



## Town of Seabrook Planning Board Minutes Draft

December 6, 2005

Members Present: Sue Foote, Chair; Mark Preston, Vice Chair; Paul Garand, CEO; Tom Morgan, Planner; Mike Lowry, Peter Evans, Paul Himmer, Jo-Anne Page, Acting Secretary.

First item is acceptance of the minutes from November 15, 2005.

**Motion: Preston To accept the minutes of November 15, 2005.**

**Second: Himmer Unanimous; Mike Lowry abstains.**

**Foote:** Next we have an appointment to talk to the Town Treasurer about Security Funds issues.

Oliver Carter, Jr., Town Treasurer: needs direction on what to do about securities on which the PB has never released the funds and especially the letter of credit on case #00-40 London Lane which expires December 31<sup>st</sup> 2005.

Foote referred to prior PB discussion and inspection conducted in September or October and assurances of Wayne Morrill, Jones & Beach Engineers that the road would be finished to top coast the first week in December. We are going to have to write a letter to the owners and request renewal and extension of letter of credit or we will call the security.

Garand questions how long calling security takes and should we begin now.

Morgan says procedure is spelled out in letter of credit so we should put on notice that we are going to have to make some kind of decision at our next meeting.

Garand and Foote suggest making decision now and Garand will call Wayne Morrill and tell him we decided to call it if they don't renew it.

Carter & Preston feel it should be started soon with the bank because of the upcoming holidays. Foote, Garand, Preston, and Carter agree we notify agent and give them until noon on the 12<sup>th</sup> of December to respond or we pull the letter of credit. Preston suggests a formal letter from the PB Chair also be sent.

Carter discusses necessity for Board to let him know what to do especially on Letters of Credit, which have an expiration date. Money held in the bank can't be removed except by the Treasurer. Carbone & Karpenko is another one that expires on the 18<sup>th</sup>. Carter asks how the Board wants him to get information on how to handle potential expirations, come in once a month or what?

Preston feels once a month would be nice. Carter says our next expirations are in March. Foote says some of the compliancy cases being heard on the 13<sup>th</sup> will remove some of the securities from the list the Finance Director produces. Project owners need to realize this is a two-step project: write requesting an extension on their project and at the same time arrange with their bank to extend their letter of credit and provide the Board proof of doing this. If they don't, what they risk is revocation of the site plan.

Carter says if we revoke letters of credits, they won't be able to get another.

**Morgan:** approximately how many un-expired letters of credit do you have on your list?

**Carter:** some letters of credit are not even in the files. I got a performance bond on Border Winds. I have about 25 letters of credit that have expired.

**Foote:** next week we'll look at the Finance Director's list along with our compliancy list and see if we can resolve some of these issues.

Carter reiterates that he will come back at the end of January if he has not heard from the Board.

Next on our agenda is a request for security reduction from Mike Bergeron and he is also requesting an extension on his project until May 18, 2007 (Case #04-19). It was originally supposed to be substantially complete by May 2006. He is asking for a reduction of \$33,300, which is the cost of sewer and water installation. Both Michael Jeffers and Warner Knowles have signed off on the piping and underground



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utilities. I was at a pre-construction meeting and most of the department heads on Friday morning and the release of these funds will allow him to go forward and finish the road. He has a home equity on his house and until he proves to his bank that he has done the work they are not going to release any more funds. We will still hold \$22,450. Evans asks why he needs the extension and who is affected by the delay. Foote says his previous contractor has been replaced and the litigation has delayed developing the site. Garand says there are no investors as this is a family project and he is asking for another year on the project, as May of 2006 would be pushing it to get the road constructed properly.

Foote suggests conditioning the one-year completion extension on the extension of his security and recommends releasing the funds so he will have the funds to complete the road.

**Motion:** Preston To return \$33,300 on case #04-19 Bergeron Way

**Second:** Lowry Unanimous

**Motion:** Preston To extend case #04-19 to May 18, 2007 with the condition that the site security be extended to that date as well.

**Second:** Lowry Unanimous

**Foote:** We also have two requests for Pineo Farms Subdivision. They are calling it Pineo Farms Road and Carroll Lane. There is also a request on London Lane. Foote reads memos from Paul Garand, Code Enforcement Officer, John Starkey, DPW Manager. Preston interrupts to ask that until the department heads sign off on these projects, instead of wasting the Planning Board's time reviewing all the requests for reductions and the DH's comments that the DH's memos go out to the people who have requested a reduction and when those items are complete have the DH's sign off on them and then we can act on the security reduction request. Foote agrees that we have a security reduction checklist that Mike Bergeron used and once it's complete and the DH signs off then we can reduce that section. Preston asks if the others completed the checklist and Foote responds no. Preston says we shouldn't even review these until the DH's sign off that the project is completed so we don't have to go through their comments ten times. And if it's not done, call the bond.

Foote says that the other requests provide our checklist on their stationery but there are no signatures from the Department Heads so we kick it back and say get the signatures. Preston agrees that Bergeron's was done correctly: where the money is coming from, what's complete, why he wants it returned and the DH's signed off saying yes that's fine.

**Foote:** we have had a request from Stan Saracy to accept Stan's Way. We have it reduced to maintenance status right now. From talking with Board of Selectmen, Town Counsel, Town Manager, it's the Planning Board's regulations that say that there will be a two-year maintenance period and we have the ability to change any of that timing if we deem it appropriate. Preston asks how much money we are holding and if the department heads have signed off. Foote states it isn't an issue of money but of being a Town road for mail and garbage and plowing. DPW Manager, Town Manager and legal counsel state that the purpose of maintenance is to have a road go through one winter minimum to prove it will stand up to frost heaves and plowing. It was recommended by Town Counsel, that we could waive this at any time to any amount of time we wish, but he recommended that we might want to rephrase our regulations stating that the maintenance time period should be between 9 and 18 months so the intent being that if someone goes into maintenance in September, we can say okay, next May we'll accept the road but if they ask in January, then it's going to have to go through 9 or 18 months. Preston asked how long it has been in maintenance phase.



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Foote responds we put it in maintenance this fall but the road has had a topcoat of paving for almost two years now. Evans asks how long since the topcoat was put on and how long until two years will have passed. Foote believes about 1-1/2 years since the topcoat was done. Henry Boyd confirms the road has been done for a long time and been through at least one winter finished.

**Motion:** Evans      **To notify the Board of Selectmen that the Planning Board recommends acceptance of Stan's Way as a completed Town Road, that we refund any maintenance security being held and close the case #04-27.**

**Second:** Preston      **Unanimous**

Foote reviews remaining correspondence. Complaint from Howard Eaton regarding trees in Elephant Rock. Garand states they did intrude into the no-cut zone but it looks like they plan to seed in the area in question and he is meeting with the developer, as it is an enforcement issue.

