take about 3 weeks. Hawkins wanted the TRC to view it. Kravitz said it would be July 14, 2014. Hawkins said Morrill said he would have revised plans by July 2, 2014. Hawkins asked if the Board wanted to put acceptance off to July 15. Janvrin asked Morgan's view as he chairs the TRC. Morgan did not think department heads would have a lot to say about a lot-line adjustment; their focus would be the siteplan, i.e. stormwater, pipes etc.

Hawkins asked how the Board thought about acceptance.

<b>MOTION:</b>	Khan	<b>to accept Case #2014-16 as substantially complete for jurisdiction and deliberation, provided that the revisions requested at the Planning Board meeting of June 17, 2014 are made.</b>
<b>SECOND:</b>	Janvrin	<b>Approved: Unanimous</b>

**Hawkins scheduled Case #2014-16 for the Technical Review Committee on July 14, 2014 at 10m AM in Seabrook Town Hall.** The revised planset is due in the Planning Board office by July 2, 2014. **Hawkins continued Case #2014-16 to August 5, 2014 at 6{30PM at Seabrook Town Hall.**



**Case #2014-17 – Proposal by Istar Seabrook LLC to construct a 5,640 square foot retail facility at 652 Lafayette Road, Tax Map 8, Lot 49;**

Attending: Scott Mitchell, Jim Mitchell IStar;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Michael Burke, DF Pray Contractors, Attorney John Arnold, Hinkley Allen;

Hawkins asked for the presentation of Case \$2014-17Morrill said the new lot is [[[1.49]]] acres, and pointed out where DDR stopped its parking lot near the property line. He pointed out the existing parking lot understood that when Case #2013-13 Sea City Crossing was approved, they understood that the Chair wanted a way to get from the front development out to the back. They connected into the DDR driveway, and show a 5640 square foot building with porous walkways, grass and benches from the bus stop to the front Aspen Dental building. The walkways will continue through Pizza Hut, CVS, and the Provident Bank properties; it connects to the sidewalk where DDR ends its parking lot. The design shows approximately 15,000 square feet of open area and detention areas. According to the size of the building, a maximum of 23 parking spaces would be allowed; they are showing 15 for the retail space. The setbacks are met along the sides. They propose to continue the landscaping from the front building including rock walls along the back side of the building.

Janvrin asked about the landscaping. The plantings would be slow growing shrubs without large trees because of the underground detention system; a couple of the architect's large trees would be relocated. The objective would be for a harmony between the two sites. Janvrin asked how deep the drainage system would be. Morrill said they were 30 inch high units. Khan asked for the name of the system. Morrill said it was Stormpak system. They had shown the design to the Conservation Commission last year. It would rid the area of shopping bags, mosquitoes and debris, and have walking paths. There would be a nice wide open area where nothing else would be built. Janvrin asked how much of the infiltration would be projected offsite, or over flow to DDR. Morrill said they were told that DDR had no capacity for additional drainage; there is existing overflow to the Provident Bank site. The infiltration system would be consistent with what exists.

Janvrin referenced the swale along the town's right-of-way, and asked if it were eliminated could the drainage installed in 2002 still be accommodated. Morrill said that was used for emergency overflow. He commented that Jim Mitchell had lived in a nearby house and had only seen close to an overflow one time. Janvrin said the Board wanted to eliminate drainage into the town right-of-way with all onsite drainage handled on site. He asked how much larger would the infiltration system have to be to retain that capacity. Morrill said all the drainage is handled onsite, but in a 100 year storm there would be overflow. Below the pond there were infiltration pipes. The drainage analysis shows that all the drainage would be handled on site. Every site had to have an emergency overflow. Janvrin said this had been discussed with Mr. Green, and DDR; at some point Provident Way would be widened, so they would lose the ability to use the swale in the town's right-of-way. He wanted assurance that there would not be a drainage issue in a 50 or 100 year storm in the town's right-of-way. Morrill said they could address that in the calculations.



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Hawkins asked for Morgan's view. Morgan asked for the rain capacity before a storm overflow. Morrill referred to the drainage analysis showing up to 50 year storms. Morgan wanted to know how much rain would cause an overflow. Morrill said the calculations were figured to meet the existing overflow; he would check on this. Morgan asked if water would be pushed in a particular direction in an overflow. Morrill said it would go out through the Provident Way swale. Janvrin asked if there were calculations as to how clean the water would be when entering the swale. Morrill said it goes through the catch basins and is collected; typically the water leaving the system is clean. Janvrin asked if the rainwater coming off of the paved surfaces treated for petroleum products. Morrill said the catch basins have grease hoods to catch the oil at the catch basins. Janvrin asked how often they would be cleaned. Morrill said that was all outlined in the Stormwater Operations and Maintenance Manual. Morgan said the drainage report defines the analysis at the emergency overflow, and asked for that location. Morrill pointed to the pipe. Morgan said the other analysis point is stated as the connection to the proposed DDR drainage system, and asked for that location. Morrill will clarify and verify this information. Janvrin asked if there was a matrix for delivery trucks, and also that the landscaping be extend to show the trees and shrubs. This is important when delineating the security. Morrill will reach out to the DDR engineering firm for the depiction.

