



Town of Seabrook
Planning Board Minutes
Tuesday, May 16, 2017 @ 5:30pm
Seabrook Town Hall, 99 Lafayette Road
603-474-5605

PUBLIC HEARING

MEMBERS PRESENT

Michael Rabideau, Vice Chair, Michael Lowry, Tom Morgan, Town Planner, Rick Friberg, TEC, James Sanborn III, Stephen Zalewski, Building Inspector, Francis Chase, Theresa Kyle, Ex-Officio, Maria Brown, Planning Board Secretary

MEMBERS ABSENT

Paul Knowles, Member, Robert Fowler, David Baxter, Joseph Jones (all 3 Alternates)

Rabideau called the meeting to order at 6:37PM.

Rabideau announced that Case #2017-6 will be continued until the June 6, 2017 Planning Board Meeting.

MINUTES

Motion:	Chase	To Approve May 2, 2017 minutes as written.
Second:	Lowry	Approved: Janvrin, Rabideau, Chase, Lowry, Abstain: Kyle

INFORMAL HEARING

Fowler Brook Road - potential subdivision

Mr. Henry Boyd from Millennium presented to the Planning Board a proposed subdivision on behalf of the owners, Mr. Leo and Amy Fowler. The owners reside on Centennial Street. The Fowlers were also joined by their three daughters Lisa Fowler, Lana Mounsey, and Lori Eaton along with the three grandchildren.

Fowler Brook Road was given to the three daughters', two have access and own the lots in the back and the other sister lives in the front. The area currently has a Hammerhead at the end of the Road. The property is in the 2R zone current lots have

more than 15,000 sq ft with 100ft of frontage. Lana's piece is a high quality lot no wetlands and it contains cow soil. You currently need a 50' right of way to have a subdivision. The cul-de-sac would have to be 53' in radius and would have 9,000 sq ft of pavement as is if approved. They currently have an 18' driveway Fowler Brook Road and they would like to keep it the way it is asking for a waiver as that doesn't comply with the current ordinances. Lana has 1.6 acres, Lori has 1 acre, and Leo would like one piece back. Propose that instead of tearing up the 18' right of way it has been adequate to serve these houses and they would like to keep it the way it is. They would like to add another 3 lots. They would like it to remain a privately owned public Road and they would not want to turn it over to the Town. It is against the law for mail trucks to back up on hammerheads. Boyd will dig test pits to include potential additional run off from rooftop and pavement. The 3.25 acres of land should adequately support the request for 3 lots with homes. They would like to have the 18' driveway remain two cars can pass very easily, no grading issues, no vertical challenges, two mack trucks could pass if needed. They reserved an area for a long detention swale if need be. The owner would like relief from additional roadway, pavement and sidewalks.

Morgan asked if the plan complies with zoning ordinances. The applicant would need a waiver for a lot line on one side. Chase asked considering it is a private road does all regulations apply. Morgan stated yes it does as it is dedicated to the public which gives the owners the frontage they will need. Morgan likes the plan but what happens if the owners decide down the road they want to give the Town the Road. Boyd understands that the road would remain as is for perpetuity. Morgan is not sure what is under road at this time for soil and fill. The applicants have used the road for 29 years. They may be looking at individual grinder pumps to go to the sewer station. The pump station will need to be updated and the applicant fully understands that. The water service is in and they may have to possibly add a hydrant and add piping.

Chase asked why he has a 3' strip of property. Chase stated it was mandated by the Planning Board that he kept a small strip along his subdivision. Boyd if they need to remove the strip they can.

Rabideau asked if the pump station is maintained by the Town. Boyd stated if they have a need for individual sewer station the applicant would have to pay and yes the current pump station is maintained by the Town.

Zalewski asked that the Planning Board keep in mind that every lot has enough land to have 2 duplex's and each lot so you have about 10 – 12 houses possibly built if the subdivision is approved. If they delete the spike strip you could add a few more houses in the proposed subdivision. Rabideau stated that a private sale outside of the family may pose issues. Boyd stated that the subdivision could be restricted as the Planning Board sees fit.

Morgan stated that Boyd is looking to see if the Board is comfortable with the size of the Road as is for a subdivision. Rabideau stated that the Fire Department will have to review the plan and weigh in. TRC will review this sub division proposal also. They don't want to have to build a new road if the owner doesn't have to. Chase stated this same type of situation was approved causing a problem for the Town as private road to a subdivision. Chase stated that the Town had to take the road over and the town got the bad end of the stick. Rabideau stated that the applicant could widen and build the Road to standards if the Town needed to take over the Road. Morgan is fine with this design as long as the Fire Station is good with it. Rabideau asked if anyone had any further comments seeing none he moved on to the next agenda item.

CORRESPONDENCE/ANNOUNCEMENTS

72 New Zealand Road, Rabideau, Vice Chair approved the addition to the meeting.

Ken Sweet owner and Henry Boyd from Millennium presented to the Board. They had questions regarding the Self storage Business at 72 New Zealand roads. The building permit was written as 6 building but the Mylar shows 7 buildings.