Foote states our grant proposal with Earth Tech of Concord for stormwater training workshops was denied.

Chair Foote opens the Public Hearing on the proposed amendments to the Zoning Ordinance. Tonight is the last chance to clarify the wording for the public notice of the proposed warrant articles. January 3<sup>rd</sup> is the last legal date we can have a Public Hearing for any amendments or ordinances. We have to mail this in to the paper to meet our legal time constraints.

Foote reads the proposed lot dimension amendment: In order to demonstrate the minimum required lot depth and lot width, lots in Zones 2R & 5 must be able to accommodate a 100' square; lots in Zones 1, 2 & 3 must be able to accommodate a 125' square."

- 2) In **Article VI's** dimensional requirements table, replace the term "Average Depth & Width" with "Depth & Width"
- 3) In **Article II**, the definitions of Lot Depth and Lot Width shall be eliminated.

Foote polls Board regarding the phrasing for the January 3<sup>rd</sup> Public Hearing. Evans feels the existing regulation is difficult to calculate and this is easy to understand and results in good shaped lots while allowing special dimensional oddities.

Foote polls the audience on any suggestions they might have. Henry Boyd agreed if it doesn't accommodate the box, they go straight to the zoning board.

Foote goes to next item: 4) In **Article VI's** table 2: change "Maximum # Dwelling" to "Maximum # Primary Structure". This change was brought about by questions on whether a building was a dwelling or a retail establishment, therefore it did not apply to this because in our commercial zone it's called dwelling and they said this isn't a dwelling so we can have as many as we want because there is no limit. This clarifies our intent meant by dwelling by replacing it with primary structure regardless of what zone. Foote polls Board.

Foote reads 6) Add the following definition to Article II of the Zoning Ordinance: "**Substantially Complete**: A project is considered **substantially complete** when all utilities and stormwater infrastructure are installed, the ground surface is stabilized, and the binder course is in place on all paved areas." We discussed this previously and decided to work out a better definition. I passed out to everyone a copy of Tom's suggestion. Plus I emailed everyone a number of articles. Tom has come up with two definitions and we have modified the second one to be a Limited Cut Buffer rather than No-cut. Foote reads definitions for Article II: No-Disturb Buffer: an area where activities that disrupt, move or disturb the soil are prohibited. Limited Cut Buffer: a healthy, well-distributed stand of trees, saplings, shrubs, and



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ground cover that must be maintained and which leaves an intact vegetated buffer. Tree cutting shall be limited to 50% of the basal area of trees, and 50% of the total number of saplings over a 20-year period. I think it's better to call it a limited cut, no-disturb buffer. That means the topsoil cannot be impacted but they can maintain. Preston feels this is a better definition because it allows for maintenance. Foote polls the Board.

Members agree with the Minimum Buffers in Article VI this is good.

Minimum Buffers	Zone	1	2	2R	3	4	5
Limited-cut, no-disturb buffer adjacent to ponds & streams:		25'	25'	25'	25'	25'	25'

**Foote:** Another definition we struggled with is "substantially complete." And I think everyone agreed with "a project is considered **substantially complete** when all utilities and stormwater infrastructure are installed, the ground surface is stabilized, and the binder course is in place on all paved areas." Again, Foote polls the Board and there is no response.

Another item is: Amend Site Plan Review - Chapter 225 by adding **Article Q:** No outside storage of flammable or hazardous gases, liquids, or materials over 2000 gallons aggregate. Utilities for heating a building or motor vehicle fueling station are exempt from this regulation. Foote explains that this was brought up by fire, safety, and code enforcement requests because of uncontrolled potential for huge hazards. Preston raises concerns about the industrial zone and outside silos.

Henry Boyd says you couldn't have a factory come into town that would need those chemicals stored outside. **Jeff Brown**, Fire Chief says you could have a building with venting just like AJ Quinn did. Garand agrees that you could send them to Zoning and they could prove it was safe for the Town and would not impact the Town. Foote adds this is outside storage; inside a building is more safe and secure. Brown adds that your sprinkler system protects items inside the building. Preston agrees with Fire Chief. Foote clarifies this is a site plan review procedure, not a zoning ordinance so it's something the Planning Board has to consider during site plan review. Considerable discussion ensued on whether or not this issue had been brought up to the Planning Board previously, whether it had been Public Noticed, and a suggestion that these items need to be discussed by the Board before being Public Noticed. Foote states that it does not change the regulation until we discuss and vote on it. Garand states that it gives Public Notice so we can take action on it during the meeting but it doesn't obligate the Board to vote on it in the affirmative.

Foote now officially opens the Public Hearing on **Article VI's** table 2: change "Maximum # Dwelling" to "Maximum # Primary Structure". Audience is polled and no one responds. Board is again polled and no one has comments.

**Motion:** Preston **To approve to send to the Town Warrant Article VI's** table 2: change "Maximum # Dwelling" to "Maximum # Primary Structure"

**Second:** Lowry **Unanimous**

Now we also have the Public Hearing to amend the Site Plan Review - Chapter 225 by adding **Article Q:** No outside storage of flammable or hazardous gases, liquids, or materials over 2000 gallons aggregate. Utilities for heating a building or motor vehicle fueling station are exempt from this regulation. The chair polls the audience and the Board.

**Henry Boyd** questions whether any factory would be prevented from coming into Town because of this. **Fire Chief Brown** says that any factories already in existence would be grandfathered and none that he knows of that wouldn't comply with this anyway. What this does is benefits the Town in two ways. One is health and safety, but more importantly to this body, it gives the Town a definitive definition of what has normally been whatever we say it is. The Fire Department doesn't want to be put in a position to say that's unsafe because we say it's unsafe. We want a clear definition on site plans just like dumpsters, hours of operation, etc. and



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if we say to any future developer if you want to locate a factory in Seabrook, if you are going to have anything that is not used for the building utility system, over 2000 gallons, you have to put it inside and they can plan accordingly for that.

Boyd asks if this is just flammables. Foote responds it is flammable, hazardous gases, liquids, or materials over 200 gallons aggregate. Brown states if it is listed in the hazardous material guide, a compressed gas, a flammable gas, liquid, solids, anything listed would be covered under this.

Lowry states that the Fire Chief is looking for containment.