Hawkins asked when the plan was originally conceived, and why wasn't this discussed when the original building was brought to the Board. Morrill said they did not have that property under control. When they learned that DDR would have a roadway to their lot, they reached out to get an area that could have green and some kind of building. Hawkins asked the significance of a February 19 date on the plan, and asked if that was the original plan date. He asked if that was not when the front lot [Case #2013-13] was being discussed. He wanted to know why the Board was just seeing this plan now, if this plan was already being conceived. The Planning Board did not see it; waivers were granted based on what was shown to the Board. That project did not meet the landscape standard, and now they are showing a project with an additional building. They were asked about exiting that front lot in a different spot and were told that was not possible because of the detention pond. Now they say the pond would be filled in and another building built. They said that the Board could not have what it asked for. He asked if that was because they were already conceiving this back lot project.

Hawkins asked why they would not have talked to the Board about this [proposed project] at the time. Morrill said they had told the Board they would go to the ConComm about filling in the pond and getting rid of that area. Morrill thought the February date must have been left over on the plan and never changed. They did not have the property under control to work on the building until about 2 months ago. They always wanted to do something with what was left to them. Hawkins asked if this was all one lot. Morrill said it was. Hawkins said to be prepared to meet the landscape standard, and hoped the plan showed that. He thought it seemed too convenient to have asked for waivers on half of the plan, and then coming back with a new building and only show a part of the property. The whole property should be shown on the landscape plan; they would have to meet the standard for the entire property. Morrill said they would. Morrill said they were not changing anything that had been approved for the front part of the site.

Hawkins said the previous plan had parking spots that now were a driveway; that changed the front part of the property. Morrill said they were moving 4 parking spots with this proposal. They are reducing parking and adding more accessibility by creating inter-lot walkways, and they have more driveways for all the buildings. Filling the pond allows them to do things that they asked for in the beginning. They could not show this because they did not have the property. Hawkins said they could have shown the Phase 2 concept including another building. He felt misled with the first project, and resented having to go through this process having granted waivers on it, and having to deal with the second project afterwards.



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S. Mitchell said they tried to buy that property from DDR and had talked about doing a joint venture with them. They only reached agreement about a month ago. He said when they were before the Board for the front building, they did not have a plan to show because the concept was to try to buy the entire property. He understood that DDR went ahead to do the property with the Noodles. Hawkins said it would be very impressive to have done this work in one month. Morgan said the basis for the landscaping waiver along the Pizza Hut property was so they did not have to tear up the pavement. He had looked at the site that day and the hot top was gone, they could probably put landscaping there now; he had a photo. Burke said the asphalt was not gone; it was covered with dirt and a photo showed the rain result. They removed some for the building and sidewalks. [The discussion ensued in re the positions of the ripped up and existing pavement.] Morgan said now that the asphalt was gone in some places, the landscaping could be put in where it should have been.

Hawkins asked for the date of the water and sewer pipes that already had been installed. Burke said about 3 three weeks ago. Hawkins asked if this was done within a 10 day period. Burke said there had been a plan with the final deal. They wanted to look ahead; they had to install water and sewer to this future building and wanted to extend the lines about 50 feet so they would not interfere with the parking area. Burke said Jones & Beach made a quick plan that looked good, and they installed it. He did not know that needed approval, and had offered to rip it out or disconnect a piece until the approval; this was his fault. Hawkins said they could understand his angst that all of this looked too convenient. Pipes being installed with no application heard when the front property was approved not long ago. It seemed too convenient without having any discussion involving both projects during the first case review. Burke apologized for doing this so quickly.

Arnold referenced Burke's explanation, and asked for clarity from the Board in re the water and sewer pipes, and what should be done with them; should they be ripped out. Hawkins said they were supposed to call the department heads for inspections – that was standard practice. No call was made to the Water Department for inspections; he did not know about the sewers. If they were deviating from the plan, they might want to talk with the department heads. Arnold said the point was well taken; as Burke said it was a bad oversight. They want to try to make this right. He asked if the Board wanted them to see an amendment to the site plan, or to rip the pipes out. It was not the intention to sneak this in. It was a split second decision made to try and avoid having to tear up the Aspen Dental parking lot. Lowry asked if there were other similar items. Burke said the Building Inspector called his attention to the number of meters; one intended for future use had to be approved by the Planning Board and should be removed. Burke said never in 30 years had a Planning Board been involved in this. The future location was in the event that Aspen Dental left the site and the building turned into 2 units. It paid to do it now as it would be a lot of money later on. Janvrin commented that if it was done after the fact it would have to comply with current building and electrical codes

Hawkins asked for Garand's review on the site issues. Garand said the issues were the extension of the water and sewer lines; 4 electrical connections were approved with one for the future use – currently this was expanded to 5 connections plus one for future use. Janvrin asked if the 5<sup>th</sup> use was installed at this time, if it was not needed for 10 years they would have already complied with the current coed. Garand said it would depend on the expansion needs; they would not be grandfathered. The point was that the town gave them an approval and they went above it. The expansion of the water and sewer lines showed no regard for the approval. Burke said this was all done as on the plans, and that it was common use to accommodate for future use. Hawkins said that the plan that was being circulated was not the plan he put his signature



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on. Burke said it was not an electrical connection, just a future socket. Janvrin noted this was in the back utility room.

