



Town of Seabrook Planning Board Minutes

Tuesday, April 3, 2007

NOT OFFICIAL UNTIL APPROVED

Members Present: Sue Foote, Chair; Peter Evans, Vice Chair; Mike Lowry, Clerk; Aboul Khan; Paul Himmer; Robert Moore, Ex-Officio; Paul Garand, CEO, Alternate; Elizabeth Thibodeau, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent: Mark Preston

Attending: Jeff Brown, Chief, Seabrook Fire Department;

Chair Foote called the meeting to order at 6:10 PM.

MINUTES of March 6, 2007 and March 20, 2007

Foote said in the drafts there were some omissions to be filled in, but the bulk and intent of the minutes is correct.

Motion:	Foote	to conditionally approve the Minutes of March 6, 2007 and March 20, 2007 pending filling in certain omissions and correcting any typos.
Second:	Moore	Approved: Unanimous

ELECTION OF PLANNING BOARD OFFICERS

Foote said officers need to be elected for a one-year term.

Motion:	Khan	to elect Susan Foote as Chair of the Seabrook Planning Board for a one-year term.
Second:	Thibodeau	Approved: Unanimous

Motion:	Foote	to elect Peter Evans as Vice Chair of the Seabrook Planning Board for a one-year term.
Second:	Lowry	Approved: Unanimous

Motion:	Foote	to elect Mike Lowry as Clerk of the Seabrook Planning Board for a one-year term
Second:	Khan	Approved: Unanimous

REQUESTS FOR SECURITY REDUCTIONS OR EXTENSIONS

Foote referenced a request from **Advanced Auto [Case2006-10]** for a security reduction. David Baxter said they are still working on the Security Reduction Checklist.



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CORRESPONDENCE

Foote referenced a letter from **Nextel Communications of the Mid-Atlantic requesting a thirty-day extension for the Case #2006-56 Notice of Decision**. Ninety-days is allowed to complete the conditions of approval set forth in NODs, after which approval is withdrawn. Moore asked if this was for site review. Foote said this relates to the flagpole tower. Moore recommended a ninety-day extension in case of weather delays.

Motion:	Moore	to grant a ninety-day extension to complete the conditions set forth in the Case #06-56/Nextel Notice of Decision.
Second:	Himmer	Approved: Unanimous

Foote referenced the letter read at the last meeting from the attorney re accepting Merrimack Street. A letter has been received from the **DPW Manager who contacted Altus Engineering to see if their punch list had been completed satisfactorily. A letter from Altus Engineering dated March 23, 2007** states it was not kept informed and, therefore, did not inspect the construction. Accordingly it does not have an opinion as to the acceptability of the work done on the unconstructed or unresolved items referenced in its September 23, 2004 communication. Although several items appear to be completed, Altus gives no opinion as to their acceptability. However, concern is expressed about why it was necessary to patch new pavement and the developer should submit as-built plans that show the survey bounds, underground utility locations, and other details that are different from the approved plan. Foote said last fall, in a site walk with Frank Richardson and Henry Boyd, the route for the Boardwalk that would be the least impacting to the sand dunes was identified. It was also agreed that the Boardwalk was not meant for cars, so the width was reduced to four- feet. Boyd said this is shown on the as-builts. In his letter, the DPW Manager concurs with Altus and says the road is not yet ready for acceptance.

Foote referenced a letter from the **Department of Environmental Services (DES) stating it has denied the wetlands access permit for the Ledge Road subdivision [Case 2007-03] approved by the Board**. This case may need to be revisited; the mylar is not yet recorded as there are some documentation issues.

Foote referenced a letter from **Stephanie Sullivan-McCaughey of American Trust Mortgage asking whether the Board will require site review for its proposed purchase of 1 Walton Road**. The building has been used as a bridal shop, a day-care center, and a car sales facility which Foote noted the Board never approved. Garand said the structure, which was severely damaged by the last tenant/owner due to water damage and animal urine, is prudent to raze. The proposed use is for a real estate and mortgage office and McCaughey asks if the Planning Board would waive jurisdiction as long as all there is compliance with the adopted regulations. A two story-colonial would replace the existing structure within the existing setbacks. The Code Enforcement Officer would review the work in connection with the building permit application process. The building size is not increased so the parking would remain the same. McCaughey has included sketches of the proposed building. Foote asked for Garand's comments. Garand said they are looking to replace a severely



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damaged building. Foote said the concern is with the existing setbacks which would no longer be in compliance. Garand said the intent is to use the existing "footprint". A site plan review would open other items and might make the site unbuildable. Foote said there is no problem waiving jurisdiction at this time provided the same building footprint is used. Garand said a purchase and sale is in progress. McCaughey said the drawings are in the exact footprint, although the roof sloping is to be changed, and there will be a little more office space.

Moore asked about the parking. Garand said there is a substantial portion of paving, except for where there had been a playground. McCaughey said they would like to pave that area for parking. Foote said any additional impervious surface would have to comply with siteplan regulations. It is grandfathered as it is. More impermeable surface would require compliance with stormwater treatment, which allows the water to soak in, as opposed to sheet-off. Moore said this means crushed stone and gravel or impermeable pavers. Himmer asked if using the existing foundation is planned. McCaughey said it will remain as it does not appear damaged. Foote asked for Evans' comments. Evans said it appears more parking is needed. Moore asked for the square footage on the footprint. McCaughey said a little over 3000 square feet. Moore said this means twelve parking spaces or one space for every 250 square-feet. Morgan asked if other businesses will occupy the building. McCaughey said not at this time. Foote noted several offices, conference rooms with the potential of twelve employees and twelve clients. Garand said the building now is two stories and zoned commercial so the proposal would be allowed. Morgan suggested Garand confer with the Applicant to work out the parking which, if a problem, would be returned to the Board.

Motion:	Thibodeau	To tentatively waive jurisdiction on the American Trust Mortgage proposal pending the Applicant meeting with the Building and Code Enforcement Officer on compliance, and to return to the Board if more parking is needed.
Second:	Moore	Approved: Unanimous

Foote referred to an e.mail from Attorney **Mary Ganz** asking the Board to waive jurisdiction of a site plan at this time for **PJD Properties, 173 Route 107 (Pat's Towing.)** The Zoning Board of Adjustment has granted a variance to allow retail sales of no more than twenty-five vehicles provided (i) fencing be placed in front of the impound area, (ii) the Planning Board be made aware of the possible environmental issues, (iii) no offsite vehicle storage, and (iv) if any violations, the variance will be rescinded. Ganz said Jason Page would assist in the presentation as she must be absent.

