Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; John Kelley; Jason Janvrin; Michael Lowry, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent; Keith Sanborn; Robert Fowler; Robert Moore, Ex-Officio; Elizabeth Thibodeau Paul Himmer, Alternate;

Hawkins opened the public meeting at 6:35 PM

**MINUTES OF OCTOBER 5, 2010**

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| **MOTION:** | **Janvrin** | **to accept the Minutes of October 5, 2010 as written.** |
| **SECOND:** | **Foote** | **Approved: In favor - Hawkins, Foote, Kelley, Janvrin; Abstained: Lowry** |

**OCTOBER 19, 2010**

Hawkins said that Kelley should be recorded as absent as well as in votes as appropriate. Also the second “the” should be removed. There being no other changes:

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| **MOTION:** | **Janvrin** | **to accept the Minutes of October 19, 2010 as amended;** |
| **SECOND:** | **Hawkins** | **Approved: In favor – Hawkins, Foote, Janvrin; Abstained: Lowry, Kelley;** |

**SECURITY REDUCTIONS; EXTENSIONS**

There being none.

**CORRESPONDENCE/ANNOUNCEMENTS**

Hawkins referenced the **letter from Demoulas’ contractor re the material they want to stockpile on the site,** and asked if Garand had any issues so far. Garand said he was satisfied. Hawkins noted that the Board had put the monitoring in the hands of the CEO.

Hawkins called attention to an email **discussing the Board’s responsibilities for conditions of approval for an open project.** The Board can hire engineering help, which would be charged back to the applicant, or refer this to the CEO as usually done is Seabrook. He noted that on large projects the Board has hired engineers and charged the fee to the applicant.

Hawkins referenced the **ribbon cutting for the Cains Brook restoration on October 26 and said the project was a complete success with 7500 cubic yards removed from the pond.** Foote said the material removed would be used for soccer and softball fields and also to spread about an inch on existing fields.

Hawkins called attention to the **invitation to the Rockingham Planning Commission Legislators Forum on November 10, 2010 at Unitil Headquarters, 6 Liberty Lane in Hampton.** Anyone interested in attending the forum and having the chance to speak with local representatives and hearing what the RPC intends to support on the legislative agenda would attend this interesting meeting.

Hawkins called attention to the **abutter notice from the Town of Hampton on November 3 in the Selectmens Meeting Room, concerning the relocation of a cell tower on an existing water tank.**  Foote asked if this would be the tank at the Beach. Morgan said there is an RSA that requires that abutters within a 30 mile radius be notified. He thought that if the town were not in the corner of the state it would get more such notices. It is fairly routine in most places.

**PUBLIC HEARINGS**

Hawkins opened the public hearing at 6:43PM.

**NEW CASE**

**Case #2010-29 - Proposal by Midway Utility Contactors and Swanky Nominee Trust, David Pritchard (Trustee) for a voluntary lot merger and the construction of a 7,000 square foot industrial building at 106 Ledge Road, Tax Map 6, Lots 7, 9 & 10.**

Attending: Robert Ring;

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

Boyd said Ring and Ciccariello were asked to attend the hearing and to explain the nature of their business and why in New Hampshire. The parcel is 200 feet from the Poland Springs property and is located on ledge. Boyd said that Pritchard came to the Board about two years ago to ask about clearing the lot of trees and do a little grading. At the time the Board waived jurisdiction as long as they stabilized the slopes. Boyd said that had been done for about a year. Midway found the lot and is interested in moving to New Hampshire with their entire operation and providing the parking for staff and visitors. The building would consist of a garage and an office area.

Ring said that Midway is a site and underground utility (electric and gas) contractor for the national grid, Unitil, and Bay State Gas Co, providing underground construction services to homes, sub-stations, and projects in between. The company has 50 employees and a fleet of excavation equipment, utility trucks. They run emergency response for cable and stormwater for utilities and also for the Commonwealth of Massachusetts. Hawkins asked for the number of vehicles and where they would be stored. Ring said the equipment fleet is approximately 50 vehicles including trailers; most of the equipment stays on site. They run about 8 – 10 crews throughout Massachusetts; the equipment is used from job-to-job for utility projects. Vehicles would be on paved surface; non-vehicles eg construction blades, would be on a non-paved surface. Kelley asked if there is a storage area for salt on site. Ring said only what would be used for midway.

Hawkins asked if Boyd had the checklist. Boyd said that the wetlands engineer can sign the plan is wanted. Permanent boundary markers would be added. Boyd said typically he does not add revisions to the plan after the TRC, but the notations would be added to the plan. They weren’t sure about the sign details but there wouldn’t be any retail business and no flashy details. Boyd said they will comply with the zoning regulations. Similarly, for landscaping the liberty elm is shown and some shrubs to keep the edge of the parking area from the constructive wetlands area at the bottom, but there is not a lot of planting. There are no wetlands on the site so the 25-feet doesn’t apply. The grid shows the lighting locations; the hours of operation will be added to the revision. He thought everything else was there.

