



Members Present: Jason Janvrin, Chair, Francis Chase, John Kelley, Michael Lowry, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, engineering peer reviewer, TEC;

Members Absent: Alternate; Paula Wood, Alternate, Ivan Eaton III, David Baxter, Alternate; Donald Hawkins, Vice Chair;

Janvrin opened the meeting at 6:40 PM.

**MINUTES OF MAY 5, 2015**

Janvrin recalled that he had not abstained in the votes on pages 6 and 11, and asked for comments on the May 5, 2015 Minutes. Chase noted that Janvrin had opened the Meeting.

<b>MOTION:</b>	<b>Chase</b>	<b>to accept the Minutes of May 5, 2015, as corrected.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**SECURITY/EXTENSIONS/ROADWAYS**

**Case #2014-01, Steve Carbone, Atomic Fireworks**

Janvrin reported that the Water Department had signed off on the release of funds. Accordingly the Planning Board engineer recommended retaining ten percent of the original security amount

<b>MOTION:</b>	<b>Khan</b>	<b>to approve the retention of Case #2014-01, Carbone – Atomic Fireworks, maintenance security in the amount of \$10,450, and to return the balance of security held by the Town of Seabrook Treasurer to the Applicant.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case #2013-15 Waterstone Retail Development**

Janvrin noted that Waterstone had submitted a request for the reduction of its security on April 14, 2015. The Planning Board peer review engineer, Jim Kerivan of Altus Engineering, recommended that ten percent of the original security amount be retained to cover certain items including landscaping, the Water Department punch list, pavement, the as-built and EPA requirements. The Sewer Department Superintendent and the Department of Public Works Manager agreed with this amount. The Water Department Superintendent wanted \$27,500 retained with respect to the water service punch list.

<b>MOTION:</b>	<b>Chase</b>	<b>to approve the retention of maintenance security for Case #2013-15 Waterstone Retail Development in the amount of \$139,250, and to return the balance of security held by the Town of Seabrook Treasurer to the Applicant.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>



## **CORRESPONDENCE/ANNOUNCEMENTS**

Janvrin announced that the Impact Fee Committee would meet on May 27, 2015 at 3PM in the Selectmen's Conference Room to follow up on the 2015 Zoning Warrant approval.

## **PUBLIC HEARINGS NEW CASE**

### **Case # 2015-08 Proposal by 24 Lafayette Road LLC for a 2-lot subdivision at 87 Walton Road, Map 10 Lot 102;**

Attending: Paul Lepere;

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

Boyd said two lots would be created on land known as that of Stanley Hammel currently having one existing house; one new single family house would be built. An easement would be obtained from the Sewer Department because of the depth of the sewer service. The roadway would not be cut. Boyd explained that surveying would be done to complete the 4 acre conservation easement to the town in re the Noyes Pond area. The houses would share a driveway; a portion would be removed. The sealed surface calculations and grading would be shown???) The Applicant was requesting a waiver from the wetlands calculations because the area was within the conservation easement; rods would mark the permanent boundaries. Boyd said as only one house was being added, there was no need for a Technical Review Committee meeting. [[[There would be a 2 percent increase in sealed surface.

Morgan asked for the best way to get town equipment to the dam for maintenance. Boyd said to ask Lepere for an emergency access easement. Lepere noted this was a little hill. Boyd said this would be for emergency access travel. Lepere agreed. Morgan said to depict the easement on the plan. Robert Fowler asked about ownership of the pond. Boyd did not know, noting that the town had an easement; there was nothing to be done; he would design the easement. Lepere said they had knocked down a barn. The intent was to build a handsome "twin" home. Morgan asked for the age of the buildings. Lepere said the barn dated from 1790; the existing home dated from about 1840 and was now being restored.

Janvrin said all of the wetlands should be given to the town in the wetlands easement. Boyd said there was no need for wetlands permitting, citing the cost, and that the new structure would be 200 feet from the conservation easement. Janvrin wanted the granite markers and the 1840s boundary shown on the plan. He called attention to the Master Plan intent to expand sidewalks and for the Safe Routes for Schools; Janvrin wanted a 7 foot easement for future sidewalks. Boyd said sidewalks should abut the existing pavement, and suggested they might be better placed on the other side of the street where there was a 10-lot subdivision – not on private property. This should wait for the grading; there should be no additional sealed surface. Janvrin said that the swales flowed toward the road. Boyd said that the DPW cleaned the drains. A good part of the impervious area would be gone. Chase commented that Sue Foote had been seeking ways to repair the dam. If that occurred the town would have to repair the driveway. Fowler said an excavator could go on the grass. Boyd said they would show the tree line as close to the boundary line. Chase said to show the outfall.



