

Town of Seabrook
Board of Adjustment
July 22, 2015

Members Present: Henry Therriault Teresa Rowe- Mark Preston
Thurlow
Dr. Robert Lebold Robin Fales Not Present: Michael Lowry
Others: Building Inspector Steve Zalewski Secretary Jamie McDonald

Meeting opens at 7:00 PM

H Therriault opens the meeting explaining procedure of the meeting and where the meeting has been posted. He further explains that the meeting is being recorded and a copy is available at the Town Hall.

Old Business:

Minutes of June 24, 2015 meeting

Motion: Dr. Lebold To accept minutes as written
Second Mark Preston
Yes: MP, TR, HT, RL Accepted as written
No: 0
Abstain: RF

New Business: (A letter requesting a continuance was received prior to meeting opening)

Case # 2015-008 Re-hearing for The Kane Company, 319 Route 107, Map 2, Lot 41, for Variance to Section 16, Sub-Section 401,402,403 to permit Storage & Use Handling of Regulated Substances in Zone 3- Industrial.

Motion: Dr. Lebold To accept request for continuance
Second Mark Preston until August 26, 2015
Yes: Unanimous Continuance to August 26 , 2015
No: Meeting granted
Abstain:

Discussion on the number of times a continuance can granted and the cost to the applicant.

Case # 2015-009 KPTR Holdings, LLC c/o Law office Steven G Shadallah, 894 Lafayette Road, Map 7, Lot 93-2, for Variance to Section 6, Sub-Section M. To permit a heavy industrial use being an asphalt facility in Zone 6M.

Henry Boyd of Millennium Engineering represents this case and introduces applicants. He explains that the Planning Board was split thinking a variance will be needed and Attorney Shadallah feels that a variance is not needed but has asked for one anyways.

H Boyd explains what the asphalt plant will provide. He also explains why he feels that 6M is not viable for this particular parcel and that it can realistically only be used for industrial. He agrees that 6M is good for Rte.1, but this parcel is 1000 feet from there. He says that there will be minimal noise from the plant and that his client is willing to do whatever it takes to reduce noise. He gives an explanation on the regulations of liquid asphalt,

T Rowe-Thurlow asks how close the plant will be to the nearest residential area. H Boyd says approx. 620'

Discussion on distance from residential area and what will be in between.

Town of Seabrook
Board of Adjustment
July 22, 2015

Attorney Steven Shadallah reviews the wording of zone and variance noting that 6M allows for agricultural and explains how that could be worse than what is proposed. He reads the difference between heavy and light industrial and explains why he feels that they would be considered light. Discussion on regulated materials and heavy machinery.

H Boyd notes that plants are usually closed in the winter months.

Dr. Lebold asks if congestion on Rte.1 was considered. H Boyd is confident that the planning board will ask for a traffic study.

T Rowe-Thurlow-Thurlow asks about the noise that will come from the rock crusher. H Boyd says that it is more like a loam screen and will not actually crush rock. He explains what the machine does. S Zalewski asks if it will be used to crush anything else. H Boyd says no.

H Therriault asks if there will be a road created to the plant. H Boyd says there will be a road built between World of Wheels and the new auction house. Discussion on the truck traffic in and out of the plant.

H Therriault is concerned about the fumes and "what-not" traveling to the surrounding residential areas. H Boyd explains that they cannot emit fumes. T Rowe-Thurlow says that the smell lingers.

Discussion on potential smells from the plant. S Zalewski notes from comments made by Attorney Shadallah earlier that livestock is not permitted in zone 6M. Attorney Shadallah notes that they are looking for a variance for heavy industrial.

Rick DeFelice, potential plant owner, asks what he can explain to help.

S Zalewski asks how much the plant can produce in an hour. R DeFelice says 200-300 tons per hour. S Zalewski calculates hours and production and expresses concern about the amount of potential traffic in and out of facility.

T Rowe-Thurlow ask the decibel level from the plant. R DeFelice compares it to the noise from a gas lawnmower heard from 100' away.

H Therriault asks about dust. R DeFelice says that a water suppression system is used.

H Therriault asks about stock piles leeching into brook on property. H Boyd says that precautionary structures will be designed to prevent leeching.

Dr. Lebold says that they are admitting that it is heavy industrial for the sake of the application and asking for a variance.

R DeFelice continues his explanation of the process at the plant. He says that it is very simple.

Discussion and questions on procedures, hours of operation, materials and traffic in and out of the plant.

Attorney Shadallah says that traffic is a Planning Board issue.

R DeFelice explains that a product called eco-sorb is used to absorb fumes and that the machinery is self-contained and very quiet.

H Therriault asks if there is anyone to speak for or against this case.

Mary Fraughton, 7 Riley Road, asks how much water will be used. H Therriault says that water is not pertinent to zoning.