Brown states that he is afraid of a situation where a factory moves into town and whatever they are going to create, it's the nature of the beast in Seabrook that industrial and commercial areas are up against residential areas. So this health and safety ordinance which we would try to enforce anyway, but now we have a clearly definable standard where if it's over 2000 gallons, it has to be inside and people build these buildings all the time. The reason is an outside container is more likely to be impacted by the elements and people than an inside container and if something happens, it happens inside a building with a sprinkler system. In many cities it is required by an insurance company for prevention of theft and vandalism.

Foote adds that most of our industrial zone is in the middle of our water aquifer zone and will further protect our water resources.

Brown: some people may feel 2000 gallons isn't a lot. If you see the propane containers for gas grills that you see in front of stores, we are talking about 200 of those; that's the limit. We are talking about liquid measurement. So it's about 200 of those cages not the containers themselves. It's quite a bit when you think about it.

**Morgan:** I think it's a good idea but what Article is it? Garand responds it is section IX.

**Evans:** Article IX, Paragraph Q.

**Motion: Preston** **To accept** Amending Site Plan Review - Chapter 225, **Article IX, Paragraph Q:** No outside storage of flammable or hazardous gases, liquids, or materials over 2000 gallons aggregate. Utilities for heating a building or motor vehicle fueling station are exempt from this regulation.

**Second: Lowry** **Unanimous**

Morgan asks what items the chair wants to send to Public Hearing on the 3<sup>rd</sup> of January.

To public notice changes to the Zoning Ordinance agenda items 5) In Article VI (Dimensional Requirements) of the Zoning Ordinance, add a new line as follows:

Minimum Buffers	Zone	1	2	2R	3	4	5
Limited Cut, No-disturb buffer adjacent to ponds & streams:		25'	25'	25'	25'	25'	25'

**Motion: Preston**

and 6) Add the following definition to Article II of the Zoning Ordinance:

"Substantially Complete: A project is considered substantially complete when all utilities and stormwater infrastructure are installed, the ground surface is stabilized, and the binder course is in place on all paved areas." Along with the definitions of Limited Cut No-disturb Buffer for the Public Hearing on January 3, 2006 at 6:00 PM

**Second: Evans** **Unanimous**

The Public Hearing on the proposed Zoning Ordinance changes and site review regulation change is closed at 7:02 PM and the Public Hearing for case review is opened.

Five-minute break is taken.



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Public Hearing reopened at 7:08 PM

**Footnote:** Now to the public Hearings. Case #05-41 Proposal by Eugene J. Dean III, Stard Road Realty Trust II, to build a 4,500 square foot addition, Tax Map 4, Lots 18, 19-22 & 21. We have a letter from Wayne Morrill at Jones & Beach Engineers to continue this case to January 3, 2006 at 6:00 PM.

**Motion:** Foote To continue case #05-41 to January 3, 2006 at 6:00 PM

**Second:** Preston Unanimous

Henry Boyd requests continuance for case #04-50.

**Motion:** Foote To continue case #04-50 to February 7, 2006 at 6:00 PM

**Second:** Preston Unanimous

Our first case is #05-54 Proposal by Anthony G. Dow, Jr. for a Condominium Conversion at 46 & 48 Alison Drive, Tax Map 2, Lot 65. These are revised plans per tech review comments so I recommend not going through tech review sheets.

**Henry Harrison Boyd, Jr.** with Millennium Engineering: simple condo conversion for Anthony Dow on Alison Drive. It is a brand-new duplex. The only deficiency noted had to do with the permanent wetland markers and I added note four to the plan and the other thing was the lack of the wetlands stamp and we ask for approval first and then have the wetlands scientist stamp the mylar.

Foote indicates to Boyd that one sheet is all there is for condo conversion and the documents are in and we have a certification from Mary Ganz for consistency.

The Planning Board is polled for questions, comments, or concerns, as is the general public.

**Motion:** Lowry To accept case #05-54 as complete application for administrative review.

**Second:** Himmer Unanimous

**Motion:** Preston To approve plan #05-54 as a condominium conversion insofar that it complies with the Town of Seabrook's regulations to be signed by the chairman after the wetland's scientist's stamp is affixed.

**Second:** Lowry Unanimous

**Footnote:** now to case #05-55 Proposal by Charles H. Bagley, Sr. for a minor subdivision at 179 Lower Collins Street, Tax Map 14, Lot 28-2. We have a request for a waiver from site plan regulations Article V, Section E pertaining to topography and wetland delineations. So we will have to act on that waiver after we accept it.

**Henry Harrison Boyd, Jr.**, Millennium Engineering representing Charlie Bagley, Sr who is in the audience tonight. Originally Mr. Brown, who did the sub-division, left a two-foot strip of land in between this parcel and his land at that time. Subsequently that strip was purchased by and conveyed to Mr. Bagley to give him frontage on Viola Circle. We are creating another building lot and dividing his house off in the front to give him three lots. The lots are square. We do not know what is going to be built. One of the comments from the Tech Review was who declared there were no wetlands on the parcel. This is the last of the parcels on what is already developed around it. I didn't want to put my client through the expense of having a wetland scientist go down there for that simple statement on that plan. Could we waive that requirement?



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Foote indicates that she has driven the area since the Tech Review and while she is not a licensed wetlands scientist she is willing to state as chair of the Conservation Commission that there are no discernable wetlands on that site.

**Evans:** was Viola Circle surveyed for wetlands when the subdivision was done?

**Preston:** it was a gravel pit that was filled in

**Foote:** there was a wetland survey when Viola Circle was created and I looked at the old plans and there were no wetlands delineated in that area at all.

**Boyd:** there are some other issues that I would like to bring up. Charlie erected a garage over the sewer line, which serves his daughter's duplex. Warner Knowles, Sewer Superintendent met me in the field and says he cannot allow this; it's a violation of state code because of sewer gases. I propose we put a new tie out of the existing manhole on the site. For the water services I have created a water line easement so the two water lines and the two existing shut offs can remain across Lot 2A. The sewer has to be changed. This garage is into the building setback by 1.6 feet. State law says that the Zoning Board shall grant dimensional relief and equitable waiver if the result is of an honest mistake and it wasn't caught in time. So the Zoning Board has to act and grant that but any approval on that would have to be conditional on that equitable relief being granted.

**Foote:** should we go through the checklist before we decide whether we accept it for deliberations? Preston suggests we summarize it. Boyd offers to review it. Foote questions that one-foot strip that was transferred to Mr. Bagley. Boyd says he references the plan that conveys that strip. Foote says why doesn't it show a different dimension where it abuts the Bibaud property.

**Boyd:** before Bibaud's lot was conveyed to him that lot still remained that had the tail on it. When Marc bought it, the tail was already gone. I had labeled two lots 2C and that is changed.

