

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF APRIL 23, 2014**

Members Present: Teresa Rowe-Thurlow, Henry Therriault, Robin Fales, Dr. Lebold and John Kelley

Others Present: Paul Garand, Code Enforcement Officer and Jo-Anne Page, Secretary

H. Therriault opened the meeting at 7PM. He explained the procedure for the meeting. He stated the meeting had been posted at the Seabrook Town Hall and Seabrook Post Office and in the Newburyport Daily News. He further explained that this meeting is being recorded and available on DVD at the Town Hall.

H. Therriault also stated that there were three board members present at the meeting and that in order for an application to pass it would need all three votes in the affirmative. He advised that each applicant could continue their case to the next meeting when a full board would be present.

OLD BUSINESS:

Minutes of March 26, 2014 Meeting

Motion: T. Thurlow Accept minutes as presented
Second: J. Kelley
Yes: T. Thurlow, H. Therriault and J. Kelley
Abstain: Dr. Lebold and R. Fales

Minutes of March 26, 2014 meeting accepted as presented.

Case #2014-007 GRA Real Estate Holdings LLC, 27 & 39 Stard Road Map 4, Lots 9 & 11 for Variance to Section 16, Subsection 307 to Permit Automotive Repair & Refueling in Zone 2 (CONTINUED FROM MARCH 26, 2014)

Henry Boyd, Millennium Engineering, appeared on behalf of this application. He stated that this case had been continued from March. He pointed out that the refueling request had been withdrawn. The only request tonight was to permit the automotive repair at this location.

H. Boyd presented the following:

- This was not going to be a 24 hour truck stop
- There would be no refueling
- The aquifer zone is everything west of Route 95
- Auto repair is not allowed in this zone
- Arleigh Greene has been in town with this business 24 years
- Map from Water Department shows that AE Com/EarthTech show aquifer zone with an irregular line
- (He handed out maps to the Board Members showing this property not in Aquifer Zone)
- If this area wasn't west of Route 95 this work would be allowed and a variance for this is needed
- Closest well to this property are 1800 feet away and not active
- Want to make sure what goes there is safe for the town
- Traffic on Route 1 is an issue – this would remove heavy truck traffic from Route 1
- Stard Road already has truck traffic
- The proposed building will be approximately 400 feet long and contain office space, retail area, display area and truck service area
- Front of property will remain the same

They wouldn't need a variance if they weren't going to do repairs
All repairs will be inside in a contained area
There are easements on the property for Unutil & PSNH
No structures will be within the easements
Paving is proposed for the area close to the hotel and in front of the building
There will be a berm to direct the water to a treatment area
Applicant is asking for ability to do repair on this property

Dr. Lebold asked what is on the left hand side of the property. He asked if they could be moved towards the junkyard.

H. Boyd said leased storage for fireworks.

A. Greene said the storage was for 60 days only.

Dr. Lebold asked if they would be willing to work with a condition that the trailers move.

A. Greene said he would agree to that.

H. Therriault asked about the retail sales and vehicle sales. He also questioned the hours of operation.

A. Greene said it was retail used trucks sales, caterpillar repair, 20-25 percent parts/sales but most of the building would be a repair area. He said it was 24 hours. He said little is done there after hours but there are some drop off and pick up of vehicles. He stated that he had withdrawn the refueling request. He said he planned hours of operation to be 6:30AM to 7PM.

Glen Ferguson, Newmarket, NH, Civil Engineer, stated the following:

That he had worked on numerous car/truck dealerships in the area

Protection will be in place for vehicles that might be leaking

The property had been checked and within 6 feet there was clay

Nothing will go into the bedrock

Sell/repair vehicles and new parts on shelves for sale

23,000 square foot building all total

10,000 square feet for 8 bays for vehicle work

10,000 square feet for parts

3,000 square feet for office area

Floor drains will be in place w/separator

99% solvents captured and the rest into floor drains

Exterior will have paved area

Fenced in yard

Storm interceptor which will handle petroleum in case of spill/leak

System will handle all possible spills

Sales area – non paved area

Spill prevention plan kits in place

Storm water prevention plan

Explained the vortex unit proposed to handle spillage

Dr. Lebold questioned the fence and 24 hour operation.

A. Greene said it is fenced in now and that a driver could bring in a truck at night. He said the water will go to the interceptor and then to the detention pond. Roof will spill into trench and then into detention pond. He also advised that the front north area will be paved.