John Matthews, representing abutter Seabrook Plaza reads a prepared speech in opposition of the plant. He explains why it is in direct opposition to zone 6M and to compare it to agricultural is ridiculous. He feels that there are

Town of Seabrook
Board of Adjustment
July 22, 2015

more uses that fit into 6M. He explains why a supermarket is concerned with an asphalt plant as a neighbor. He provides an aerial view of the parcel and an article as to why a similar plant has been denied in MA. He does not feel a plant is necessary and ask the board to reject.

Public hearing closed.

	Dr. Lebold	H Therriault	R Fales	T Rowe-Thurlow	M Preston
1	NO	NO	NO	NO	YES
2	NO	NO	YES	YES	YES
3	NO	NO	NO	NO	YES
4	NO	NO	NO	YES	YES
5	NO	NO	NO	NO	YES

Motion:	Dr. Lebold	Motion to deny the request for
Second:	Henry Therriault	variance from allowing heavy
Yes:	Henry Therriault, Teresa	industry in the 6M zone. This is
	Rowe-Thurlow, Robin Fales,	considered a "Heavy Industry"
	Dr. Lebold	1) Tank size needing
No:	Mark Preston	regulations.
		2) Size of equipment needed to
		move raw materials; front-end
		loaders etc. Serious heavy
		truck traffic entering and
		exiting this site, not
		typical of light industry
		3) Potential risk of offensive
		toxic fumes from tar, stone
		dust, and noise migrations
		beyond the property is a
		potential hazard to abutters
		and beyond.
		4) Does not meet the criteria
		for the 6M zone.
		VARIANCE DENIED

CASE # 2015-010 Linda Hanson, 17 Pine Cone Drive, Map 9, Lot 124, for Equitable Waiver of Dimensional Requirements to Section 7, to ask that said terms to be waived to permit lack of required footage for drainage easement in Zone 2R

Linda Hanson explains the reason for this waiver.

Public Hearing Closed.

	Dr. Lebold	H Therriault	R Fales	T Rowe-Thurlow	M Preston
1	YES	YES	YES	YES	YES
2	YES	YES	YES	YES	YES
3	YES	YES	YES	YES	YES
4	YES	YES	YES	YES	YES
5	YES	YES	YES	YES	YES

Town of Seabrook
Board of Adjustment
July 22, 2015

Motion: Dr. Lebold
Second Mark Preston

Motion to grant equitable waiver of dimensional requirements at 17 Pine Cone Drive dealing with "1/10th of a foot"

Yes: Unanimous

EQUITABLE WAIVER GRANTED

CASE # 2015-011 Northvision, LLC, 139 Folly Mill Road, Maps 6 & 9, Lot 228, for Variance to Section 3, Sub-Section 200, Section 13 Table 3 (height if sign and surface area), Section 13, Sub-Section 20 to permit a billboard in Zone 2R

Jeffrey Brown, 118 Railroad Ave, to speak on behalf of Northvision, LLC. He explains what they are looking to erect a billboard in zone 2R that has never been used for residential. He says that this areas has always been used for industrial. He explains what will be erected if granted this variance and that they will have to comply with state regulations. He discusses reasons why and presents pictures on how the sign would not be seen by other than its intended audience. He says that there will be no impact on abutting properties.

Dr. Lebold expresses concerns about the placement of the sign in regards to the truck stop and exit 1. He feels that this would be a distraction.

Discussion on sign changing and distracting while changing.

Peter McLeary speaking for Northvision says that studies have been done on the safety of billboards. He briefly explains the findings and criteria.

Discussion on what would be advertised.

Wayne Capaloupo, speaking for Northvision, says that there were similar concerns for a sign on Elm St in Salisbury and now it is basically unnoticeable.

S Zalewski asks if it can be "dimmed down" P McLeary says that it can and explains the procedure for setting a threshold.

Public Hearing closed

	Dr. Lebold	H Therriault	R Fales	T Rowe-Thurlow	M Preston
1	NO	YES	YES	NO	YES
2	NO	YES	YES	YES	YES
3	NO	YES	YES	YES	YES
4	NO	YES	YES	NO	YES
5	NO	YES	NO	NO	YES

Town of Seabrook
Board of Adjustment
July 22, 2015

Motion: Dr. Lebold
Second: Teresa Rowe-Thurlow

Yes: Dr. Lebold, Mark Preston,
Robin Fales, Teresa Rowe
No: Henry Therriault

Motion to deny the variance request due to the following reasons:
Sign would have no relationship to the property other than being physically located on the property. The location of the proposed sign on the approach to the rest area and exit 1 could present distracted driving and accidents.
Could set a precedent for future applicants in other high risk areas bordering I95.
Is prohibited by most of our sign ordinances in force in 2015 under section 13: Height, surface area, billboard, digital display.

VARIANCE DENIED

Motion: H Therriault
Second Mark Preston
Yes: Unanimous

Motion to adjourn 9:00 PM

Signed: _____
Henry Therriault
Chairman