Hawkins said there was a plan being circulated with a 06-04-14 date which was after the date of the approved plan. He did not understand why a plan was being used that had not been approved by the Planning Board. Burke thought that plan did not have the socket on it. Garand said the entire site had to be as of the approval and not overdeveloped or with deviation. At the building preconstruction meeting the owner signs the documentation based on using the approved plan and following all of the regulations, and providing 24 hour notice to meet the inspection requirements. At that meeting it was stated that a minor deviation is up to the appropriate department superintendent; a major deviation had to come back to the Planning Board. Morgan had not seen the June 4 plan, and asked Garand how it differed from the approved plan. Garand said there had been 3 plans supplied within the last 60 days; he stamped them in. Morgan asked if anyone with the Applicant could explain about the June 4 plan. Burke said it had nothing to do with the electrical, only water and sewer.

Hawkins said the question was why plans were being used on the site that had not been approved by the Planning Board. They do not get to change plans as they want and pass them out to department heads as what is then being done. If they want a change from the plan, they have to it determined whether it is a significant change – the Planning Board does that. They do not get to change the plan and issue their own plan anytime they want to. A plan set was approved; there are plans out there with a different date than what was approved. Burke said that Jones & Beach made the sketch that extended the water and sewer lines past the entry way so that if the back lot ever got built they would not have to rip up the new asphalt. As the contractor, they received the plans and installed this; they did not know that it had to go to the Planning Board again. Burke said they would take [the lines] out if necessary.

Morgan asked if the June 4 plan was a revision to a prior plan, or a new plan. Burke said it was a revision of Sheet C4 of the original approved plans. They were just being proactive so they would not have to dig up the Aspen Dental parking lot later on. He was sorry not to know to return to the Board. Hawkins said that Applicant and Jones & Beach have done a huge amount of work in Seabrook. They knew the rules and just ignored them; that is infuriating. Water and sewer systems were installed without inspection; Hawkins asked how that could happen. Burke said there had been a water inspection before it went into the ground. The materials started to go in, the inspector came by; they thought he was doing the inspection, but there was no official request for inspection. Since then, they had offered to open the area for the official inspection as soon as they are allowed to work on the site.

Janvrin said that the TRC met on June 13, 2014 and recommended a cease and desist order. Burke confirmed the issuance and that they'd stopped all the site work. Janvrin pointed out under New Hampshire State statute RSA 676:17 if an applicant deviates from an approved plan and is a person, it is a misdemeanor, and if a corporation it would be a felony. He thought the parties should be cognizant of this and understand that the Planning Board would not again tolerate such a situation. Hawkins asked if Morgan had further comments. Morgan thought it would be more efficient if Morrill had his memorandum. Janvrin noted that on sheet C1 there was a stop bar obstruction, and asked if it would be possible to move the bar back at that spot and at other spots where the same thing occurred.

Hawkins asked for other comments. Arnold said it would be helpful to have guidance on how to fix the issue discussed above, whether by ripping the area up, having an inspection, or amending the siteplan. Hawkins said the Water Superintendent had said that he fears that



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ripping up the area for inspection would do damage to the water system. Hawkins said asking for forgiveness after the fact rather than getting the permission was upsetting, however, he would recommend following whatever the Water Superintendent determined needs to be done. The installation was underground in anticipation of a plan proposal; he did not think it a change that had to be noticed; it would depend on the outcome of the Case #2014-17 application. At this point the Water superintendent was not in favor of digging it up because of the potential to damage the water system. Janvrin added that the Water Superintendent expressed difficulty because they closed up the site without inspection. Hawkins asked for Morgan's recommendation. Morgan said initially he had issues because of the lack of clarity of the lot line adjustment plan, but he would now recommend acceptance of this plan.

Hawkins wanted Morgan's view on the water and sewer line issues. Morgan deferred to the Superintendents. Janvrin agreed, but if the Water or Sewer Department determined that the Applicant would not comply with their wishes, they should let Code Enforcement and the Planning Board know immediately. Hawkins said by consensus the Board would recommend that the Water and Sewer Superintendents do what they think was appropriate and necessary in re the pipes in question. Khan wanted the Planning Board to know of their decisions. Hawkins said the Applicant should request that the Water and Sewer Superintendents advise the Board of their decisions.