Millennium did not label the building #7 but did have it on the recorded Mylar. The intention was to always have the 7th building. Boyd is asking for a clarification. These are free standing structures. Rabideau and Chase both remember the buildings being proposed and built. Boyd stated that the registry doesn't want to record site plans and still doesn't know why Seabrook insist on it.

Motion:	Chase	To change the plan by labeling the storage units # 1-7 and the change shall be considered as an administrative change.
Second:	Lowry	Approved: Rabideau, Kyle, Chase, Lowry, Sanborn

Rabideau recessed the meeting at 7:13PM until 7:20PM.

Janvrin arrived at 7:20PM.

Janvrin, Chair of the Board thanked Rabideau and the Board for keeping the meeting going while he had a delay in Concord.

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2004-22,23,24,25, 24, London Lane, Bulbman Holdings, LLC, Release security and close.

Mr. Doug Hersey, 2 & 4 Hersey Lane, Rocks Road

Both Cases were continued until June 6, 2017.

PUBLIC HEARING

Master Plan Transportation Chapter Amendment to include the Rail Trail

Janvrin opened the Public Hearing at 7:21PM.

Janvrin asked Morgan to walk us through the procedure. The Master Plan is periodically revised and the Board asked Morgan several months ago to revise the transportation section and the specific goal was to include the Rail Trail under the Transportation Chapter. The Rail Trail was referenced in the Master Plan going back at least 20 years. What you're looking at tonight is a lot more detail. Morgan was impressed with the Friends of Seabrook Rail Trail website as it had all the facts for the Master Plan Chapter updates. Morgan copied the facts from that website concerning the Rail Trail and put it into the Transportation Chapter.

Kyle asked what the reasoning is for revising the ordinance. Janvrin stated to add it to the Master Plan. Kyle stated that by revising this ordinance that the Planning Board is bringing the Rail Trail into the Route 1 corridor which means if it is your intention is to use donation fees to build the Rail Trail. Janvrin stated it would allow that. Kyle stated that the Town was told from the beginning of the Rail Trail that it would not cost the Town of Seabrook any money. Janvrin stated it is not costing the Town of Seabrook any money. Kyle stated that it certainly is and when those donation fees are giving by contractors they are suppose to be used for the repairs of Roads in Seabrook. Kyle also stated that the Rail Trail is already in the Master Plan. Janvrin stated that the donations are for transportation corridors, drainage, water, and sewer. Kyle stated now your attaching the Rail Trail to that. Kyle stated we have priorities; we have Roads in Town that have drainage issues, need upkeep, and repairs. Kyle feels we need to do a little explaining to the taxpayers of the Town of Seabrook if there taxes go up due to Road improvement needs. Kyle stated when you're trying to use money given to the Town for Roads instead you will be using the donations for recreational purposes. Chase asked the Board if this was the motivation for adding the rail trail to the Master Plan Transportation Chapter. Morgan stated it is one advantage if the Rail Trail is added. Chase stated that if you are not in the Master Plan you cannot get grants. Morgan stated that is another goal. Chase stated that this is not a one way street he doesn't want the residents of Seabrook to think we're trying to pull the wool over their eyes. Chase stated that is not the purpose of this it is to put it in the Master Plan because if it is not in the Master Plan they cannot get grants. Kyle stated that the Rail

Trail is already in the Master Plan. Kyle stated that this is a revision of an ordinance to use money destined for repairs and Roads to build a Rail Trail instead. Chase is going to go back to the Rail Trail needs to be in the Master Plan for grants or matching funds or a small amount of money other than exaction fees. Chase stated they may be looking for \$5.00 so they can get \$800.00. Morgan stated when the Town or Friends of the Rail Trail are applying for grants it helps if the application states that they are fully supported in the Town's Master Plan it helps as you're typically competing against other Towns. Morgan stated that it gives us an edge if the Rail Trail is in the Master Plan. Kyle stated that the Rail Trail is in the Master Plan and this is a revision in the ordinance to use contractor donations for the Route 1 corridor instead use the donation and exaction fees for the Rail Trail. Morgan stated that it is also true. Kyle stated it is true. Kyle stated so what we were told that the Rail Trail would not cost the Town of Seabrook money has now the potential to take money that contractors give us for the repair of Roads to be used to build the Rail Trail. Chase stated it could be a benefit to the Town of Seabrook as they may need matching funds. Chase stated either it comes from the exaction fees or whether we went to the Town's people for a warrant article to come up with the money to do the Rail Trail is another whole cup of tea. Chase stated your right someday, not today, not tomorrow, but someday we may be asking for funds or matching funds which is money that belongs to the Town's residents. Chase stated that we can let the people in the Town vote on the way the money is spent. Kyle agrees with Chase that the Town's people should vote on the way the money is spent. Chase stated this is the process that has to be in place before we can do that. Janvrin stated that the safe route to school program was through the Planning Board and we had the opportunity to put in for 3 grants. The other one was not in the master plan and was not in the capitol improvement so they could not apply for the grants. Janvrin stated that 6 or 7 quick easy projects were shovel ready and the projects went by the way side due to no funding. Chase stated Route 286 was ready for crosswalk for kids and the State already spend \$10,000.00 to put the equipment in but the Town didn't have the money to put in to finish what the State has done. Janvrin stated the Planning Board can apply for the grant through NH DOT coming up soon for transportation projects that would take people out of their cars and maybe use busing. The money had been used in the past for Route 1 and Route 107 widening. Janvrin said a few years ago CMAC money was used in Hampton for the Rail Trail and we are in a position where the Planning Board can apply for the CMAC money for that project and others but it needs to be in the Master Plan.