Preston asks for address on 2B.

**Boyd:** 82 Viola Circle per the assessing department. Next comment is on waterline for 2B and easement for 2A and there is a water-line easement detail in the right hand corner. The topographic contours are next and I would ask for a waiver on that and I submitted the letter. Next point is the error of closure and my plans conform to accuracy for NH Urban Survey, which is more accurate than your requirement. We are building a driveway on lot 2C at some point. Water and sewer need to be signed off at the time of building permit application. I think they are more appropriately reviewed at that time than at the Planning Board meeting.

**Foote** explains that this is all part of our subdivision regulations and we have to know where items are in larger subdivisions.

**Boyd** continues to read Tech Review checklist: Warner wrote "Sewer service will have to be sealed and the manhole at Collins Street invert to be rebuilt." That's what I was talking about abandoning and sealing. I propose an invert study so the contractor will be able to tie in at the right grade. None of the sidewalks on Viola Circle impact this; they are on the other side of the road.

**Foote** reads engineer comments. Explains why Tech review suggests double lines if plan is to condo in future. Without utilities on plan in Viola Circle right of way, someone could come in to develop lot 2C and we could have a problem on our hands.

**Motion:** Lowry To accept case #05-55 as complete for administrative review.

**Second:** Himmer Unanimous

**Motion:** Preston To grant request for wavier for topographical contours and wetland delineation.



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**Second: Lowry Unanimous**

**Foote** asks for additional comments or questions.

**Evans:** I think lot 2B's water service should come off Viola Circle. I am not comfortable with a water line coming off Lower Collins especially with the open question regarding the setback over the garage.

**Preston:** he's granting an easement from Lot 2A to Lot 2B.

**Foote:** I would be willing to allow it to be as it is now, knowing that if and when they should ever decide to condo it because it is a duplex, at that point in time they will have to move the water services off Lower Collins to Viola Circle so there can be two water services.

**Boyd:** they have two water services already.

**Preston:** the easement is already done.

**Morgan:** are the water lines under the garage?

**Boyd:** best I can tell they are. I met with Warner and his recollection is they ran parallel to and east of the sewer that was there. The sewer has to be abandoned in place. The easement secures the right for future owners to rework that.

**Evans:** that's my opinion that we take care of it now; I see no reason to burden Lot 2A unnecessarily when we could take care of it now.

**Foote:** it's unfortunate it was built that way.

**Boyd:** this water line is five feet deep.

**Foote:** it would be cheaper to tie it into Viola Circle in case there are any problems in the future than move a garage and dig up that whole line. They may never have a problem.

**Evans:** I am still not comfortable with it. Right now it is a family situation and this is a hidden thing that will haunt some future homeowner when we could take care of right now.

**Preston:** there is an easement granted. We want an easement for the Town to be able to shut off the water.

**Evans:** what if the Zoning Board doesn't grant the waiver?

**Boyd:** the regulation says it SHALL grant the waiver if it was the result of an honest mistake and it wasn't caught in enough time

There are no comments from other Board members or the public.

**Motion: Preston** To approve plan #05-55 on condition the Zoning Board of Adjustment grant an equitable waiver of relief on the setback and the chairman sign the plan once it is granted.

**Second: Himmer Unanimous**

**Foote: case #05-56** Proposal by George & Donna Eaton for a minor subdivision at 11 Laura Lane, Tax Map 15, Lot 6-4. The Planning Board has a problem with even being able to view this application because Laura Lane is not currently a Town Road and by the Planning Board's regulations we can only create lots that have legal frontage on a public road, which means a Town Road. Until Laura Lane is completed and petitioned to the Planning Board to accept it as a Town Road, we cannot create any more lots on this. I am aware of discussions from some residents living on Laura Lane that they want to keep it as a private road. That must be resolved prior to our considering this plan. I have a copy of the Zoning Board variance that allowed reduced frontage for both of the proposed new lots and part of their granting of the variance was with the condition that the two single family houses on Lot A with the 85 foot frontage and the one single family house on Lot B with 90 foot frontage on acceptance by the Planning Board approved public right of way and



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that a notice be filed with deeds that these properties are fronting on an approved public right of way by the Planning Board and not owned by the Town of Seabrook. I do not believe we can create a lot that is not on a town road.

**Morgan:** that's correct and I was unaware until this afternoon that there was a question about the street's status.

**Footo:** it is one of the cases that will be coming before us on December 13<sup>th</sup> as a compliancy case. We have already given a one-year extension that expired in June of 2005. I believe we have some site security in the form of a passbook. I believe most of the work has been done on Laura Lane. There is an issue with some of the storm drainage swale construction.

**Preston:** if they wanted to keep it private

**Footo:** they could keep it a private road but couldn't subdivide this lot because our regulations state it has to be on a Town Road

**Preston:** but if they filed a notice that these properties are fronting on an approved public right of way and not owned by the Town of Seabrook

**Footo:** they would be able to keep Laura Lane as a private road if all of the existing lots on Laura Lane added wording to their deeds to indicate it was a private road. That language has to be in the deed to protect the town.

**Preston:** if they did that, would they be able to get these?

**Footo:** no because it's still a private road and we can't create a lot on a private road. The only way they can do this from my understanding is to complete Laura Lane and petition the Town to take it and the Town has to accept it as a Town Road and then, they can do this subdivision because they have received a variance from the Zoning Board of Adjustment for the frontage.

**Morgan:** I think you covered it, Article VI of the Zoning Ordinances is pretty clear on requiring frontage on a public right of way.

**Boyd:** I want to make sure Mr. Eaton was directed down the proper path. I don't know how the Zoning Board grants a variance on a road if it wasn't a public way to begin with. I was at that hearing and was very confused. Sometimes people aren't made aware of the intricacies.

**Footo:** finish the swale work in front of that one lot and it complies with the plan and we can proceed with putting it into maintenance and accepting the road but the owners of the project have to request that this happen after that swale is completed.

**Boyd:** technically it's the owner of the right of way. I would like to see a remedy if most of his family is interested in keeping this road private that we petition the Zoning Board to get a variance to divide on a private road and that would allow you to be able to do that.

**George Eaton, 11 Laura Lane:** I have tried to get the road completed and I have been stopped by the person you said the swale has not been completed in front of their home. I don't understand. It has held up for five winters now. We have had no problem with the drainage.

**Footo:** you realize if you want to keep it as a private road, then it's my belief, you are not in obligation to complete the drainage swale section that is a problem right now because it will not be a Town Road.