<b>MOTION:</b>	<b>Khan</b>	<b>to accept Case #2014-17 as substantially complete for jurisdiction and deliberation,</b>
<b>SECOND:</b>	<b>Janvrin</b>	<b>Approved: In favor: Hawkins, Khan, Eaton, Lowry, Frazee Opposed: Janvrin</b>

**Hawkins scheduled Case #2014-17 for the Technical Review Committee on July 14, 2014 at 10m AM in Seabrook Town Hall. TRC will review the existing planset. Hawkins continued Case #2014-17 to August 5, 2014 at 6:30PM at Seabrook Town Hall.**

Morrill wanted to provide a new set of plans for the TRC. Hawkins said there was not sufficient time for this. The engineers would review the plans, provide their comments along with the TRC and Morgan comments to result in a final set of plans that include every input. That should make it more efficient for the Board to review, rather than having multiple sets of plans floating around.

**Case #2014-18 – Proposal by Matthew Hartung and William Simmons to convert part of a plumbing and heating company to a retail store offering electronic cigarettes and accessories at 11 Railroad Avenue, Tax Map 8. Lot 107;**  
Attending: Matthew Hartung.

Hartung described his intended business. Khan thought this was an unknown product, asked about other products. Hartung said there would be tanks for liquid flavors, one of which would be nicotine. The FDA was reviewing these products, but there was no regulation at this time. Garand was concerned about deliveries, contents and controls in re people hanging around. Abutter Linda Randall was concerned about too much traffic



in trucks with no sidewalks and on a dirt road. Eaton said there was a large hole in the drive area. Janvrin wanted to hear from the DPW.

**Hawkins continued Case #2014-18 to July 15, 2014 at 6:30PM Seabrook Town Hall.**

#### **REMANDED CASE**

**Case #2012-18 – Latium Management Corporation, Tropic Star Development, LLC, and Scott Mitchell to demolish the Getty North station and replace it with a 1,200 square foot “retail” building and two gasoline dispensing islands at 663 Lafayette Road, Tax Map 7, Lot 87, continued from April 1, 2014, April 15, 2014; May 20, 2014; June, 3, 2014**

**At the request of the Applicant, Hawkins continued Case #2012-18 July 15, 2014 at 6:30PM in Seabrook Town Hall.**

#### **ONGOING CASES**

**Case #2013-24 – Proposal by GRA Real Estate Holdings, LLC to re-locate the Seabrook Truck Center and construct a 23,600 sf building (service, office & retail) and a fueling station (diesel & CNG) at 27 & 39 Stard Road, Tax Map 4, Lots 9 & 11, continued from January 7, 2014; March 4, 2014; April 1, 2014; April 15, 2014; May 20, June 3, 2014;**  
Attending: Arleigh Greene, Rusty Lavin; Seabrook Trucking;  
Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering; Glenn Fergasun, Green Environmental

Boyd recalled that the original application included refueling on the site. The resubmitted plans do not show any refueling. Refueling facility was also removed from the Zoning Board of Adjustment application for a variance which was denied. The Applicant believes that the ZBA erred in the denial of the ability to do repair work, which has been done at the Seabrook Truck Center for many years. As the Planning Board cannot decide on the repair work, the Applicant wanted to move forward with permission to conduct truck sales. A rehearing has been requested from the ZBA, and the Applicant is confident that the rehearing and variance will be granted. Hawkins asked why they thought the rehearing would be granted. Boyd said because the presentation had been meritorious, addressed the aquifer protection issues along the lines that LaBranche had earlier presented, and they had super designed the drainage, recalling that one of the concerns at the Technical Review Committee was that there was not enough sealed surface to contain a spill. They added oil separators to remove contaminants, and Boyd pointed out that infiltration, groundwater cleaning and constructed wetlands had been provided. He said that the Water Superintendent had been impressed with the amount of work that Greene had done, and also hired professionals like Ferguson and himself.

Boyd said that Greene had every right to sell vehicles and store them on pavement. The only thing he cannot do, is bring them inside of the building and make repairs. That is what they needed the variance for. They believe the ZBA erred because there was a split vote with no questioning or conversation in the negative; the hardship question was answered affirmatively. Boyd said to have a rehearing they would have to submit new evidence, and they were doing that. He thought it important to recognize that Greene had been in business [at the Chevy Chase



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Road site] for 24 years without any contamination on that site, even though it did not have the protections. Existing monitoring wells had had clean bills of health, and the mall developer had done extensive surveys to assure they were buying a clean site. Boyd thought there had been the impression that this would be a 24-hour truck operation, which was not the case. The existing business, which had no one on site after 7PM, would be moved to the Stard Road site. The request for 24 x 7 hours is because occasionally Lavin or someone bringing back a truck at a late hour might be on the site. Boyd maintained that this was not an all the time 24 hour operation. Boyd said that the Applicant employs about 34 people in good quality Seabrook jobs. People should be proud that they are an authorized Caterpillar and Cummings dealer.

Boyd said they still needed some data relating to the fireworks storage approved by the Planning Board; the ZBA had asked them to move the units to the north side of the property. Greene is willing to do that and to submit an application for approval to the Planning Board. This would affect the detention area and slopes, so they needed additional test pits. This meant that there would be a revised drainage report which he would provide for TEC to review. Everything else on the plan would be the same.