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Morgan asked about erosion control while the house was being built. Boyd said they would add silt fencing. Morgan asked about the assessing lot numbers. Boyd said they were fixed. Morgan noted the crossing of the sewer line. Boyd said they will show the easement. Morgan asked about the electric utility. Lepere said this would be underground. Morgan said to show the water service to both lots; no ties mark the shutoffs; the Applicant should have a memorandum from the Water Superintendent. Boyd agreed they should get a memo, and would use dig safe for lot #2.

<b>MOTION:</b>	<b>Lowry</b>	<b>to accept Case #2015-08 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

Discussion of questions pertaining to waivers, easements and procedures resulted in the following votes:

<b>MOTION:</b>	<b>Chase</b>	<b>to grant a waiver for Case #2015-08 of Section 4.530 of the subdivision Regulations in re delineating water resources.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Lowry</b>	<b>to grant a waiver for Case 2015-08 of Section 6.221 of the Subdivision Regulations in re mandatory sidewalks.</b>
<b>SECOND:</b>	<b>Chase</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Chase</b>	<b>to waive a Technical Review Committee session for Case #2015-08.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

Chase recommended no security for Case #2015-08

<b>MOTION:</b>	<b>Kelley</b>	<b>to waive security for Case #2015-08.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

Khan asked if there would be access for the Rail Trail. Boyd said that access would be through Library. Chase commented that Foote thought that the pond might need dredging.



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<b>MOTION</b>	Lowry	<p>to approve Case # 2015-08 - 24 Lafayette Road LLC for a 2-lot subdivision at 87b]] Walton Road, Map 10 Lot 102, conditioned on;</p> <ul style="list-style-type: none"> <li>(i) depicting the water services for lot #1 and obtaining an easement if necessary;</li> <li>(ii) depicting an access easement for maintenance and repairs to the Lot #2 conservation area acceptable to the Town Planner and the DPW Manager;</li> <li>(iii) depicting the easement for the sewer service for Lot #2;</li> <li>(iv) written signoff on the shutoff locations from the Water superintendent;</li> <li>(v) depicting the silt fencing and monumentation for Lot #2;</li> <li>(vi) depict all utilities as underground;</li> <li>(vii) the revised plans to be satisfactory to the town planner and the peer review engineer;</li> <li>(viii) all invoices to date being paid prior to the Chair signing the plans and the pre-construction meeting.</li> </ul>
<b>SECOND:</b>	Kelley	Approved: Unanimous

**ONGOING CASE**

**Case # 2015-07: Proposal by DDR and Tesla Motors Inc. to install 8 electric vehicle charging stations on 10 parking spaces at Seabrook Commons, 700 Lafayette Road, Tax Map 8, Lot 55-200.**

Attending: Jesse Karp, Regional Manager, TESLA Motors

Janvrin called attention to the Technical Review Committee Minutes of May 11, 2015, and the letters from TESLA responding to the TRC and DDR, in re their support and re the parking update, as well as the turning radius drawing as requested. Karp said the TRC comments were appreciated, noting that per his letter the primary concerns were re the parking spots and safety. According to the DDR parking memorandum, there were 90 retail spaces in excess of the zoning requirements in the proposed TESLA vicinity, of which 56 were for Panera and 20 were for expanding the number of cars for the Outback. TESLA needed 10 spots of which 4 would be dedicated to TESLA cars, 4 to accommodate other electric autos, and 2 spaces for the transformer and electric connections.

Karp said the TRC expressed concern about potential impacts on the charging stations; they will design a system of bollard enclosure that would be satisfactory to the Building Inspector. TESLA will provide an operational manual and training for fire and police personnel. A lock box allowing fire department emergency access will be posted. He called attention to the turning radius drawing showing the sweep for trucks as adequate. Zalewski wanted to see the bollards drawing in advance. Friberg said to coordinate the drive aisles and bollards with Zalewski.