Page is a good friend of Pat at PJD and helped with the variance. Except for the sliding gate to the impound area, nothing on the property is changing, ie no new surface. Only retail vehicle sales and service would be allowed. A car may be tagged but the lot is not changing in any way. The expense of submitting an entire siteplan would probably put them out-of-business. The objective is to do some sales first. The Conservation Commission, DES, EPA will all be looking in on this operation. Installing a spill kit is intended for impounded vehicles or for vehicle service. Also putting in a "sock" behind



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the impound area to catch oils and sediment. The timeframe that the State will allow for upgrading is not yet known. Garand noted that after a certain number of days impound cars must be sold. The bio-sock is a great idea, Garand said full site review probably isn't needed, but he wants to see a written requirement for compliance with State and Town regulations. Morgan asked if Garand recommends this comes from the Planning Board. Page said only up to twenty-five cars can fit on the lot.

Evans said PJD wants to do the right thing and should be allowed all the tools that might be available including advertising. The concern is that the environmental issues have been flagged by the ZBA and this is essentially a change of use. By waiving jurisdiction the public is denied the opportunity to weigh in on their own concerns. Since the potential applicant seems to want to be a good neighbor there shouldn't be any problems with a site plan review. Evans favors accepting jurisdiction. Foote said for site plan review the applicant would have to comply with all of today's standards including extensive excavation, sumps, grease collectors, storm drainage etc. The business would be shut for several months and might be cost prohibitive, and suggested waiving jurisdiction provided all of the enhancements discussed at this meeting are put in place. Garand pointed out the only change is the sale of vehicles as the other business exists on the site. Page said he was sure the Applicant would look into any better ways to control the contaminants. Moore said there would be compliance items when the State addresses the license. Garand said maintaining the facility to the State standards would also be required. Foote asked for other comments. There being none:

Motion:	Lowry	To waive siteplan jurisdiction for the PJD Properties proposal for retail vehicle sales at 173 Route 107, subject to Code Enforcement and Zoning Board of Adjustment compliance regulations.
Second:	Khan	Approved: In favor: Foote, Moore, Lowry, Khan, Himmer, Thibodeau Opposed: Evans

ANNOUNCEMENTS

Foote referenced the memo in the Board packet to the Board of Selectmen concerning the Planning Board space issues.

Foote referenced the Office of Energy and Planning April 28 Spring and Zoning Conference materials and encouraged any interested Board member to contact the Secretary by April 10 to make attendance and payment arrangements. Reference was also made to the LCHIP item in the Legislative Bulletin, the potential stricter limitations to the right-to-know law, and an article on hemlocks.

Chair, Paula Wood, said Foote will speak with the Budget Committee on April 19 about the Capital Improvement Program. Foote said this is to create understanding about the process and better help



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coordination with the Budget Committee. Khan said although he has been elected to the Budget Committee, he will attend that meeting with Foote as a Planning Board Member. Foote said the State recommends one member of Boards sit on other Boards to create good communication.

PUBLIC HEARINGS

Case #2006-31 Proposal by Developers Diversified Realty (DDR) Seabrook LLC for a 4-lot subdivision at 700 Lafayette Road, Tax Map 8, Lot 55: continued from March 6, 2007

Case #2006-32 Proposal by Developers Diversified Realty (DDR) Seabrook LLC to construct a 441,290 square foot shopping center at 700 Lafayette road, Tax Map 8, Lot 55, continued from March 6, 2007.

Lowry recused himself from this meeting.

Attending for DDR: James Grafmeyer, Vice President, DDR; Stephen Lehmann, Project Director VHB; William Tanguay, McNeill & Gallo; Jake Tinis, Wetlands Scientist;

Attending for Unitil: Scott Shepard

Foote asked if both the subdivision and site plan are to be discussed together and the final vote be taken in tandem. The Board agreed, and Grafmeyer said this would be preferred.

Foote said the Secretary has been in contact with department heads and engineering advisors who are reviewing the revised plan pages, and asked if additional comments have been received. Kravitz said additional memos from Morgan and the Water Superintendent are in hand. Morgan suggested asking VHB to summarize the latest change-pages. Foote said beforehand other DDR communications would be addressed.

The Planning Board Office is calling attention to a substantial DDR invoice outstanding since December of 2006. Grafmeyer said a check and a letter will be sent this week. Foote said a bank would be charging hefty interest penalties. Kravitz said all of the underlying invoices have been paid by the Planning Board. Foote emphasized this is only what was accumulated through December 8, 2006. An interim invoice has not yet been issued to avoid confusion.

Yesterday a letter was received from DDR requesting another rescheduling of the Traffic Meeting. Many scenarios are being looked at and the traffic study revisions will not be ready by April 17. DDR believes the mitigation revisions should be addressed in the entirety, and will have a better idea for the timing within the next few weeks. The goal is to provide the Planning Board with a full traffic package two weeks prior to a meeting. Foote said the issue is how much lead time is needed for the consultants who have been asked to attend, eg Rockingham Planning Commission, legal counsel, the Board's peer review advisor, et al. Moore asked for the final date on the Board of Selectmen continuance. Kravitz said June 5th. Foote asked how the Board would feel about scheduling another special meeting. Morgan said it is a good idea to avoid exceptionally late meetings. After a discussion of potential dates with the Board and Grafmeyer, the preferred date for a special meeting was set for May 29; the back-up date is June 12. Grafmeyer said a waiver would be granted to June 19.



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Foote said a fax was received from Wayne Morrill of Jones & Beach Engineers on behalf of Seabrook Holdings II, asking the DDR project be continued to a future date because the final plans submitted by VHB show no drainage culvert under the proposed access driveway into Provident Way. Morrill said prior site approvals for neighboring parcels were designed to have an overflow discharge into the roadway swale. The VHB plan would block the discharge capacity and possibly cause flooding on the four lots and on Provident Way. Morrill said there have been meetings with VHB but so far no design has been presented that would not cause an adverse impact to the drainage system. The request is for the Board to continue siteplan review until these issues are resolved.