Boyd said that Unitil holds a 100-foot easement, and PSNH holds a 225-foot easement, and have asked for more protection for the existing and future poles. At some point Unitil intends to improve service by adding a new line that would be 30 feet offset and parallel to the existing line. They would show that and also see that the Applicant's design was outside of that area. The big high transmission lines already have a 15-foot area marked with boulders; PSNH wants another 15-foot open area added that a crane would access if they needed to work on wires. Boyd explained that the hard pack gravel had been in place for years and was delineated to show the path and the tangent curve that the trucks would take. Morgan asked if there would be compliance with the standards presented by LaBranche. Boyd pointed out the additional paved area placed for the runoff, adding that in some cases traditional stormwater design would be necessary e.g. with ledge. There are ways to make the water cleaner.

Boyd said the ZBA wanted to know what would happen if someone brought in a truck after hours; they did not want a wounded truck to land on Stard Road. He pointed out where the area would be entirely closed, and where another area would be fenced but a truck could access a holding area. Everything was graded to run to the center, which eliminates the need for a cape cod berm. There were 3 catch basins which were oil-water separators prior to a vortex treatment and recharge area. The pitched roof water runs directly to the back with 150 feet of grass. .

Greene said there had been talk of sending the revised drainage to the TRC. Hawkins said originally Curtis Slayton wanted another TRC, and asked Greene about those issues. Greene thought Slayton was now ok. Garand said Slayton would go along with the design as long as the fire suppression was in place. Boyd said the ZBA had Slayton do a thorough review; the new plan incorporated all of his suggestions. Greene commented that Slayton's many suggestions had been used, and said they wanted to set a benchmark with 4 monitoring wells. Khan asked that monitoring reports be sent to the Planning Board. Greene agreed, intending to sample at the beginning and then annually. He was sensitive to the issues west of I-95 and believed that the plan had been improved. If a mess occurred and is cleaned up right away, there is no issue. There would be no gasoline on the site.

Khan asked how many acres of land Greene gave to the Town for conservation. Greene thought 18 to the Conservation Commission and a 10 acre easement requested by the ConComm Chair. Hawkins asked if this proposal was for sales – i.e. retail. Greene said the business would be retail sales of parts, used trucks, construction equipment; he recognized that repairs could not



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be done. Hawkins asked if the treatment design was in anticipation of adding repairs. Greene said he hoped so. Hawkins asked if the ZBA refused a rehearing, would Greene still do this level of treatment. Greene said the plan would not change, although if the ZBA says no, he might make the building smaller, but never larger. There might be a Phase I & 2. Khan asked about the cost of the treatment system. Boyd was not sure why a wrench could not be used inside the building without a variance, but sales were by right. Greene had never been opposed to providing the best treatment. Greene pointed to his 24 year conscientious record and stormwater treatment when there were no constructed wetlands. Hawkins said no one would question that record. The Board wanted to look 20-30-50 years ahead and ask if it had done everything it could to protect the water resource. It was not aimed at any individual applicant. If there were contamination, nothing could be done except to buy water. Greene agreed and said he'd hired Fergasun to put the Board and citizens at ease.

Fergasun said Green Environmental had offices in New Hampshire and Massachusetts, and worked with car dealership and trucking facilities. He had experience with the type of trucks and vehicles that Greene would have. He had been retained to assess the feasibility of moving of moving the business west of I-95, and talked with department heads to see if a safer building could be built in the area. He worked with Boyd on the safety features for different structures shown on the plan such as the oil-water separator trap going into a vortex system and then an outside retention area. A first step would be to put in some bedrock monitoring wells. This would be a family owned locally operated facility; a release to the watershed would probably be the end of Greene's business. There would be educational programs for employees as well as the structures that would make that event impossible to happen. Also stormwater plans, health and safety and spill prevention plans would be put together for the company and would apply to sales and repair. The risks would be the same in dealing with automotive products, gasoline, and glycol. Training for employees would be on a semi-annual basis. They need to know what to do if there were a spill, and it could cost a lot of money. They put together a fail-safe plan, using some of the US Foods proposal and tailored it to the smaller operation with floor drains, fencing, cameras, to limit the liability to Greene in re the risks to the watershed.

Khan asked where they had installed this type of system. Fergasun said they had used the vortex system at the Manchester Airport; it takes in stormwater and cycles out oil leaving it in an area to be pumped out. The instructions for clean out would be in the stormwater management plan and examined monthly. Monitoring of petroleum products in the wells would occur semi-annually and be communicated to the water department. They were not sure what would occur from sites above the property. He estimated that the unit for this site would cost about \$50,000. He thought that the detention system would also act as infiltration. Fergasun had listened to the LaBranche presentation, and thought they'd hit on all the points. Buffers like detention ponds have a natural filtration; oil-water separators are considered structures. These systems would serve to protect the town as well as Greene's interests.