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Chase asked if more parking spots would be a good idea. Karp said they were leasing the spots, and also working with Unitil. Janvrin commented on the drive aisle protection noting that the footprint fits the current specifications. Khan wanted to be sure the fire and police concerns were addressed as a condition of approval. Friberg commented that this was a new technology, so training plus a fire safety plan was appropriate, noting that the single mishap was with outside faulty wiring. Karp commented that there were 4 or 5 transformer connections nearby. Zalewski asked about using the other side of the driveway. Karp said that would require an ok from the Outback. It would be cost effective to pull the power to the island. Chase asked if they did borings. Karp said they did. Janvrin noted there were no water or sewer connections. Chase noted there would be access all around. Karp said there could be different designs, but only single gates that do not open into a drive aisle. They work in a confined area. Zalewski emphasized the need for crash hardware on the fencing to protect the transformer. Karp said they would provide a fire safety plan that addressed extrication in an emergency. Morgan thought the discussion was getting close to over-engineering.

Chase asked why they would not use a guardrail. Karp said that DDR was concerned about keeping with the overall aesthetics of the shopping center. Khan asked if they used metal posts. Zalewski understood they would use steel cylinders with foundations, filled with concrete. Friberg commented that guardrails could be yielding.

<b>MOTION:</b>	<b>Kelley</b>	<p><b>to approve Case #2015-07: DDR and TESLA Motors, Inc. to install 8 vehicle charging stations on 10 parking spaces at Seabrook Commons 700Tax Map 8, Lot 55-200 conditioned on the Applicant:</b></p> <ul style="list-style-type: none"> <li><b>(i) providing \$5000 as security;</b></li> <li><b>(ii) providing a written fire safety plan, and training for fire and police department personnel prior to opening;</b></li> <li><b>(iii) installing a lock box with the key provided to the fire department with instructions for emergency shutoff;</b></li> <li><b>(iv) installing a safety barricade satisfactory to the Code Enforcement Officer and the peer review civil engineer;</b></li> <li><b>(v) depict power connections, gates, fencing with essential information and training for first responders;</b></li> <li><b>(vii) providing a letter from Unitil as to its approval and satisfaction with the transformer design;</b></li> <li><b>(viii) providing revised plans entirely satisfactory to the town planner and the peer review civil engineer;</b></li> <li><b>(ix) paying all of the open invoices to date prior to the Chair signing the plans and scheduling the pre-construction meeting.</b></li> </ul>
<b>SECOND:</b>	<b>Janvrin</b>	<p><b>Approved: Janvrin, Chase, Khan, Kelley,</b>  <b>Abstained: Lowry</b></p>



## OTHER BUSINESS

### **Yankee Greyhound Raceway consultation**

Attending: Michael Kane, Kane Company;  
Gordon Leedy, VHB Engineering, Nick Smith, President, CEO, Rick Dumair, Rand Whitney Corporation;

Janvrin noted that a concept discussion had been requested, however, the Application for this proposal was submitted to the Planning Board office earlier in the day. Kravitz said the case identification would be #2015-11.

Kane said the Kane Company Inc. was buying the Yankee Greyhound Racetrack and summarized the current proposal concept as comprised of 3 industrial buildings of approximately 100,000 square feet, and a 350,000 square building which might have a mixed use including offices. Rand Whitney would be the lead industrial tenant for the first 100,000 square foot structure. Kane explained that they were trying to work around the zoning ordinance which prohibited containers of a regulated substance in an amount greater than 5 gallons, which he said would prohibit any industrial use. They had requested a variance from the Zoning Board of Adjustment, but were denied. They had filed an appeal to the ZBA ruling and asked for a rehearing. If granted, the Applicant would provide more information and ask that the ZBA approve the variance conditioned on allowing or requiring the Planning Board to deal with issues with respect to regulated substances. To advance their proposal, Kane said they had filed a siteplan with the Planning Board for a 107,212 square foot building to be located near the road with parking on the side and in the rear. The prime tenant would be the Rand Whitney Corporation.

Smith said that Rand Whitney Containers was founded in 1938 and was owned by Robert Kraft and his 4 sons. The holdings included the paper packaging division, The New England Patriots, a recycling division, and an international forest products division which was the largest in the world. The paper plant operation handled boxes and corrugated sheets, for which 5 to 7 truckloads would make deliveries from their Devens, MA location. Smith said their first plant was in Dover, subsequently in Rochester, and then a lease in Pease which will be up in the summer. They need to be shovel-ready as soon as possible in a larger facility to promote growth. Ethan Allen was their largest customer, now they were in northern and eastern MA. They want to have a greenfields project and will add equipment and jobs. They anticipate using about 200 gallons of water per day and need loading docks and height. Lowry asked what chemicals they would use. Dumair opened up a corrugated sheet. Smith said they use hydraulics, water soluble ink in a few colors, and grease for bearings and motors; they have 4 tractors.