J. Kelley asked about cars.

A. Greene said it was truck and heavy equipment parts and service. He said it was all diesel vehicles.

Dr. Lebold stated that a leaking vehicle could come in.

A. Greene said the driver would make sure the vehicle landed on the asphalt.

H. Boyd said that the only people that can get on the property after hours is with the assistance of one of the employees. He said that all repairs will be in the building.

A. Greene stated that usually they will call if they are bringing a vehicle in. He said that the telephone number is on the building and fence.

Dr. Lebold asked about hydraulic and transmission fluids.

A. Greene said they would all be taken care of inside the building. Safety Kleen comes into his current building and makes sure the system is clean now. He said the containment system is reviewed and cleaned regularly.

Dr. Lebold asked what would go into the sewer system.

G. Ferguson said processed water and sanitary sewer.

A. Greene said that trucking is a dirty business but the EPA has mandates in place to make sure the property is clean.

Dr. Lebold asked about the sound. He wanted to know if there would be barriers or fences.

A. Greene said this property is 12 to 15 feet below the property on the north side. He said there would be an egress door on the south side and that it is rare when his employees are there past 6PM.

H. Boyd said that the current trucking center site is being developed and it needs to move. He said the soil will be monitored and all clean maintenance procedures will be in place. He said that any problem would be taken care of immediately.

H. Therriault stated that the only question before the ZBA was the repair of vehicles. He wanted to know what the hardship on the property was.

H. Boyd stated the following:

- Nature of business is auto repair
- He owns the property and needs to move the business there
- Route 107 has auto repair and gasoline station in the area
- As long as things are maintained it can be done

A. Greene said:

- He had a 10 year plan and should have already moved to this location
- Does not believe property is in aquifer zone but will act as it is there
- Solvents will be in the closed building

Dr. Lebold asked about a fence across the front.

A. Greene said the fence is there now.

H. Boyd stated this request is for auto repair in this area and that there will not be any fueling there.

H. Therriault handed the maps to Water Superintendent Curtis Slayton.

H. Boyd said the map shows the aquifer zone.

C. Slayton stated the following:

- There are several active wells on that side of town – 107, Old New Boston Road, True Road, Ledge Road and Riley Road
- Map was developed to protect wells
- Have explored new water resources which may change the site

Dr. Lebold said that the junkyard could be more of a problem to the water than this project.

C. Slayton said it could be. He said that there are town ordinances in place to help protect the water.

H. Boyd stated that the test well in this area was approximately 1700 feet from the property.

Tim Reeves, 17 Pineo Farms, stated the following:

Water is important
He is an electrical engineer and professional engineer
Spoke to high power lines across the property
Leakage of materials/clay/fireworks could be a problem
Electromagnetic engineering could be a factor for employees
He wouldn't recommend building here for any possible long-term issues
Silty clay – short term problems
Fireworks containers could be risky
Could see lots of risks here and wouldn't recommend going here

J. Kelley asked how far the field was from the lines. He asked if it dissipated and if there was a time frame.

T. Reeves stated it was to the next conducting service. He said his professional opinion was that there were risks that he wouldn't take. There are long term effects and it depends on length of time spent under the lines.

Tina Reeves, 17 Pineo Farms, was concerned with trucks in bays and sitting outside and leaking into the water system. She was concerned with a hazardous plans being in place. She feels this is irresponsible.

Dave Pineo, 36 Pineo Farms, pointed out that this would be moving the traffic from Route 1 to Route 107 and Stard Road.

H. Therriault said that the ZBA has to decide whether a hardship would allow auto repair to be done on the property. Traffic would be covered by the Planning Board.

Lorraine Fogg, 47 Stard Road, stated the following:

1993 she paid \$22,000 for environmental clean up
1995 she was told she could stop testing
Got rid of one million tires on the property
The money for this came from her son's death
Her property has been clean since 1995 per State of NH
If the fireworks containers were moved they would be close to a cell tower
Moved here in 1960's and wasn't used to people telling you what you could do with your property
This project would drop values of properties here
He has the right to move his business
Systems to handle run off is all State mandated
She has had experiences with Mr. Greene

H. Boyd said that the only issue tonight was the repair of vehicles.

J. Kelley asked if the issue was here experiences with Mr. Greene.

L. Fogs said yes, he is not a man of his word. She has found the gates unlocked. He has to have someone responsible making sure property is locked. Noise is an issue and with will head towards her property. Seabrook Fire has had to be there for the fireworks containers.