**Eaton:** I would like to see it completed.

**Footo:** another thing is that drainage swale should be located in that area that is dedicated in the right of way for the road so if you are the project owner, technically you currently own the square footage of that right of way on which that road lies; it's my understanding that the property line of all of the houses that abut that road are outside of the right of way and the drainage swale is inside the right of way.

**Eaton:** I understand that. I am not the owner of the road. I believe it's in the process of being switched over from my mother's name to my brother's name who lives in the home with my mother. I don't know if it's



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completed yet. I believe the bond is still in the bank and I have approached the people in whose name the bond is held and they just don't want to do it.

**Foote:** this is one of the cases we are going to deal with next week to bring to completion or resolution

**Eaton:** I do not want to have it a public road myself. I believe we care for that road

**Foote:** worst case scenario the Planning Board could initiate the procedure to take the bond by default, hire a contractor to go in and finish the road and take it as a Town Road. The reason why we haven't initiated that is because we have all heard that the residents want to keep it a private road.

**Eaton:** I can only speak for myself.

**Foote:** if the Planning Board initiates the procedure to take the money, we will complete the road and it will be a Town Road.

**Eaton:** when I went to the Zoning Board I wasn't aware of what you read and that stipulation was never stated I don't believe. I can't recollect it.

**Boyd:** in fairness to George the status of the road went back and forth. They granted the variance, which would lead you to believe...

**Preston:** I don't know if you can legally grant a variance on something and send it over to us that we don't have the authority to do

**Evans:** doesn't exist. Did I understand you correctly that you implied the owner of the right of way can finish the swale regardless of the opinions of whoever's property it abuts?

**Boyd:** that doesn't mean without strife however

**Morgan:** if I understand Mr. Eaton correctly he prefers it to remain a private road. In which case the most obvious option is go to the zoning board and ask for a variance for no frontage on a public road. That would enable the Planning Board to approve a plan.

**Evans:** can they put a second dwelling on this without the lot line?

**Boyd:** he could put a second dwelling on there if he had to. You're talking about a condo conversion type of situation?

**Evans:** would it have to be a duplex?

**Garand:** no zone 2R would allow a separate structure

**Evans:** that would be under joint ownership

**Boyd:** on the same lot

**Foote:** as it sits there could be two houses on the same lot with the proposed subdivision it affords the availability for one more dwelling because lot 4B could have a house and lot 4A is large enough for two dwellings.

**Evans:** was it a condition of the Zoning Board that they remain single families?

**Boyd:** I don't think so. It was a condition that one of them was.

**Foote:** with a condition that two single family houses on Lot A with 85 foot frontage and one single family house on Lot B with 90 foot frontage on an accepted by Planning board approved public right of way and that a notice be filed with the deeds that these properties are fronting on an approved public right of way by the Planning Board and not a Town of Seabrook owned road.

**Boyd:** its ambiguous. Would you read that last sentence again?

Foote rereads zoning.

**Morgan:** if Laura Lane doesn't go public, this variance doesn't do anyone any good.

**Boyd:** right. If we can get past these zoning issues is there any outright opposition this board has to this situation if we get the variances.



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**Preston:** if they permit it, it's waiving their regulations and personally I think that road will stay in that family for a hundred years and if they want to keep it private, I don't have a problem. It saves tax money. If you can come back with a variance, I personally wouldn't have a problem with it.

**Foote:** I believe the terrain there is sufficient to support three lots. Should you come back in the future, if any of those drainage structures are located in either of these lots that you indicate where they are on the lots.

**Boyd:** they are not. There is one on this side of the road and one on this side--towards South Main.

**Foote:** do you want to withdraw or continue out three months before we need a waiver.

**Boyd:** it's going to be at least until February before they can do anything.

**Foote:** if we motion not to accept at this time and continue for further review in March.

**Morgan:** I am not real comfortable in not accepting the plan because the criteria for acceptance is has he presented enough information to make an informed decision and I think he has. So I suggest you do accept it and then continue to a time certain.

**Foote:** continue to March 7, 2006 at 6:00PM

**Evans:** we need to vote on accepting the plan

**Morgan:** vote now because there is a state law that says you have act in a certain amount of time

**Motion: Preston To accept case #05-56 as administratively complete for review.**

**Second: Lowry Unanimous**

**Foote:** Henry you realize that sometime before March 2<sup>nd</sup> you need to sign a waiver to extend time. We will need it within 65 days.

Next item on the agenda is case #05-57 Proposal by D.G. O'Brien Inc for site plan review for a 45X20 addition to an existing manufacturing facility to upgrade water processing system, One Chase Park, Tax Map 5, Lot 18.

**Paul Varney, D.G. O'Brien representative:** I represent DG O'Brien and I am DG O'Brien Realty as well. We are here to talk about a 45x20 extension to our building to update our water treatment processing and to enclose the system to there will be no discharges back to Seabrook. It does support the Town of Seabrook's master plan recommendations, paragraph 49, requiring the water consumed by Seabrook industrial users to recycle their water. What we are doing is

**Foote:** we only have one set of these plans. Actually what we need is ten copies. We got everything except C1 which shows the actually layout of the plot. At some time in the past week, we received this that only has the one copy of C1 on it. This was not here on Thursday last week when Patricia was attempting to contact Mr. Amato about getting a complete set of plans.

**Lowry:** who is the engineer on it?

**Varney:** I'm a construction consultant. We don't have a site engineer because it's so small.

**Lowry:** so we don't have complete plans?

**Foote:** it appears this C1 is drawn by Millennium and the rest of them are drawn by...

**Varney:** I did the building plan and we used an existing site plan to overlay.

**Lowry:** we don't have enough plans to deliberate

**Preston:** I don't even feel comfortable

**Lowry:** I make a motion to deny

**Motion: Lowry To deny case #05-57 due to lack of adequate and proper plans necessary for consideration.**

**Second: Preston**



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**Preston:** I realize this isn't a huge addition, but I think it should meet our regulations. I can't see passing this one plan around.

**Foote:** Our contact information is going to the address on the application and he is not getting in touch with you. Our secretary sent the tech review information and a post-it note referencing the web site that has our site plan requirements, what's supposed to be submitted with a package.

Varney: I will follow up and take the lead on that.

**Foote:** are you going to be able to get everything done on these plans for December 20<sup>th</sup>? I'll have Jo-Anne make you a copy of the tech review notes and I'll write a web site at the bottom where you can look up our site plan requirements

**Preston:** there is not even a licensed land surveyor's stamp on this. I'd like to move it to January.

**Motion:** **Preston** To continue to January 17, 2006 at 6:00PM

**Second:** **Lowry** **Unanimous**

Discussion ensued as to DG O'Brien's meeting the requirements for submission and the coming hearing schedule for the Planning Board.