Hawkins asked for Friberg's comments. Friberg asked if there had been a change in the constructed wetlands and, if so, were the calculations changed. Boyd said they had rotated it about 90 degrees, and submitted a revised drainage report. Hawkins asked if Friberg had issues at this point. Friberg thought they had done a good job addressing the issues, and he had consulted with the Water Superintendent about the ZBA process. He wanted to take another look at the revised drainage calculations to see that all of the issues he had raised initially had been addressed, as well as the pollution prevention plan. Khan asked if Friberg was familiar with the proposed system. Friberg was familiar with the vortex system which seemed to work, but he would not recommend it as a single defense in the aquifer. As a secondary system followed by the constructed wetlands is was adequate. Hawkins asked if the three defenses



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would be necessary in that zone if this was only a sales facility. Friberg said it would not. Hawkins thought this meant that the amount of system proposed would be important for a maintenance facility, but not so much for just a sales operation. Friberg agreed.

Janvrin had observed that when heavy military vehicles went from gravel to pavement, a concrete connector was inserted for stabilization. Boyd thought they might put in an apron, but this was not like a dirt road with dust; it was rocky and thought it ok. Janvrin's concern was a heavy truck might cause disturbance when reaching the pavement. Boyd said it would not affect the drainage, and thought Greene would not see a problem. Greene said the concrete could be done, but did not see this roadway having a lot of traffic. The business changed with the Internet. They average 6 service calls daily – i.e. a truck coming in and leaving the site; 22 parts sales daily, 2 truck sales daily. Most days there are 25 employees, and 5 – 7 part time employees. Seabrook Truck Service did not generate a lot of traffic; he thought most customers would get back onto I-95. Khan asked for the number of delivery trucks. Greene said UPS came 2 x day, and 2 delivery trucks a week. Khan asked what goes into the dumpster. Greene said they use Waste Management for the trash; fluid is held in a closed system and the fluid is filtered and picked up about 2 x year by an outside contractor. Trucks back into the building, solvents clean up residue. The only gasoline would be in employee cars, not for use on the site. Janvrin asked about dust control. Greene said a coarse gravel identified by the state would be used; hard silty clay was underneath the hard pack gravel; it might be more sandy at the constructed wetlands, but dust would not be generated on the site.

Hawkins asked for Janvrin and Morgan's view of the status. Janvrin said the TRC input was important, but thought the request was only to start building and paved surface construction. Greene asked for some type of conditional approval; he needed to order steel, but would go back to the TRC if needed. Hawkins did not call for another TRC review, but wanted TEC to review the new plans. Greene agreed. Janvrin recommended a conditional approval. Morgan agreed. Hawkins proposed to review a general list of conditions, and asked about the security information. Janvrin said the February letter from Michael Fowler specified an amount based on the original infrastructure proposal comprising the fueling station; some items would not be installed under the resubmitted proposal. Hawkins asked Morgan for conditional approval options for a retail sales building, which could be finalized at the August 15 meeting; one condition would be to comply with the TRC recommendations. TEC could review the security amount. Morgan was confident the loose ends could be addressed. First abutters should be heard.

Hawkins asked for comments from abutters. Christopher Gordon, a Pineo Farms resident, asked what was meant by "100 percent bombproof" in re this property. Ferguson responded that when driving down a road, no aquifer was 100 percent safe, e.g. a car could tip over. The design for this project was about as 100 percent safe as possible given all of the secondary containment structures as well as the communication systems. Ellen Lopinski she had been patient and felt that the testimony had contradictions; she did not have the knowledge. If this was just a building, why was all the containment needed; she asked if this was for afterwards. Once oil enters, the damage would be done and the aquifer would be gone. She'd heard the LaBranche presentation on rezoning for the aquifer; the current proposal seemed incongruous. Lopinski said 3 years ago the Water Department wrote to ask residents to dispose of pet waste properly to avoid ecoli contaminants; there was trouble keeping up with this. It would be a little too late when oil or other toxic things leak into the water supply.

Lopinski asked whether Ferguson's reference to the Manchester airport involved an aquifer. If there would be no repairs or any residuals from trucks, why was there a need for containment or

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24x7 access to an area because a truck might break down. She thought they had the financial ability and noted the reference to the donated conservation land; the project was being pushed too quickly. She thought it incongruous to speak of conservation land with this proposal, and had hoped to see more residents at this meeting. This was her house; the air she breathes and the water for drinking would be impacted by 18 wheelers traveling the roadways. She asked what would happen if this eventually turned into a repair center – it would be a lot more than 2 or 3 trucks a day. Hawkins said the project being reviewed at this meeting was for sales only. They would have to return to the Planning Board for a maintenance request.

Dave Pineo had lived in the Pineo Farms area for 56 years and had seen a lot of changes. He thought that Boyd had been asked if this project would conform to the proposed regulations, and that Boyd's response was "I think they can". Pineo said that did not do it for hm. The wells were about 300 or 400 feet behind his house, and were a viable source of water for the town. the proposed project would be about 1000 feet from the test wells. He asked if they were willing to gamble. Boyd said when they looked at positioning the auto refueling, they studied the aquifer protection maps, and that measurement was more than 1500 feet according to the Water Superintendent. The building project under review was approximately 1800 feet. Hawkins reminded that the Board was currently reviewing a plan for a sales building, not a plan for maintenance or for refueling. Boyd agreed, and stated that the plan under discussion did comply with the standards that LaBranche had presented earlier in the meeting.