Charles Brown, Dwight Avenue, stated the following:

Has known this sop to be 7AM to 5PM
Hardly any trucks there after hours
Fire Department has drained the hydrant there
Mr. Greene will do what he says – I believe his is a man of his word
Hardly any noise
I have lived near the power lines on New Zealand Road and have no health issues from that
People move in and want to close everything in
A. Greene does everything by the books

Charles Newton, 70 South Main Street, stated that power lines and their elevations are all set that way for a reason. He also stated that Route 95 makes more noise than this truck center. Selling items will go there either way.

Rusty Lavin, Seabrook Truck, stated the following:

- They have always been in contact with PSNH & Unifil
- Inspections are done regularly
- Fireworks containers are approved to be on the property
- Locks are on the gates and are automated

Chris Gordon, 20 Pineo Farms, stated that this is a dirty business and he is interested in the groundwater results. He also stated that he wondered if the water had been checked on the current site. He also stated that his family walks that road now and they will have to stop because of dangers of trucks. This will affect his quality of life. He feels the project in this area is ridiculous. He said this will drop property values.

H. Therriault stated that the repair was the only issue here tonight.

A. Greene stated the following:

- This used to be a dirty business
- EPA standards are in place
- Monitoring wells with zero contamination
- He will do the same on Stard Road

Gail (no last name given), Pineo Farms (no # given), stated the following:

- Hours, service, repair & locks are a concern
- Didn't like traffic moving from Route 1 to Stard Road
- There were inconsistencies in statements here tonight
- Quality of life will be injured

Jim Porier, 10 Pineo Farms, stated the following:

- Opposed to the plan
- Contrary to public interest
- Noisy business and Stard Road is narrow
- Trucks added will be a problem
- Will affect quality of life
- This is risky to water
- 24 hour lighting will affect the houses

Bob Wheeler, 8 Riley Road, stated the following:

- With Friends of Seabrook Aquifer
- Town has good safe water
- Protect water for the future
- Sales, fireworks and storage there already
- He already has reasonable use of the property
- Gates are not always closed
- Read some issues about activity in 2005
- GRA doesn't believe in rules
- Cigarette smokers are also an issue here
- Hotel safety is also a concern
- Public safety is an issue

H. Therriault again stated that this only question here was whether the auto repair could be done.

A. Gidari, 18 Pineo Farms stated the following:

This area is commercial and residential
That should impact what can go there
Quality of life and values will be affected
The board should protect the residents

Dr. Lebold asked how close Pineo Farms was from this project.
P. Garand said about 1000 feet.

Carmel O'Brien, Deer Crossing, stated the following:
She is continually trying to keep water clean
Accidents can happen
Trucks for fireworks have permission
Approximately 150 trucks could be there

H. Boyd stated that the power wires were taller than 30 feet around there. He also said that auto/truck repair was the issue here.

Motion: Dr. Lebold Continue case to the May 28, 2014 meeting to get an opinion from
Second: R. Fales Curtis Slayton on drainage and to look at a safer location for the
Yes: Unanimous fireworks trailers

Case #2014-7 request for Variance is continued to May 28, 2014 for more information.

NEW BUSINESS:

Case #2014-008 Andrea Eaton, 33 Walton Road, Map 10, Lot 31 for Special Exception to Section 8, Sub-section 8.200 to Allow Family Apartment in Zone 2R

Andrea Eaton and Gina Gaffney appeared on behalf of this application. G. Gaffney stated that this request was above the garage for her to live in.

H. Therriault asked if they were familiar with the regulations for a Family Apartment.
G. Gaffney said that they are aware of them.

Dr. Lebold asked if this apartment fit within the size regulations.
P. Garand said that it did and it is on the second floor of the garage.

H. Therriault stated that if there were no more questions or comments on this application it was time to vote on the application.

	T. Thurlow	R. Fales	H. Therriault	Dr. Lebold	J. Kelley
A.	Yes	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant Special Exception for family apartment in accordance with current
Second: R. Fales regulations are abided by.
Yes: Unanimous

Request for Special Exception at 33 Walton Road is granted.

Motion: H. Therriault Adjourn
Second: R. Fales
Yes: Unanimous

Meeting adjourned at 9PM.


Henry Thernault, Chairman

4/30/14
Date