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| **MOTION:** | **Foote** | **to accept Case #2010-29 as substantially administratively complete for jurisdiction and deliberation, and to send the case to the Technical Review Committee Meeting on November 22, 2010 at 10 AM in Seabrook Town Hall.** |
| **SECOND:** | **Janvrin** | **Approved: Unanimous** |

Hawkins said the plan should be sent to the Planning Board engineer. Hawkins asked Morgan if there were anything critical to address before TRC or the next meeting. Morgan said there was no Voluntary Lot Merger. Boyd said there are three existing tracts. If the project is not approved, they won’t be merged. and there would be no VOL. Boyd said the Stormwater Operations and Maintenance Plan is not on the mylar; he is trying to work out the language to use as a template. He would like to confer with Morgan on a Friday. Midway would be responsible for maintenance. There will be a light pole not to exceed 20 feet. Lights will be minimized for security purposes during non-operating hours. They do not generally work on Saturdays but sometimes have to, so the requested hours of operation is 6AM to 6PM Monday through Saturday. They do not work on Sunday except for emergencies so there would be a note to that effect. He said it is unclear where the water will go after it reached the emergency spillway, and pointed out the lowest spot. It is almost entirely ledge. The detention pond is sized adequately to handle the pavement runoff and there is also an outflow pipe. The flow will be less than today. The perimeter survey does not indicate monuments but something will be added on the cover page. Boyd asked if the Board wanted more signage details. Hawkins said the next meeting would be fine for that.

Morgan explained that the Board’s intent was for liberty elms to be along Route 1. Foote said there are other types of trees that can be used. Foote applauded the applicant. Boyd said they did not care about the type of one or two trees, but they do not think the site is suitable for a lot of trees because they grow “stubby” and can’t get significant depth. Sometimes the wind takes them down. Boyd said a fence that had to be cut to bring services out to Ledge Road would be restored. He didn’t think a waiver was needed. They are trying to retain as much buffer as they can. Poland Springs is about 250 feet away, and the back is wooded all the way to Salisbury therefore he thought screening wasn’t necessary. Sidewalks were proposed for driveway frontage and the municipal sidewalk would be in front of the building at the Road. Morgan explained that there had been much discussion of sidewalks on Ledge road over the years. Hawkins said to discuss this at TRC, noting that his is an industrial area. Foote said if it is in the right-of-way extensive fill is needed and there would be extensive wetlands impact. An 8-foot wide breakdown lane serves perfectly well as a sidewalk, and questioned what the benefit would be to have sidewalks further out. Boyd said they are on the plan because the regulations require, noting that there is also a large shoulder it. He also thought that the placement was not on the best side. Hawkins asked about sidewalks on other Ledge Road property. Boyd said that in a similar case six months ago he thought the Board said to forget about it. They would not be averse to taking ledge out but it would be more expensive to build. Boyd said the applicant has not addressed noise, but the typical note about exterior machinery being muffled would be added. He thought there were not major issues. Morgan agreed.

Hawkins asked for other questions or comments from the board. Janvrin asked who owned the existing fence that goes across the Poland Spring property. Boyd said Poland Springs owns the fence. Janvrin asked if the applicant was fine with it going across their property. Boyd did not think it would bother them, and pointed out that they have to build a retaining wall where there is one ledge hump, and the excavated material would be used for fill to be able to build a lay-down area that ties in for the drainage. So the area won’t be affected.

Hawkins said the TRC would be on November 22 and the Planning Board engineer would get the plan. He continued Case #2020-29 to December 21, 2010 at 6:30PM at Seabrook Town Hall.

**OTHER BUSINESS**

Hawkins said that a citizen’s petition for an impact fee has been received at Town Hall. He asked if the Board wanted to bring in an expert for a discussion. He said that Kravitz had given him a folder with quite a bit of material; it was a pretty good education. Foote said assorted boards had looked into this. Hawkins said that this Board would have to make a recommendation. He asked whether to bring someone in or to read the materials at hand. He recommended that for the next meeting the folder be copied so that Members can read the materials first which clarified some of the questions. He noted there were Board minutes and a letter from Bruce Mayberry who was the consultant that spoke with the Board; there are also minutes from the meeting. There is also a major document describing impact fees. Hawkins said then the Board could decide whether to bring someone in or if they are comfortable enough to make a recommendation on the citizens petition that is on the way. Foote said that the Board cannot change a word of a citizen’s petition. Hawkins said the materials describe some really restrictive provisions. Morgan said a public hearing would be necessary on December 21. Foote said it has to be the last meeting in December or the first meeting in January. Morgan said the Board would have to vote on the recommendation, so the legal timing was important. Hawkins asked that the folder be copied for the Board. in advance of a discussion. He thought they would get the essence just by reading the minutes and the issues would become pretty clear.

Hawkins asked for other business; there being none.

Hawkins adjourned the meeting at 7:15PM.

Respectfully submitted

Barbara Kravitz, Secretary

Seabrook Planning Board