Jim Pourier of Pineo Farms Road asked if there were bays included in the retail building; Morgan said there were. Porrier asked why the Board was acting on something that put the horse before the cart. It seemed reasonable to see this as circumventing before going to the ZBA and saying that the Planning Board did this, when in January the Planning Board referred this to the ZBA, because of the aquifer. Hawkins said the Zoning Ordinance did not allow vehicle maintenance in this area, so the Planning Board could not approve a plan that included vehicle maintenance. If the ZBA said "yes" the Applicant would have to return to the Planning Board to comply with the ordinance that would include groundwater protection. The discussion for Case #2013-24 was for a sales operation; they would have no permission to do vehicle maintenance. If the Applicant wanted to build a building with bays to show the trucks, it might be a total waste of money if he never gets permission from the ZBA to do [maintenance] in the aquifer protection zone.

Hawkins emphasized that the Planning Board did not have the authority to approve a plan with vehicle maintenance, which is why the Applicant was sent to the ZBA. The ZBZ said they would not allow vehicle maintenance in this area, however it is zoned for commercial use i.e the sales operation. There is a distinction between the sales and the maintenance part of this business. The Planning Board was reviewing a plan only for sales, and not for maintenance. If the ZBA changes its mind, the Applicant would still have to come back to the Planning Board and meet whatever requirements the Board determined were necessary to protect the aquifer. Janvrin added that returning to the Planning Board would have to be submitted as a new case. Porrier said the aquifer would be a concern, and he thought the property values would be diminished. He said a reasonable person would say that Greene had the right to sell trucks, but would be concerned about the aquifer and the property values for self and community interests. Hawkins said it was the Board's responsibility to consider the views of the abutters.

Porrier commented that at the ZBA meeting Boyd said traffic would be removed from Route 1. Stard Road was very narrow; he had a situation where a Greene truck was waiting at the entrance and there was no way for 2-way traffic to proceed. He wanted to know if this would be considered by the Planning Board. Hawkins said traffic impact is a consideration for every plan that the Board reviews. Typically the volumes are higher than for this proposed project, which



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would be considered a low level retail operation. Porrier said pedestrian traffic should also be considered e.g. traffic flow, no shoulder, the ability to walk or bike to a store. Hawkins agreed. Greene concurred that a truck parked on Stard Road would be a problem, which was why there was a gate on the plan so a truck could get off Stard Road. Lopinski asked if this is retail only, why did they need to be open for 24 hours. Janvrin said the plan called for 6AM to 8PM normal daily operation. Boyd acknowledged that people had thought this would be a 24 hour truck stop, so the plan stated normal hours would be from 6AM to 8PM, but there was reference to emergency hours. Lopinski asked why emergency hours would be needed if there were no repairs. Boyd said a truck for sale might be picked up in Maryland and didn't arrive until 2AM. . Lopinski said that would be carte blanche. Boyd said he had referred to removing heavy truck traffic from Route 1 because trucks for this operation would leave the site and go onto a portion of Stard Road to Route I-95.

Charles Brown said he was a lifetime resident of Seabrook, was in the military, and had worked for Greene. He'd had a trucking business and only went on Stard Road for deliveries. It had been all commercial; he did not remember it as residential. Since it was commercial, he did not know why someone would purchase there for residential. Brown said the Applicant had done what was necessary for the water. Greene always did what he said he would do, and would make it 100 percent. He could not understand the residents who moved in during the last few years knowing it was a commercial area, and did not know why the area turned over from commercial to residential. Gordon said the area had been residential since the 1800s. Brown said Greene's operation was commercial, and there were several commercial operations on Stard Road. He had never seen anyone running down Stard Road which was commercial all the way down.

Hawkins said the area was zoned for the use that was being applied for. The Board's obligation was to assure that everyone was heard and their issues considered. Greene addressed the neighbors, saying he would be the best possible neighbor, and encouraged them to speak with his current abutters with whom he had a good relationship. If there were any issues he took care of them. Greene understood that there was a nice neighborhood near his property. He or Lavin was already around if there was an issue. He wanted the chance to work with the neighbors. Gail Guinasso had hears 24x7 hours and then normal hours, and asked what the restriction would be. She asked what the lighting provisions would be and whether lights would shine on the neighbors at night, and thought there were a lot more questions to answer before giving the go ahead. Had all of the issues been addressed. it would be a retail operation, why were they talking about leaks or injured vehicles. If the vehicles coming in were new and healthy, why would there be such concern about potential damage. She thought a pathway was being laid. Janvrin said the regulations require that all lighting be directed down. Hawkins added that it would not be allowed to shine outside the property line.

Janvrin said that trucks could not be offered or received for sale except from 6AM to 8PM. Customers could only be on site during those hours. Eaton said the Applicant could be inside the building. Guinasso did not think the neighbors were not so concerned about the noise from customers or people inside the building; it would be the noise from the trucks. Janvrin said the town provisions did not allow idling during 10PM through 6AM. Garand said the ordinance provided that noise could not be discernible beyond the property line. This did not apply to a truck in the roadway for reasonable use. As these vehicles were for sale, it was unlikely that refrigeration trucks would be on the site. Janvrin noted that for the Home Depot approval quiet hours had been set. Neighbors had complained that loading noises were heard after hours, and Garand had told them to stop because that had not been approved by the Planning Board. Restrictions were already in place by ordinance.