Foote referenced a sitewalk last week with Frank Richardson of DES in response to residents of Rocks Road 's concern. Richardson asked to see the DDR site and was not pleased. Richardson reminded that while DES can provide a permit for altering wetlands, the Town has a zoning regulation indicating that in order to maintain a well-vegetated wetland no more than fifty-percent of the trees can be removed from a wetlands, and the herbaceous layer is to remain in tact. Foote read Article 15 Section D of Seabrook Zoning Regulations which was not adhered to during the Unitil clear-cutting of the site. A zoning variance should have been sought from the ZBA. If a very wide swath has been clear-cut, Foote believes that would be a zoning violation. Grafmeyer said a few meetings ago it was determined that not more than fifty-percent was going to be cut, and the Planning Board granted permission. Foote said the fifty-foot wide swath Unitil was supposed to stay in now appears to be considerably wider.

Lehmann said the easement has never been shown as fifty-feet; rather it has been shown as 75 - 85 feet depending on location. The only place fifty-feet is referenced is where it exists currently up at the front of the property. Morgan said at this point the Board has to determine whether a variance is required; the burden would be on the Applicant to demonstrate compliance. Lehmann said this was demonstrated in prior meetings. Morgan said the basis for the demonstration is known but Unitil did something different, and it is not known how far over the line it went. Lehmann said Unitil can speak to that issue, but he did not think it is to the gravity or severity that is being implied. Morgan said there is not enough information to draw a conclusion and the Applicant should lay that information on the table. Lehmann said the easement for a transmission line was not put in place to service the DDR property, and is not connected to the siteplan. It is part of a process Unitil went through to establish regular power for the community. The easement would be in place in any case. It was legitimately applied for based on Unitil's perspective and met their requirements. Lehmann said Unitil is prepared to speak to this issue. To attach the easement to DDR's site plan review is inappropriate because it is only coincident in the timing.

Morgan said he is trying to determine whether there is a zoning violation.-Garand asked if the easement existed previously on the parcel. Lehmann said "yes". Garand asked then how can they say it is not part of site development and said he had brought this to the Planning Board's and Board of Selectmen's attention weeks ago. Now the woods and the buffering are destroyed. What was said wasn't done and it's now a mess. Lehmann said the issue was created when DDR had to deal with the



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brownfields. The private transformer, that did not belong to Unitil, had to be removed. Garand said they could have used the existing easement. Lehmann said they would have had to rerun lines and equipment. There was a reliability issue. Lehmann referred to Garand is saying DDR messed it up, saying that is not the case. Garand said DDR is the property owner. Lehmann said Unitil is the owner of the easement; DDR is not responsible for the location of the poles or for the cutting of the trees to install the poles. Unitil is responsible for that and it is willing to address this. From DDR's perspective it's important to separate the entities. Evans said DDR agreed to the change of the easement.

Grafmeyer said this had been brought to the Planning Board where it had been discussed for hours. The Board "blessed" the easement and the cutting. Foote recalled DDR said this wasn't the jurisdiction of the Planning Board. It became the jurisdiction of the Selectmen who are in charge of the intent-to-cut, which was the only thing required. Grafmeyer agreed and said the discussion should be with Unitil. Garand said the Selectmen asked for a plan showing the easement which was never provided; the intent was never signed. Shepard said he was at the Selectmen's meeting on February 14, [2007] and it was approved. Evans said whatever concurrence the Planning Board may have bestowed upon this was based on its understanding of how the change in easement would fit in to the eventual development of the parcel. Part of that understanding was where the trees would remain. Moore said the Selectmen approved pending receipt of the map that showed exactly where the cutting would be as trees on town property were to be cut; that map was never received. Only an unclear sketch was provided. This is basically a private easement between Unitil and DDR. What went wrong was whether they cut everything in violation of the zoning. Moore said his observation is they laid waste to a pretty large area.

Morgan said aside from the discussion of who is the responsible party, what is the percentage of trees within the wetlands that were removed. Derek Heap said eighty-percent is gone. Moore asked for detail on where the wetlands are. Tins said the original calculation discussed was for 0.3 acre. Foote said that didn't include the Unitil cut. Heap said they had wetland markers right up to Dow's Lane. Foote said the plans do not show the wetlands lines. Heap said it is all really wet, but when they went out to put out the stakes, a vast percent of it was not considered wetlands. The loggers came in through another area and ruttetted everything. Lehmann said originally there was discussion of which wetlands to include.; Heap's percentage is grossly incorrect. Is what lies within the easement or non-DDR property to be included in that number, or wetlands that haven't been filled or that may be filled. That definition is germane to how the number is calculated. Foote said if the premise is the DDR development/Unitil easement is all one, a part can't be taken out in calculating the Unitil easement. Lehmann said because Unitil needs to have trees cleared he can't apply that logic to just the Unitil easement. Evans said they got a wider easement with wetlands. Lehmann said this was done and they cleared it. Evans said the definition can be to take the entire parcel as a whole, count up the wetlands, see how much is cleared, and divide by two. The alternative is to break into two pieces and apply the same logic to the two separate parcels.

Foote said the solution would be to plead the case to the Zoning Board of Adjustment and request an after the fact variance. Garand agreed, but reminded that he had asked the Planning Board to review this previously as any activity on a site while a case is before the Planning Board is part of



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the site development review; the Board voted to take no jurisdiction. DDR granted the easement even though Unitil had an easement on the property that worked well for thirty-years. It was replacing the transformers. The relocation of the easement was granted so DDR could push the building back. Since the Board voted to take no jurisdiction, Garand questioned whether it could push a new direction. Morgan said ultimately the Planning Board has to determine whether the Applicant is in zoning compliance before it votes. Foote questioned whether it is the Planning Board's purvey to decide whether there is compliance with zoning. Morgan suggested delegating some of this to the Code Enforcement Officer who can send it to the ZBA if he thinks it a violation, or the Planning Board can provide him with some direction. Garand said he had put a complaint in to the State of New Hampshire about the cutting of the town trees. A forester reviewed the site; action is pending. The property line was clearly staked prior to the cut; there was no excuse to go onto the town property to take trees without permission. There was a signed agreement and it is both the property owner's and the easement holder's fault. Garand said it is not his judgment but, someone did something wrong. Moore said this would need a legal opinion.

Shepard said he is not disagreeing that trees on the town property shouldn't have been cut, but wants to clarify that the reason for the relocation is because the substation that was on Venture property was Venture owned and abandoned. Garand asked if the utility that constructed and placed the wires used the existing easement. Shepard said there was no easement for the substation; Unitil had no rights around it. Garand asked if this means that for all the years that the wiring was there, no easement was in place. Shepard said there was easement up to it, but no easement where that structure was. Foote noted this could be semantics for seventy-five feet. Shepard said it had been temporarily moved outside of [Unitil's] easement. Foote asked if they had an easement up to it, and then the substation, and then an easement leaving the substation [Shepard said "right"]. Foote said that was already cleared for powerline transmission, and was not in any wetlands. Shepard said he couldn't say yes or no on that. [Tinis said the original one did go to the wetlands.]