Next case **#05-58** Proposal by Arc Source Inc. for site plan review to connect two structures at 609 Lafayette Road, Tax Map 8, Lot 3.

**Henry Harrison Boyd, Jr., Millennium Engineering:** I wanted to state for the record before this case. That previous plan had our name on it. I didn't give any authorization for that plan to be here tonight and they had changed it. It looked like ours but they said Millennium so I told them if they are going to use our plans they need to get my permission first. It wasn't stamped because I didn't see it.

This plan is a result of an on-ground instrument survey which defines the property lines, the taking of the State, measures the median down to show where it is, it calculates building area, parking, sealed surface areas and what I am trying to do is give the Board the ability to see what is actually out there. The joint meeting with the PB & ZBA helped iron out some areas. One of the variance petitions was to have the ability to have two primary structures. Mr. Nichols was not interested in doing that. The property now belongs to Mr. Nichols, Arc Source, and we are proposing to connect this building. Both variance requests have been taken off the table. All the industrial uses on the site are now commercial.

I show the parking calculation to show he more than complies. It isn't striped. The compliant parking spaces are aligned to prove they will comply with the parking regulation with the pavement that's already down. I was reluctant to tell you that I could do storm water drainage and this situation has been here fifteen years and I don't think I could get it to work on this site. The highest elevation is at the rear of the site where it is undeveloped. There is no drainage problem nor runoff to the neighbors. We are not asking to increase any sealed surface at all. In fact the building connection is over what is now existing concrete. No increase in sealed surface. He is proposing a compliant use. What he will be looking to do is sell his product. He has a lot on London Lane where he hopes to produce the product he will sell here: small acetylene, propane, and helium bottles. He sells to flower shops, dentists' offices, and things like that. The ZBA did not want him retailing his product in an industrial zone. This list is the products to be sold. The containers average from 10" high and 8" diameter to about shoulder height tanks for helium balloons. The product will be delivered on site from the industrial site by way of a truck. The largest truck is a 28-foot box truck. This is going to be for the retail product. I know the fire chief is going to have the whole building sprinkled.

**Preston:** he is going to use the total property for that one use?



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**Boyd:** he's going to use the building and the parking as it is right now for that use. I don't know whether he would have a tenant out in the back, but it has to be a commercial use.

**Garand:** the original site plan shows this back building as an accessory building to the front building and then it depicts a small area of pavement, even though it isn't paved, it's without site plan approval and you're saying we should grant a waiver because it's been there. But it was done without approval. Now Mr. Nichols has bought something that he knew had a cease and desist against it and I feel strongly they should do the drainage studies and show that it can't be done. He bought something with problems and he needs to fix those problems if he wants to use it to its full potential.

**Morgan:** Paul, just exactly what was done without approval?

**Garand:** this site was approved for boat sales and a car sales area. It had a garage bay and a small radio installation bay I believe in the front building. The back building was shown as storage, approved for boat storage only. At that point, in the last fifteen years, he changed the building, put in garage doors, put in heat, utilities, and structures without any building permits. He paved the back area without building permits or site plan approval. No changes. Now he's asking for forgiveness saying it can't be done.

**Preston:** that's not Arc Source that did it?

**Garand:** it's not Arc Source. But he bought that property knowing there was a cease and desist against that property.

Discussion ensued among Board members and Boyd regarding this property being changed without following Town regulations.

**Morgan:** how long has the present extent of impervious surface been in place?

**Boyd:** I don't know.

**Garand:** I don't know when it was put in. The original site plan shows that it only goes a quarter of the way down the back and that was only for parking for the sales area. No permits, no site plan approval, no drainage approved

**Morgan:** we don't know when this happened. I am trying to establish how long the property has functioned the way it has in terms of drainage.

**Garand:** I have no idea

**Foote:** definitely in excess of five years and possibly in excess of ten years, possibly in excess of fifteen years.

**Boyd:** when the pavement was placed down it probably wouldn't have been required to go to the Planning Board. It makes sense to get what we have here in line and documented from this point forward. To go through all of the Planning Board's site regulations now, the State took a great deal of this property. There is no runoff problem here now.

**Evans:** if you are interested in documenting, wouldn't that include some type of statement as to what the drainage is currently?

**Boyd:** the contours basically show that. The drainage pattern hasn't changed. There would not have been more runoff; it would have just come off at a faster rate.

**Garand:** the Town never had a chance to review that. There is no lighting, no drainage, nothing on this plan. Not even the parking. You just show it. You show pavement here. Now we're going to have a use on this property at an intersection that is already impacted by traffic at 107. I think the median strip needs to be defined. I believe any change of use to that extent, from what was on the original site plan, to what is here presently needs to be reviewed by this board.

**Boyd:** where do I start? We have to address what we add, not what's already there. What do I size it for?

**Foote:** I do know the drainage onto the site has increased considerably, from my own observations, that's now running off Lafayette Road and down the driveway.



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**Morgan:** if the Board thinks the application is deficient, we should give Henry some instructive direction.

**Foote:** I believe there should be some attempt to try to keep the drainage on site. No increase is semantics but was originally designed for an unimpacted, vegetated area that goes to pavement. Now is the time to resolve the drainage issues. Put a couple in-ground treatments where it filters into the ground as opposed to running off might go a long ways towards helping with any stormwater. You say no one complains. That's because there is a right of way that runs to the lot behind this and right now that site and the right of way is all overgrown shrub, scrub. That doesn't mean that someday in the future someone isn't going to come and say what have you done? This was my access to out there and now all it is is a drainage ditch. So because right now there is no one here saying you're dumping water on my land doesn't mean it isn't happening.

**Boyd:** if it hasn't happened over 15 years how is it going to happen now?

**Foote:** it has become wet through this area and this area flows out to the pond in the back

**Boyd:** where do you want me to begin? Do we look at the plan Paul was talking about and from that point say that this wasn't paved and we try to size some area in the back? I can't design drainage for this entire site to fit out there. It won't fit.

**Garand:** it should make an attempt to contain it so we have stormwater control

**Boyd:** where do I start?

**Foote:** I just recommended in the area where it says existing paved parking lot. If you could put a couple in-ground facilities that recharge right there

**Boyd:** if the water table is deep enough

**Garand:** you have to worry about oils and contaminants and all the stuff on that site

**Boyd:** I'm not crazy about a deep sump-leaching basin here because of the reasons Paul is talking about. If we do anything it would be installing a bituminous berm or something to keep the water directed away from here to an area out in the back, possibly we can excavate an area that we can all run into and lay into and then filter through some sands. I just can't tell you how deep the water table is because I don't know. We need to know what we have to do.