Khan asked if they had had any issues, including health issues, with any city or town. Smith said they had had no issues with a city, the NHDES, or health. Khan asked if the product was not harmful. Smith said their products were used by PepsiCo; they made bags for Frito Lay; Staples was also a customer. Other products were used for medical devices and foods. Cardboard boxes were in daily use. Janvrin asked about the number of jobs. Smith said currently there were 44 in Pease. They needed space for more equipment, and expected to increase some jobs over time. They would build a state of the art new building, making a significant investment for growth.



Janvrin said that Seabrook had created 4 economic revitalization zones through the NH Department of Environmental Services, although only one had been implemented. The Board of Selectmen will evaluate this application to make state tax credits available to corporations. Khan said that the Board of Selectmen had expressed support for this project. Lowry asked for the hours of operation. Smith said it would be one shift in the sheet plant, and perhaps another if more jobs were added.

Leedy reminded that the zoning ordinance controlled the land use. Rand Whitney would use adhesives and lubricating oil which were normal in industrial facilities. They would produce a specific SPCC plan for this building and also for any other building on the site; adequate safety measures would be provided. The ZBA would only approve the process. Morgan pointed out that they had asked for the ZBA to approve the entire property. The Planning Board and or the Fire Department could approve or disapprove. He noted that if the ZBA grants the conditioned variance, new language would then have to be developed.

Kane said they were in discussions with about 8 potential tenants, 3 of which were of large scale. Rand Whitney and other businesses like it could not operate with a 5 gallon maximum. They need a clearly delineated way for single or multi-tenant building development. The Planning Board could decide what would be safe. Chase said they had previously included a residential component and asked about this going forward. Leedy pointed out the southwest corner of the property as being a heavy recharge area suitable for residential development, as well as town recreational and/or conservation land. The Applicant was willing to work with the town on this prospect. Lowry asked about a buffer for abutters. Leedy pointed out the large grade and the intention to create an increased buffer wall with robust evergreen trees. All of the activity would be inside the wall with well insulated buildings to protect the neighbors and the wetlands area. The Applicant would meet with the neighbors to hear about their concerns. Kane said they would elaborate details for the Planning Board, and wanted to please the neighbors. The neighborhood meeting would take place on Tuesday, May 26 at the Yankee Greyhound facility.

Janvrin asked for other questions; there being none. The application had been submitted on May 19. The Technical Review Committee meeting would be scheduled for Thursday, June 4, 2015 at 10 AM in Seabrook Town Hall. This is prior to the first Planning Board hearing on June 16, 2015 at 6:30 PM in the Town Hall; the TRC comments would be available to the Board at that meeting. Plans would be distributed to the TRC members on Thursday, May 21. The second Board hearing on the merits would be on June 7. Khan noted that the property address was on New Zealand Road at Route 107.

### **ZONING ISSUE**

Janvrin distributed an attorney/client communication resulting from a telephone call that he and Kravitz had with the Planning Board legal counsel. Counsel's advice to the Planning Board was not to intervene with regard to the Kane Company's appeal of the ZBA variance denial and request for a rehearing. The Planning Board should take no action and should not advocate for a specific case. Should a rehearing be granted, the Planning Board could convey its thoughts generally in a letter to the ZBA; neither Planning Board members nor the Board's counsel should appear at the ZBA hearing. Khan thought that this discussion could be interfering. Janvrin noted that the [Yankee Greyhound] application was now before the Planning Board, and to wait for the ZBA decision.



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Janvrin said that the Town Manager will ask Town counsel if a special town meeting to amend the zoning ordinance would be allowed on the same date that the Town was holding a special election for a replacement state representative. Morgan commented that Leedy had been ambivalent in re a special town meeting. Janvrin commented that the Planning Board could proceed as long as the ZBA did not still deny the Kane requested variance.

Kravitz asked Morgan at what point the Planning Board could temporarily amend a zoning ordinance until a town meeting. Morgan said not before 6 months prior to the town meeting. Khan emphasized that the Board members would do what was best for the town. They were not trying to please an applicant.

Janvrin adjourned the meeting at 9:07PM.

Respectfully Submitted  
Barbara Kravitz, Secretary  
Seabrook Planning Board