Foote said on the site-walk, where the property line was noticeably flagged for the first time, Richardson asked how wide is that section of Dow's Lane and the travel portion of that trail. Moore said it was probably sixteen-feet. Foote said the flags for the property-line are right on the trail that she believes is Dows Lane. Moore said he has seen the flags, and several trees that he believes were on town property have been cut. Foote asked if this means the Dows Lane easement starts from there and goes to the east. Moore said it goes to the southeast and runs back to Railroad Avenue eventually. Quite a swath of trees was cut and nothing left; perhaps some small scrub could have been left for ground cover. Tinis said once the tree canopy is removed there will be regeneration very quickly - up to six feet high in a couple of seasons. Garand said the easement allows for that to be cut. Foote said where the power-lines used to be it is a mess of bramble, thorn, blackberry, and cattails about three-foot tall - not necessarily desirable vegetation. Unitil needs to adopt a more ecological aspect underneath its power-lines. Lehmann said it is important to note that DDR made every reasonable effort to "layout" the easement to property lines to avoid this situation. The property lines were laid out by VHB surveyors, and Lehmann said they are correct. Regardless of where the path goes, the pole and stake locations were laid out. He doesn't know what more DDR could have done to honor and respect the intentions placed by the Planning



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Board, and believes they met all of the criteria. It is a difficult position for VHB, who is not trying to vilify Unitil or its contractors.

Heap said someone mentioned "sixteen-feet", and noted the survey granite marker DDR comes off its property line by about ten-feet and at an angle, and goes off towards Dows Lane. Nobody watched what was happening. [they] went in and destroyed it and went on the other side of the fence to take trees. Heap was out there when [the guy] said Shepard went out and marked the trees -and on town property, too. Scrub brush should not be planted. If there was a five-inch hemlock, that is what should be planted; the same with four oaks off Dows Lane. The buffer should be replanted. Unnecessary things were done. The person in the truck said it was for the utility braces. But [the anchors] are nowhere near the buffer-that's why the woods were taken down right up to the fence. Any good wood was taken. Someone should have been on site to see that nothing past the easement was done. If [he] hires a contractor who goes over, above and beyond what is supposed to be done is [he/owner] not responsible. DDR and Unitil are both responsible - they hired the subs. Trees that were leaning the other way were taken. Shepard said the wood taken was rotten.

Khan said this is all happening because DDR wants to build a mall; it did not supervise the cutting. About four meetings ago he [Khan] voted against the clear-cut, but the understanding was DDR would supervise the cutting and it was not done. Heap came to meetings and brought pictures of marked trees. DDR didn't supervise and that is why it has been cut. Before going through the ZBA, the site improvement plan should not be discussed. Grafmeyer disagreed saying DDR did all it could to make sure this would be done properly. But once the public utility is granted a permitted easement, it is out of [DDR's] control. The understanding is the easement is wide enough to add an additional line someday. DDR won't be supervising at that time. Foote said that is obvious by the way the poles are set to one side. Grafmeyer said [DDR] is not out there supervising when line and maintenance work is done in the private easement; it should not be DDR's responsibility. Tying this to the DDR site plan is inappropriate.

Foote said ultimately DDR is responsible for what happens on the land because it is the owner; it's DDR's choice to give the easement. Grafmeyer said the easement services Seabrook, not the DDR project, and asked if DDR is responsible for anything that goes on in the easement. Foote said ultimately it is DDR's property and it is responsible. Garand pointed out that during Planning Board meetings there was a lot of discussion about a buffer that would be maintained to provide residential abutters seventy-five feet of no-cut. Once the easement to Unitil was granted, that buffer was hacked to nothing. Any tree in the fall-zone that might affect the easement area was taken down. Grafmeyer said he cannot speak on behalf of Unitil about danger trees. Garand asked who has control of the site and who is responsible. Grafmeyer said if Unitil went beyond the bounds of that easement area, they need to replant that vegetation. Moore said they will have to pay for what they took off the Town property. Thibodeau said, on the other hand, if Unitil was working on her property she would be out there seeing what they were doing --she has previously made them replace trees taken down. DDR should have had someone onsite when the work was being done.



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Foote recalled feeling the presentation was to hurry-up the decision because the ground is frozen and the line has to be up in case of an ice storm when half the town might not have power. It turned out the ground did not freeze and there are ruts easily three and one-half feet deep for up to fifteen-feet in length that are just filled in with pine boughs. Shepard asked to be shown where this occurs. Foote said they can be found when walking across the pine boughs and suddenly sinking thigh-deep. Shepard said he has [walked the site] multiple times, but there are no ruts. In the middle of February there was snow and frozen solid. Foote said last Wednesday there were ruts.

Henry Boyd, of Millennium Engineering, said power company general practice is to cut the entire easement. The argument of who has the rights on the property sounds like nobody is happy and Unitil is caught in the middle. Although Boyd has not looked at the plans or parcel, power companies generally have long ranging authority once an easement is granted. Not even the ZBA can move forward on whether there is a violation unless there is a plan that maps what has actually been cut and how it aligns with the easement, as well as whether it is under or over the fifty-percent cut regulation.

Evans said Boyd's point is a good one, the real question is whether there is or is not a zoning violation. The Applicant has asked for guidance on the definition of how this might be determined, because it is up to it to prove there has not been a zoning violation. One can look at this as the whole parcel, or in two pieces. If looked at as two pieces, the violation would be clear because there is not fifty-percent of trees left in the wetlands on one of them. If taken as a whole parcel, the calculation would be different. Morgan suggested the Planning Board move things along by interpreting the zoning ordinance according to the way Evans' presented the question. Making that decision would give DDR some guidance on how to do the calculations. Evans asked whether the easement area was included in DDR's wetlands impact application. Foote said there were two separate applications. Generally DES considers the parcel as a whole, but there was one application for wetlands impact submitted by DDR. Another wetlands application was submitted for a Unitil easement cut which DES usually fast-tracks. Ultimately if all of the wetlands impacted on the parcel are taken together, it exceeds one acre. Evans asked if, therefore, it is being treated by DES as two separate things. Foote did not know how DES is treating the investigation, but understands various parts are being handled by different people.