**Garand:** so when you are finding out what this buried tank is out there, find out what the ground water elevations are. I'd like to see lighting, some attempt to contain stormwater, to see a more complete application.

**Foote:** we need consideration of traffic control. I know your applicant is going to scream bloody murder but this is one of those sites that most definitely should be a right in right out only.

**Boyd:** it is anyway. This goes down another 102 feet to the end of the median.

**Foote:** correction, no it doesn't.

**Boyd:** the median is 102 feet further down this way.

**Foote:** no it is not. I drove by there and looked. The median stops just about where your W on walkway is. I almost got broad sided by a tractor-trailer truck that was turning into Chevy Chase Road around that corner-

**Boyd:** my survey shows it goes just beyond the sewer manhole to about that

**Foote:** the painting does, yes. the raised berm, no. The raised berm stops about where the S in Seabrook is (on the plan)

**Boyd:** what do I do?

**Garand:** lots of people turn left there. That intersection going into Bob's parking lot, Phantom Fire Works, the gas station and this place here and I'd hate to see a truck load of gas cylinders being broad sided because some one was in a hurry

**Boyd:** what do we do, condemn the site?

**Garand:** it's not a point of condemning the site. We're trying to plan a safe site.



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**Morgan:** what about extending the raised median down a few feet?

**Boyd:** you need State approval

**Foote:** initially the State was supposed to extend it and for some reason they didn't

**Boyd:** I can't tell you I'm going to be able to raise the median

**Foote:** saying it's 102 feet to the end of the median strip, that turns into paint. That's like saying it's 57 miles to the end of where the double yellow lines stop.

**Boyd:** if you want me to show raised median I can. I didn't do that to deceive you. The median strip is 102 feet.

**Foote:** painting does not stop cars

**Boyd:** there are limits to what this guy is going to be able to do here

**Morgan:** are you going to approach DOT and see how they respond?

**Boyd:** I will. But then when Bob's Furniture and Phantom Fireworks come in, your decisions impact them.

**Garand:** if the expansion of businesses along Route 1 impacts it, as long as it's safe, that's what we're here to do. That's what the PB does is make safe harmonious decisions to make sure this Town works right.

**Foote:** the people at Bob's and the future Phantom, more than likely their customers are going straight in 107 and go behind to access them because it's a lot safer that way

**Boyd:** that's true. I don't disagree. Steve Nichols bought the site knowing it's a right in right out. That's not a question. I can't stop someone from disobeying the law. I will dig a test pit out here and find out what's going on. I don't think he is proposing any new lighting. What we will do is try and find out what's on the site and I'll find out what he wants to do about a sign.

**Garand:** I think any of the lighting that's on site should come into conforming with the regulations. If it's there existing and it has sag glass lenses, it should be changed so it meets today's regulations.

**Boyd:** I feel DOT is going to be reluctant to touch the median because it has just been done. So we've got the median, the lights, the stormwater and was there anything else?

**Garand:** any sign changes

**Preston:** buried tank

**Foote:** one of the comments from Warner is that the water line is in the wrong location.

**Boyd:** that water line is shown based on what the water department had. They didn't have anything updated.

**Garand:** are there two water services going into that building?

**Boyd:** there have to be because they didn't have new ties for the new one

**Garand:** in the front south corner there is a 6" or 8" ductile iron pipe for water rights

**Boyd:** I show a water shut off service here but there were no ties at the sewer department so I couldn't show it

**Morgan:** will anyone want to look at architectural elevations?

**Garand:** I think you should show what you're going to do. It's going to have lighting, access, and we had a questions about trucks turning around and the loading area with the parking right out there and making the turn in there.

**Boyd:** I laid a template on here to see that the trucks could get around the building corner and then back in. We're only going to have a 28-foot box truck coming here. There will be no tractor-trailers.

**Foote:** did you get the comments on the tech review?

**Boyd:** Tom points out everything that is missing but he also says and I have a waiver request here. But Tom recommended you grant waivers for that stuff and he thought this would go a whole lot longer to getting this place compliant and I agree with him.

**Foote:** here is (Foote reads)"a request for a waiver from site plan regulations based on the town planner's comments and the fact that this site is already in existence." You didn't specify what regulations you wanted released. Foote continues



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**reading:** "There will be no increase in sealed surface and the site fully complies with the parking requirements. We hope that this plan is an aid to demonstrating what actually exists on the site. As you are aware variance requests were withdrawn. The buildings will be connected and there will be Industrial Use." I don't think the Board is willing to waive unspecified site plan regulations and I don't think we're willing to waive our entire set of site plan regulations.

**Boyd:** Tom should have been more specific.

**Morgan:** I was specific. I was talking about architectural elevations and stormwater calculations and landscaping. Obviously that's been discussed tonight and I now know which way the Board is going with that.

**Boyd:** I don't mind looking into all the things you have suggested. I want Seabrook to be a better place too. I can't promise you I can control all of it.

**Foote:** I think that now is the time to create proper documentation for this site and try to bring this site into as much compliance as possible. There is no attempt to direct toward any individual, past owner, current owner, future owner. It's that we know this site has been in the past sometimes grossly out of compliance and I think now is our time to bring it into as much compliance as possible. The Planning Board needs a set of plans in its files for the future that show as much compliance as possible, that shows architectural elevations so that if some time ten or fifteen years from now this site should go awry again we will have the documentation to say this is what was approved. You do not have permission for that. That's part of the problem with this site. It was let go for too long without the permission to be what it now is.

**Boyd:** I appreciate what you are all trying to do but I want you to know I cannot comply with those regulations with the site the way it is now. For example, the green space: the State took the land.

**Foote:** comply as much as you can and we will consider waivers for what you cannot comply with

**Boyd:** that's what we will do.

**Foote:** continue to February 7, 2006 at 6:00 PM

**Boyd:** I have another question, Paul. The reason this got started is because he was under a cease and desist order. Does this buy him time?

**Garand:** as long as he is taking a step forward, that's what was in the minutes. As long as it's before the PB it's in compliance at that point. My department will take no action until we resolve it.

**Foote:** next we have case #05-59 Proposal by David & Jessica Brown for a minor subdivision at 69 Collins Street, Tax Map 10, Lot 80. We do have a request for (Foote reads): "a waiver from Article V, Section E of Subdivision Regulations (plan details). The relief requested is from showing the items as mentioned in the town planner's letter to the board of November 30, 2005. We are also requesting a waiver from Article VI Section S requiring a 90-degree intersection with Collins Street." So what was in the town planner's letter to the board November 30<sup>th</sup>? Article V, Section E?