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Hawkins asked for the need for emergency hours. If a truck drives in and is left there, that would not be operations. He thought to eliminate the emergency 24 hours, because it was not necessary if no maintenance were done, and how often would a truck arrive at 2AM. Boyd said they did not want a problem if a truck was dropped off at 2AM. No one wanted to be there at that hour. Greene wanted the Board to be aware of such a situation. There was a problem with one customer arriving with a particular refrigeration unit waiting for service in the morning. They put a stop to that because in summer windows were open in the neighborhood all night. A truck might be on pavement at the front of the building which was a long distance from the neighbors. They work from 5:30AM until approximately 6PM. Sometimes a driver is away for days and they do not know the exact time they return home.

Hawkins asked if anyone else had comments; there being none. Given the late hour, he asked how the Board would proceed. By consensus, the Board wanted to set the conditions, with the understanding that this approval would be for retail operation only; a new application would be required for any maintenance operation; and moving the fire storage containers would require an application to the Board.

<b>MOTION:</b>	<b>Eaton</b>	<p><b>to approve Case #2013-24 – Proposal by GRA Real Estate Holdings, LLC to re-locate the Seabrook Truck Center and construct a 23,600 sf building (service, office &amp; retail) at 27 &amp; 39 Stard Road, conditioned on:</b></p> <ul style="list-style-type: none"> <li><b>(i) security of \$31,900 as may be revised based on the TEC review;</b></li> <li><b>(ii) removing the emergency hours from the plan;</b></li> <li><b>(iii) TEC to do the final engineering review and the Applicant to comply with the recommendations;</b></li> <li><b>(iv) compliance with the Technical Review Committee recommendations;</b></li> <li><b>(v) the final planset to be entirely satisfactory to the town planner;</b></li> <li><b>(vi) all correspondence with the power companies relating to the easement be made part of the file; future communications to be shared with the Board;</b></li> <li><b>(vii) the site shall not be considered as a safe haven for parking of hazardous materials as defined in the Federal Motor Carrier Regulations while a truck is not being actively monitored;</b></li> <li><b>(viii) the ZBA findings to be listed on the plan;</b></li> <li><b>(ix) state the distance for the Fire Department to access the fireworks container storage area;</b></li> <li><b>(x) the Stormwater Operations and Maintenance Plan on the siteplan.</b></li> <li><b>(xi) the conditions of approval on the final siteplan;</b></li> <li><b>(xii) all outstanding invoices paid;</b></li> <li><b>(xiii) the Applicant will provide a letter to the Planning Board confirming that the conditions have been met</b></li> <li><b>(xiv) the Application will expire in 180 days if the conditions have not been met.</b></li> </ul>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>



**Case #2013-26 – Proposal by 11 New Zealand Road, LLC and Charles Mabardy to establish a convenience store and restaurant at 11 New Zealand Road, Tax Map 7, Lot 87, continued from January 7, 2014, continued from January 7, 2014, March 4, 2014, April 1, 2014, April 15, 2014. May 20, 2014; June 3, 2014;**

At the request of the Applicant Hawkins continued **Case #2013-26 to July 15, 2014 at 6:30PM in Seabrook Town Hall.**

**PROPOSAL BY THE PLANNING BOARD TO AMEND THE SUBDIVISION AND SITE PLAN REVIEW REGULATIONS IN REGARDS TO PARKING, FINANCIAL SECURITIES, AND APPLICATION FEES.**

**Hawkins continued the proposed ordinance discussion to July 1, 2014 at 6:30PM in Seabrook Town Hall.**

**OTHER BUSINESS**

Garand said the engineers for 652 Lafayette Road said that the Board approved these services as a minor change, and asked the status. Janvrin said they would have to comply with the wishes of the Department Heads. Hawkins said it would not be a significant change that had to be reposted. Garand said that would mean that relocating a pipe over a trench would be a minor change, but extending a pipe to a different building should be a major change as there were no calculations for fire suppression or shut-offs on the right of way; the services had no ability to be terminated on town property. Gate valves were installed on private property. Khan thought that digging up those pipes was not a good idea. Garand said that Slayton had been under the impression that the Planning Board had already approved the back building. Khan said the Board had not known about the back building. Garand said Slayton had been told by the Applicant that the plan had already been in front of the Planning Board. Slayton had been misled when he said a gate valve was ok. Lowry said to tell the contractor to rip them out. Garand said to figure out whether it would be an allowed change having the right flow and the proper shut-off ability, and meet all the conditions. Additionally, the water main was installed over the electric line. Hawkins said the expectations would have to be made clear.

**ADJOURNMENT**

<b>MOTION:</b>	<b>Khan</b>	<b>to adjourn the Planning Board Meeting of June 17, 2014 at 10:50 PM.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

Respectfully Submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board