In an e.mail, Richardson said he would have to reevaluate the application. Tinis said clearing for utilities lines crossing wetlands to access uplands is considered "temporary", and not calculated into the total permitted impact area. Typically the mitigation is to replant those areas. He could not see why DES would be considering the utility impact in addition to the impact DDR is presenting. Foote asked if that means Unitil will replant the easement area with the same sort of habitat. Tinis could not say. Foote said obviously Unitil will not replant pine or oak trees that will grow up into their lines, so the area will never be allowed to regrow to the original habitat. Evans said since there is no guidance in the town regulations for considering two separate items, and no clear direction from the State, the entire site should be considered: Moore said this is a practical resolution in such situations. Tinis said this guidance is consistent with their understanding from earlier meetings. Moore said this is looking at the land as a whole regardless of who owns what piece of a parcel or where the cut occurs.



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Motion:	Evans	to consider the entire DDR site when computing the impact of the tree-cutting in wetlands areas for determining whether there has been a zoning violation.
Second:	Moore	Approved: Unanimous

Morgan said the next step is for DDR to run the calculations as to how many trees were removed and what percent of them were on wetlands. Lehmann said the basis for the calculation run previously is the same. Morgan said when the calculation was presented it was anticipated it would happen. Qualified people should put the result on the plan so an assessment can be made. Lehmann asked if a surveyed plan is expected, or if his field measurement will be acceptable. Morgan said the objective is to determine whether the number of cut trees exceeded fifty-percent. Lehmann asked for the level of detail expected. Morgan said whatever Lehmann thinks would make a credible presentation should be done. Lehmann did not want to do a field measurement and then to be told only a surveyance would be acceptable. If the Board is comfortable for measurements to be taken from the existing property line stakes that will be done. Evans said the question is whether the calculation should have the surveyor's stamp. Garand commented the forester who reviewed the site said the Town should hire its own forester and view the wetlands area impact. Foote said the impacted Town lands have not been shown near the transfer station. Moore said there ought to be a calculation of the amount of trees cut in the wetlands. Foote reminded that "in order to ensure that wetlands remain well-vegetated" was language added to the ordinance at the beginning of Section D, after a situation where half-an-acre was clear-cut with the balance untouched. The intent was the "fifty-percent" covered an entire wetlands area and the herbaceous (ground) layer shall remain intact.

Paula Wood asked if the wetlands on the whole parcel is to be measured. Foote said this is correct. Wood said wouldn't mean the whole parcel is DDR's responsibility. Moore said there must be language in the easement speaking to responsibility between Unitil and DDR. Grafmeyer said it gives Unitil the permanent right to install and maintain transmission lines; it's the language every customer has to live with. Evans agreed with Foote that the ordinance language referred to "density" - which should not be reduced by more than fifty-percent. It's not feasible that Unitil will let those pine trees grow-up. There is a benefit to the Town to have a back-up electricity line, although Evans would prefer it to be under ground where it doesn't bother anyone and doesn't cut down any trees. The question of whether the calculation needs a surveyor stamp should be closed, and moved to let VHB do the measurement and calculation in good faith. Boyd said a surveyor won't stamp a calculation of the number of trees, but can put on the plan the lines showing where the cut is and is not, which will be the substantiation. The density will never be to the Board's liking, and the State laws give Unitil the authority to cut. Foote said the need for utility easements is understood but, utility companies need to understand the mechanisms available within town government, including the Zoning Board of Adjustment, when changes in rules and regulations are desired. A variance, if needed, should be obtained before taking an action. Boyd said if clearing was



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outside of the easement how would DDR be responsible at all. But without quantification, a potential violation is only speculation.

Evans said the question is whether a surveyor will be used. Lehmann said a survey crew would be far more expensive than if he or Tinis or another VHB professional taping off the area, which should satisfy the Board and be faster. But if questions will remain, a stamped plan would resolve any questions. Foote asked how one can speak about fifty-percent in the easement swath area that has been clear-cut. Lehmann said he cannot resolve that dilemma. A surveyor can locate the cut trees and the tree-lines on the entire property and do the calculations. It sounds like a stamped plan would be best. Foote emphasized that clear-cutting fifty percent of the total wetlands on site leaving the rest untouched goes against her interpretation of the zoning regulation, but that is a ZBA matter. Sheppard said this was talked about in November when Foote voiced her interpretation. However, what's written doesn't coincide with Foote's interpretation. The language would need to be clarified and perhaps include some exceptions for utilities. Tanguay said he was not present during the November meetings when something was "approved" according to [DDR's] plans. Foote said the Planning Board chose not to take jurisdiction and turned it over to the Board of Selectmen in connection with the intent-to-cut. The Planning Board didn't approve any plans last November. Grafmeyer said they will revisit that meeting. Evans said given the huge impact to the area and the Town, he would move that a surveyor's stamp be required. Grafmeyer asked if the way Lehmann described the calculation is fine with the Board. Evans said it is the entire parcel. Grafmeyer said that is fine. Foote said the interpretation is up to the Board.

The Secretary read the previous motion to consider the entire site in the calculation. Evans said the question is do we use the "density" interpretation of the ordinance vs the gross area. Evans referenced the November discussion and said the Applicant makes a valid point that if the calculation is open to different interpretations it won't stand up if challenged. If the "density" interpretation is desired, exceptions would be needed. Foote said there are Boards that do that. Garand said last November it was discussed that the utility easement would be subject to maintenance. Tonight's discussion is about the Applicant telling abutters it would provide a buffer. Now that the tree-clearing is done, the area of the easement granted by DDR needs to be defined, and the tree buffer determined, to see if it was impacted at all. The abutters need protection from this development so their property is not impacted. CEO wants clarity for enforcement down the road. Morgan agreed, but resolving the zoning issue comes first. Evans said Garand's argument speaks in favor of having a stamped survey. Lehmann asked if the surveyors have the right to go on Town property. Foote said that is a Board of Selectmen decision. Lehmann said by statute they are allowed plus or minus fifty-feet of the property line. The result will be a revised tree-line as it exists today and asked if there are any objections. Morgan said the zoning issue should be resolved. Foote said fifty-feet should cover the impacted area.