**Boyd:** the regulation about the line coming off not at a 90° angle

**Foote:** no that's Article VI, Section S that's the 90° intersection.

**Boyd:** I'm sorry. What's the one you said?

**Foote:** reads again: "a waiver from Article V, Section E of Subdivision Regulations (plan details). The relief requested is from showing the items as mentioned in the town planner's letter to the board of November 30, 2005."

**Boyd:** did you have his letter?

**Foote:** I've read it. I don't have it with me and I don't remember it in detail.

**Boyd:** (reading from document): "The plan does not depict topographical contours, all the utilities, street lights, fire hydrants, and erosion control measures. Due to the small scale of the proposal, I recommend waivers." So I was just referring to how he had said it, which I agree with.

Henry Harrison Boyd, Jr.: Mabel Silva owns the property and she and her son are with us tonight. She will be selling a piece of property to her neighbor David Brown. David and Jessica actually live on Janvrin Drive and will be purchasing hopefully Lot B. Lot A at this point is actually a two-family, is that correct Paul?

**Garand:** originally there was the old Brown residence that was demolished by the Town and if you look at the plan there is a small connecting structure, which still exists from the existing dwelling to the left side of the



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drawing. Out in the front is where the footprint of the existing house was there was a duplex structure and a single family historically on this lot.

**Boyd:** so there were three and if you remember in the 2R zone you used to be able to have three dwellings if you had more than 45,000 square feet. What I attempted to say is that there were three dwelling units on this lot. The hope is that Mabel would be able to divide the lot and still retain the ability to have a duplex on this lot A, a new duplex. And be able to convey to her nephew David, the ability to have a house down back. The lot lines are oddly shaped. We were granted a variance for short frontage. After an accurate survey, we found a little more frontage than the ZBA granted on. But she still needed a variance on Lot B. Based on the way you have voted tonight about the boxes, these lots actually comply except for the way it runs away from the road at a 90° angle and the reason we have done that is because she wanted to have a 30,000 square foot lot and gives a much larger building envelope.

**Morgan:** what about straightening the lines out and asking the zoning board for a variance? Couldn't you achieve your goals that way and end up with two lots that didn't have funny lines there?

**Boyd:** the zoning board isn't supposed to grant a variance unless there is a hardship that I can demonstrate.

**Morgan:** in this case you could argue it makes sense for all parties to have lot lines that go back perpendicular

**Boyd:** what is the harm in having a lot like this? I'm struggling to find that out. Why can't people have a lot that looks the way they'd like it to look? This is the way they want their lot to be shaped and it complies with your new regulation. I just need relief from the 90°-angle item.

Considerable discussion between Boyd and Foote regarding lot shape, setting monuments, and property owner rights.

**Motion: Preston To accept case #05-59 as administratively complete for deliberation.**

**Second: Himmer Unanimous**

**Foote:** reviews tech review report items. Polls members.

**Garand:** what is time frame for the existing dwelling to be removed?

**Boyd:** I don't know. Once they build the new residence, the old house will come out.

**Foote:** I would say the existing dwelling should be removed within 30 months.

**Motion: Foote: The existing dwelling must be removed within 30 months of the Chairman signing the approved plans.**

**Second: Preston Unanimous**

Foote again polls Board members. Asks for public input. No responses.

**Motion: Preston To approve case #05-59 with the stipulation of waiving Article VI, Section S of the Subdivision Regulations which requires the proposed lot line to intersect Collins Street at a 90° angle and to waive topographical contours, all the utilities, street lights, fire hydrants, and erosion control measures per town planner's letter of November 30, 2005.**

**Second: Himmer Unanimous**

**Foote:** we have to hold all plans for 30 days in case an abutter asks us to reconsider. So 30 days from tonight I will be signing the plan and it will be recorded at Rockingham County Registry of Deeds.



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Our last hearing is: case **#05-47** Proposal by Gregory Burzynski, G&D Realty Trust for site plan review to construct a 3,300 square foot addition with stormwater controls to an existing manufacturing facility at 146 Batchelder Road, Tax Map 6, Lot 13-1.

**Henry Boyd**, Millennium Engineering: from our appearance here previously there were concerns about what was going on inside the building as well as environmental concerns regarding chemicals. Tonight Greg Burzynski, the property owner is here to address all of the interior issues. No new signage is being proposed. Everything is staying the same pervious wise. The rear access has been rethought. The owner would like an overhead door for the addition. We want a proposed driveway with a turnout so a truck could back up here. I have a note that says existing soil to be excavated and replaced with crushed gravel to a depth of one-foot existing grade. The process stuff under your binder area. It drains well, it doesn't have the fines in it, but it compacts well too. No new lights. No new employees. It's simply to have the facility lay out better.

**Gregory Burzynski and I own G& D Realty Trust.** (Plans arranged on easel.) I'm moving a 30-foot chrome-plating tank from the middle of my original building into the new building. It is not convenient where it is located now. We use secondary containment for plating tanks. The new tank is steel with a plastic coroseal liner and there is berm that surrounds that tank itself. I comply with all state and EPA regulations.

**Foote** polls board.

**Morgan:** I'm generally in favor of it. Seems to be a good employment generator for the Town.

**Evans:** will the chrome exhaust be moving down here or is that separate?

**Burzynski:** we don't exhaust it. We use fume suppressant, which has replaced exhaust.

**Evans:** what kind of chromium do you do here?

**Burzynski:** We do a lot of different types of plating. We're a NADCAP accredited shop, which is the National Aerospace Defense Contractors Accreditation Program and that specific tank is for plastics and paper mill roll manufacturing. I also do copper, nickel, rhodium, silver, electrolysis nickel, anodizing aluminum. I'm NADCAP accredited for 28 different finishes.

**Foote:** Any other members have any other questions?

**Garand:** you will have one light by the garage door since that is required by code. At that point you will have to meet the lighting regulations. Are all the hours of operation on the plans?

**Morgan:** the town engineer did recommend a bond for \$7,250 for

**Motion:** **Preston To approve case #05-47 with a site security of \$7,250.**

**Second:** **Lowry Unanimous**

**Foote:** as soon as you post your site security I can sign your plans and we will have a package in the office by probably a week from today that has all the stuff you need to know about it.

Meeting adjourned at 9:30 PM.

Respectfully submitted,  
Patricia Welch, Secretary  
Seabrook Planning Board.