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Motion:	Evans	to require a new, stamped survey to show the tree-line and the actual tree-cut, to facilitate the wetlands calculation.
Second:	Himmer	Approved: Unanimous

Moore said there will be an electrical easement no matter what. Garand asked if the easement language would allow going off the easement area to cut down trees that might impact the electric lines. Shepard said "yes"; this means removing one or two dead trees in five years without going back to the property owners. Heap asked if this is in the buffer. Shepard said anywhere along that easement. Grafmeyer said that is defined by statute not the easement.

Wood asked if the area will be considered as one parcel for everything with DDR responsible, or only for the wetlands. Moore said it is one parcel but there are cross-agreements as to who is responsible for what. Foote said the Planning Board never considered this as multiple parcels, the confusion is that two applications were submitted to DES wetlands bureau. Wood said then it is DDR's property and they should be responsible for what happens on it. Evans said it should be a density calculation but in this case the issue is with a public utility. Foote asked why Unitil shouldn't go to the ZBA for a variance (as did Nextel for its tower). Moore said some mechanism is needed re the fifty-percent to avoid confusion every time. Morgan asked if VHB had enough direction from the Board.

Foote called a recess at 8:25PM and resumed the public hearing at 8:45PM.

Referencing the Jones & Beach letter concerning the surface drainage in the public way, Lehmann said it was always intended to be dealt with as part of the off-site improvement and will be addressed with the traffic plan. In response to the department head recent comments six change pages were submitted with the details described in the VHB accompanying letter. Referencing the change pages, Lehmann pointed out the responses to department requests. Items from the Water Department include the water gate tapping off of the twelve-inch line showing eight-inch lines that can service out-parcels 1&3. The existing water line that goes to the old Murray property will be maintained for out-parcel 2. The outlet detail is modified to show safety bars bolted to the end of the pipe to restrict people access, although maintenance personnel can get through. Drop manholes requested by the Sewer Department are updated and show-up in various locations; the corresponding profiles revised. The water main has been relocated to be separated from the sewer force-main. Additional water gates were requested for future expansion down south access road. There are a few additional comments from the Water Department to address.



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Lehmann said Morgan's latest letter identifies the few outstanding issues. One request was for a note as to no truck idling between the hours of 11PM and 7 AM. The issue is for trucks that start out early or for refrigeration trailers. The wetlands permit is not yet in hand. Morgan asked for a timeframe. Tinis said Richardson has asked for a couple of additional items including the Unitil easement. Tinis will apprise him of the situation. The other issue concerned the restoration work on a particular lot where the current landowner wants some changes and DDR is inclined to do so, if the Town and DES do not object. The plans would be revised to reflect the change. Tinis understands Richardson is working diligently to complete the application and obtain peer review from Concord. Perhaps about a month.

Grafmeyer referenced Morgan's question about a secondary access road. Negotiations are ongoing with Florida Power and Light. Morgan asked for predictions. Dick Winn, of FPL, said reservations about the traffic have been expressed from the beginning. FPL wants to cooperate and be a good neighbor, but needs a better sense of what's happening with traffic for its 600 employees, security force and contractors. Morgan said there should be a better sense after the traffic meeting. Grafmeyer said there have been meetings with corporate McDonalds and the local franchisee, the Napoli group. There is an agreement with respect to the interconnection approved by the Planning Board. They prefer moving directly to an easement document now being drafted by McDonalds in Chicago, rather than providing a letter. An interconnection with Sunoco has been proposed but until the layout is finalized an easement can't be prepared. Morgan asked if a commitment in writing would be possible. The Sunoco representative looked at the plan. A letter of approval was requested from both parties as to the intent.

Morgan asked about sound mitigation. Lehmann said this would be addressed when the real impact of the tree surveying is known. Morgan commented the expectation would be for just as much mitigation as was envisioned. Grafmeyer said the overall buffer area would be examined. Lehmann said alternatives would be looked at. Lehmann asked if basically everything but the soundwall is resolved. Morgan asked if all department heads had replied to the latest change pages. The Secretary said responses are not all in; a reminder has been sent. Grafmeyer said DDR has responded to all of the comments and wants to bring this to an end. Morgan said only twenty-minutes were spent on comments tonight. Grafmeyer asked if this means another six letters. Morgan said he doubts they have much more to say. Lehmann asked if new comments can be limited. Grafmeyer commented some items have been on the plans from the beginning. Lehmann said the new sheets adequately address comments that have been made; if there were concerns on how comments have been addressed, they would expect additional responses but not on new items. Grafmeyer asked if that point could be passed on. Morgan said this would be communicated. Evans pointed out the Board asks department heads for their input because the Board doesn't have their expertise. Morgan said soundwall issues need further discussion. Whatever comments come in would have to be dealt with, likely when the soundwall is discussed. Morgan asked if the Secretary would e.mail department heads to go easy on new issues. The Secretary said one way or the other the point can be made. Foote said even if department heads have nothing more to say, that should be in writing. Evans said otherwise there should be no problem in



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taking silence as having no problems with the way things are written down. Evans recognized they are busy, but said their advice is appreciated.

Moore asked about the form of sound-barrier. Foote said abutters want a soundwall, but there is a question as to how far it will go and its location when the outcome of the buffer issues discussed earlier is known. Additional soundwall mitigation may be required. Evans said having the soundwall closer to the building with trees on the abutter side would deaden the sound and block the view of the building. Foote said that can be done in some areas but it is not an option directly behind the building because of the Unitil easement. Morgan asked whether the remaining site plan issues should be heard on the same night as the traffic. This was the consensus of the Board and of the DDR representatives. Grafmeyer asked to finish up the site issues first. Foote said the traffic issues should be first because several people are coming especially for traffic. Thibodeau suggested doing all other business, including the minutes, at the end.

Foote asked for questions from the Board. There being none. Angeljean Chiramida of the Newburyport News asked if the second access entrance is an outstanding issue. Foote said FPL can't commit to the second entrance until the traffic situation is known. This is a traffic issue. Chiramida asked if a problem with the second access road would be a "deal-breaker". Foote said no one could say until the traffic situation is presented. Lehmann asked how a private easement could be a deal-breaker. Foote said the second entrance could, or could not, affect the whole traffic situation. Lehmann said if FPL said "no way" the site would go forward as proposed before a second entrance was identified. Khan understood FPL wants to be informed about the traffic mitigation in Seabrook overall. Winn agreed saying FPL is concerned about the traffic backing up out to Route 1 as the police and others have indicated, or of employees not getting to get into or out of the plant. FPL needs to see if the whole traffic plan makes sense or, if there are concerns, that DDR can provide acceptable help, for example, providing a policeman at Christmas time. The concern is the likelihood of FPL employees not getting to work.

Himmer asked if the Board will have the survey and traffic plans before the meeting date. Lehmann said materials will be provided two-weeks in advance. There being no other questions from the Board or the audience, Foote continued Cases #2006-31 & 32 to May 29, 2007 at 6PM in Seabrook Town Hall.

Case # 2007-04 Proposal by Sandy Seas Properties, LLC for a condominium conversion at 46 & 46A River Street Tax Map 23 Lot 46, continued from March 20, 2007.

Attending: Michael Macera

Revised plans were distributed. Foote said the Applicant was asked to clarify the vagueness in the plan including adding the abutters and "bolding" the property line to show where it had been extended out to the top of the banking. The common area is now better defined. Foote said she is please with the resubmission. The water easements for the Town to perform maintenance and the shut-offs are shown. The Secretary asked if an easement



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document that can be recorded is needed. Morgan said it is not. Foote polled the Board. Evans said the revision is an improvement. There being no further comments or concerns from the Board or the audience:

Motion:	Evans	to approve the Case # 2007-04 site plan proposed by Sandy Seas Properties, LLC for a condominium conversion at 46 & 46A River Street Tax Map 23 Lot 46, in so far as it conforms to the Condominium Laws of the State of New Hampshire and the Town of Seabrook regulations.
Second:	Moore	Approved: Unanimous

Case #2007-06 Proposal by ARC Source/Nichols Realty for conversion of existing structure into two retail spaces at 609 Lafayette Road, Tax Map 8, Lot 3, continued from March 20, 2007.

Attending: Steven Nichols, Steven Webster, Dutton & Garfield, contractor;

Appearing for the Applicant: Henry Boyd of Millennium Engineering.

Revised plans were distributed. Boyd referenced drawings and said the parking issues have been revised to meet the required square footage calculations. A drainage package was done for a previous submission; a separate Operation and Maintenance manual is provided for recording as requested by the DPW Manager. The traffic issues were addressed previously. The building footprint has been moved back for a new foundation. Garand said the old foundation looks like it was for a septic tank. Khan noted three added spaces. Boyd said while two were needed, a third was added. Morgan asked about a fire hydrant. Boyd said an existing six-inch water main feeds the sprinkler system and goes to the existing fire alarm. A new, special fire alarm system will be installed. Boyd understands the Fire Department is ok with an 8-inch water main across the street. Foote said it would be good to have a water hydrant on the left side of Route 1. Webster said if there is an event on then property they wouldn't want to pull the sprinkler system off. Brown said if there is a six-inch main that is great. Morgan said as long as the Fire Chief says ok.

Evans asked about waivers for the lighting plan and the sign. Boyd showed the sign drawing, and said a waiver for the photometric grid could be requested.

Motion:	Evans	To waive the photometric grid for Case #2007-06 -ARC Source/Nichols.
Second:	Lowry	Approved: Unanimous

Khan asked if Garand had comments. Garand said they have addressed the parking, lighting, and stormwater issues, and moved the building. Evans said to be sure the tenants know about clearing the mezzanine.



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Motion:	Lowry	to approve Case #2007-06 proposal by ARC Source/Nichols Realty for conversion of existing structure into two retail spaces at 609 Lafayette Road, Tax Map 8, Lot 3.
Second:	Khan	Approved: Unanimous

NEW CASES

Case #2007-07 Proposal by Katim, Inc. and ARC Source to construct an industrial gas facility at the end of London Lane, Tax Map 5, Lot 8-30.

Attending: Steven Nichols, Steven Webster, Dutton & Garfield, contractor

Appearing for the Applicant: Henry Boyd of Millennium Engineering.

Boyd referenced drawings of the building and plan-sheets. The 32,400 square-foot building is proposed at the end of London Lane. Nichols existing business is in Amesbury where he sells industrial gases which are labeled on the siteplan. Boyd noted ARC Source sells oxygen to the Seabrook Fire Department. The driveways don't meet the current Seabrook standards and a waiver letter has been submitted. As suggested by Foote the entering truck traffic pattern will be one-way and entry and exits will be well-signed. The drainage in is in a couple of spots. Boyd asked what would be needed for the application to be complete. Morgan said he is satisfied it is complete. A number of issues were raised at the Tech Review Committee meeting.

Foote said there is a request for a driveway waiver because there are two driveways and the distance between them and the angle does not conform with Seabrook driveway regulations. The DPW Manager stated he would recommend a driveway waiver to the Board because the angle and width is preferable for the expected vehicles. Morgan said that town regulation was intended to preserve public parking at the Beach.

Motion:	Lowry	To consider the application of Case #2007-07 as administratively complete for deliberation.
Second:	Himmer	Approved: Unanimous

Boyd said the photometric grid with the luminere schedule is shown, the light pole base details are inserted. The siteplan sheet-flow that comes around; there are no hardpipe drainage systems; the flow arrows directing the runoff are depicted. But Foote's request for wet-pond situations isn't addressed because they introduce mosquito larvae and are not needed. Boyd would like clarification.

Boyd said he will be at the next Tech Review meeting. Things are coming together and he is enjoying the feedback.



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Foote said detention ponds generally hold water for up to two days and then drain out. If the grass and roots stay wet during that time, there is a huge mosquito bloom. If a detention pond has a deeper forebay it will support frogs etc that eat mosquito larvae. Boyd said Mark West has offered a compromise, and noted the Town Engineer says this complies with the town's regulations for drainage. West suggests putting up bat-houses around the site as bats eat more than frog, but they have to be twenty feet in the air. Boyd asked to work with the Conservation Commission on this and in picking plantings for around the pond. From an engineering point of view the site drains as it should. Morgan said it would be helpful to quickly run through the issues raised at Tech Review, but asked first to hear from the Fire Chief.

Brown said meetings with the owner and the contractor have taken place during the pre-planning and design stages. Reviewing the plan and notes, it looks as if the fire safety requirements for the building design and site set-up have been met. From the beginning it was recommended that a fire protection engineer be retained. This was done and recommendations made. Brown said the remaining item is going through the fire protection engineer's report. Given looking at the plans and conferring with the owner throughout the process. Brown said the department is confident this will be a safe building. Foote asked if the fire protection plan had been submitted. Webster provided some copies of Norton Remmer's report together with additional details and notes made following the Tech Review. Brown said the more dangerous gases are to be stored in a "building within the building" for double containment. There is a high-hazard, high-flow sprinkler system, and explosion proofing throughout the building with blow-out panels.

Brown noted this is not the only Seabrook site with these devices. Any company using flammable paints or lacquer in quantity has this type of storage. The department's recommendations were to comply with the codes; placing the internal storage in the center of the building is an enhancement. Brown noted with the proposal a year ago the assumption was there would be all bottled gas in outside storage which raised red flags. The external tanks have been located so the building acts as a buffer between the flammable tanks and the residential neighborhood. Boyd outlined the building placement using an aerial photo, and said the closest house is about 530 feet to the building and approximately another 220 feet to the structure housing the propane gas outside. There has been good direction from Garand and the Zoning Board of Adjustment. Also, Webster builds these type of buildings and knew the experts.

Boyd then turned to other Tech Review comments. Evans asked about truck stoppage. Boyd said the Jersey barrier detail is depicted. Khan asked about the activity between the London Lane and Lafayette Road locations. Nichols said the cylinders are filled at the London Lane warehouse facility and then transported to three branches, one of which is on Route 1 where there will be storage for walk-in customers which is minimal. Boyd said there are 40 parking spaces, twelve of which are for employees and two are for handicap access. The remainder is for employees/visitors but there are only 15 employees at this point so there is room for employee expansion, if any, later on. The one-way entrance and loop has



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been done; the detention pond and vegetation was referenced earlier; the CPEP reference should have been all HDPE (high density polyethylene pipe); gas containers and capacity are labeled, with the gas storage room labeled as rated flammable gas storage - Nichlos said the detail will be on file at the Fire Department. Garand noted some labels are missing; Boyd will add this. Webster showed a detail of the outside storage facility with the cement block protection walls at the tank height. Fire standards are in the fire protection report. Nichols said the cylinders are strapped in and transported on industry steel pallets from the outside to the inside flammable storage. The trench detail is typical but shows the pipe embedding in stone halfway up if water is encountered. The construction sequence is on the plan. Nichols has allowed stakes everywhere so the Planning Board can see the property lines, the building, the pavement, detention ponds, the chain-link fence line, and the silt fence, and to identify trees that can be saved. Webster said wood chips - chipped on-site, made from native wood, are placed up against the silt fence and will remain. This avoids non-native seeds.

Boyd asked for clarity about referenced letter from the fire department and/or road owner. The Secretary said Garand's suggested a letter from the Fire Department noting standards/requirements met would be good for the file. The DPW Manager had suggested a letter from the owner of the private road that it would be kept passable to the driveways. Boyd noted a hydrant has been added even though not required. Foote said the letters should say the layout is preferable and safer because the driveways don't meet the standard. Boyd said a waiver from the Planning Board should take care of that. Garand noted some numbers on the photometric grid are a little elevated near the front entrance. Garand asked if there is a pylon sign for the site itself. Boyd said there is not; the proposal is for a sign on the building. Garand asked for a grounding detail on the lighting.

Evans asked the potential for a "Danvers-like" event. Brown said this won't happen. In Danvers there was a commingling of chemicals, primarily inks - not gases, and an overnight warehouse with limited fire protection; basically open floor space using drums and vats. The biggest problem was the aftermath of the mixtures. Gases don't have that problem because they mostly dissipate with air and in a fire are consumed. In some areas of the country sprinkler systems are not used in buildings like this so the gas can burn and can be seen. Evans asked about ventilation in the elevations and if there would be venting into the atmosphere. Nichols said Remmer recommended six air changes per hour. Evans asked if this means an active air ventilator will run 24x7 and what if a power failure. Nichols confirmed the ventilation and said a generator will kick in. Boyd showed the outside emergency generator. Garand said this will need a noise cabinet, and asked if there will be truck maintenance on site. Nichols said there is not. Garand asked for a note to this effect. Evans asked if any compressors could create nitrogen or the like on-site. Nichols said the gases stored on the east side of the building are in liquid form in the tanks and go through a vaporizer to be pumped as gas into cylinders. Evans asked if this is basically transferring from one container into another. Nichols confirmed this.



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Khan asked about inspections. Brown said the facility will be inspected by the Seabrook Fire Department quarterly. The EPA inspects about once a year, mostly for reporting compliance. The State probably won't inspect but the Fire Marshall will want to walk through and perhaps ask if representatives from other towns could look through the Seabrook facility. Garand asked if there have been any inquiries or incidents in the Amesbury facility. Nichols said the closest thing was a relief valve that let go; it was turned off. Lowry asked how many years Nichols has been in this business. Nichols said about forty years. Moore asked why helium is stored separately. Helium is always in a gaseous form and would be stored in high-pressure ground tubes about 24-28 feet long.

Evans asked for the typical hours of operations. Nichols said 7AM to 5PM and maybe half a day on Saturday. Garand asked about the number of trucks. Nichols said about four truck deliveries weekly plus UPS once or twice daily and an average of ten other deliveries. Up to six trucks are on site, leave in the morning, and return between 3 - 5PM. Boyd said they are parked inside the building. Himmer asked if a parking waiver is needed. Foote said the Planning Board determines industrial parking. Boyd said emergency hours are noted on the plan because ARC Source does service emergency situations. Garand noted they are a health responder. Foote continued Case #2007-07 to April 17, 2007 at 6PM in Seabrook Town Hall.

Foote closed the public hearing at 10:25PM.

Foote said the Planning Board counsel is very good at what he does, especially in court case matters, but is quite far away, and asked the Board to consider using local counsel for some land use situations and clarifications. Moore said the Town is using two other counsels. Garand favored local counsel and saving money. Moore said fifteen minutes away is good. Morgan asked if Walter Mitchell is still to be engaged. Foote said Walter Mitchell is to remain for the big and heavy-hitter cases that might potentially land in court. Thibodeau asked who might be hired. Foote said Clay Mitchell who works in Epping, had been recommended by several people. Steve Clark, a former town administrator, has also expressed interest in land use law and regulation. Foote asked for the Board's approval. Garand asked if a motion is in order. Foote said that would be comfortable.

Motion:	Thibodeau	to authorize engagement of either Clay Mitchell and/or Steve Clark as alternate counsel(s).
Second:	Himmer	Approved: Unanimous

Foote adjourned the public meeting at 10:30PM

Respectfully submitted,
Barbara Kravitz, Secretary
Seabrook Planning Board