Janvrin called for public comment.

Helen Lalime, president of Friends of the Seabrook Rail Trail spoke to the amendment. Lalime asked if the fund used for the rail trail would be exaction or impact fees. Morgan stated they are exaction fees and the idea is raise funds for the extension of the Route 1

corridor so the new commercial developers would pay for the road to be expanded. Morgan stated that the Town has raised a lot of money to upgrade Route 1 and DOT also supplied state funds. Helen Lalime asked what can the donation funds be used for and if it could be used for recreational use. Morgan stated the RSA states that the Planning Board can dedicate the funds but must be used for transportation, storm water and other utility needs. Helen Lalime asked if they can be used for Recreational purposes. Morgan stated that the donations cannot be used for recreational purposes. Helen Lalime asked if the Rail Trail can be included in the transportation corridor when the transportation needs are done from the federal government say they add none motorized transportation to the corridor such as bicycles, sidewalks, and non motorized transportation corridor like the Seabrook Rail Trail will be. Helen Lalime asked if it could be included that way. Morgan said the rail trail is out of the conversation and they talk about a bike corridor as a revision to the Route 1 corridor that could be included. Morgan stated that is the current thinking all across the States right now. Lalime feels the Rail Trail is a means of transportation that would alleviate traffic on Route 1 and should be included. Lalime feels the ones (the developers) that donate these funds are the ones that have created the traffic problem on Route 1 with traffic jams and unsafe riding for bikes and walking. She feels some of the funds collected should be able to be used for the Rail Trail to make a safe place to ride bikes and walk across Town. Lalime stated kids don't want to ride their bikes anymore but they do if you have Rail Trails and sidewalks no more kids saying we don't have any place to ride our bikes. Kyle feels we have beautiful housing developments with safe streets and other areas that can be safe for bike riding. Helen Lalime said so what do you do go down a street that has a cul-de-sac there is no way to get around Town you cannot even go to a grocery store. Janvrin would prefer we don't get into a conversation with each other. Kyle asked how would we pay for Ann's Lane with old pipes that are bursting and houses that they cannot get any water. Kyle stated that is what this money is for. Lalime stated that she absolutely agrees that the exaction fees should be used for major projects that need to be taken care of but she also feels a small part of it should be used to make a safe place for citizens to be able to ride their bikes across Town. Lalime feels we owe it to the kids in Town to have a safe place to ride bike from home to Wal-Mart to buy a baseball bat. Lalime stated that the kids cannot ride on Centennial Street anymore, due to the traffic on the roads and with the unsynchronized traffic lights on Route 1. Kyle stated that people complain no sidewalks to walk on one area has been asking for 3 years we don't seem to have the money to fix the areas on sidewalks where people trip these areas are on a couple of main roads and that is what that money is used for. Janvrin disagrees with that and stated it is untrue. Kyle stated that it is true. Janvrin stated that exaction money is for the Route 1 corridor and cannot be used for anywhere except the Route 1 corridor. Kyle stated and that is why you want to make the Rail Trail part of the Route 1 corridor so you can build the Rail Trail. Janvrin would rather you don't impede his

motive. Kyle stated that is exactly what it is, it is what it is. Diana Chapman is one of the Director's of Rail Trail says she understands the frustration about the Master Plan implementing the Rail Trail. She stated that it is their intention to use their own money. They are fundraising, looking at colleges with agricultural programs to have the kids do interns in the summer to maintain the trail; they have already raised a considerable amount of money, and working with the Salisbury Rail Trail where businesses pay a fee of \$250.00 per year to have the business name on the marker. They are working on many different ways to pay for the Trail so it will not impact the Town. The one thing that benefits them by placing the Rail Trail in the Master Plan is it gives the Rail Trail exposure for grants so they can raise money on their own. The Trail has been maintained for 3 years now by people who live on the Rail Trail that we abut. When trees fall down the Town doesn't do anything about that we do as the rail trail the abutters in Seabrook we clear the trees from the trail so no one gets hurt. Many things go on behind the scenes that nobody knows. The elderly would like to use the trails so they could use scooters to go shopping from elderly housing right down the street. It is not just about the kids or recreation it is a form of transportation. She would rather walk the trail and get exercise and get groceries than wait 25 minutes to get out on Rail Road Ave. The rail trail group is not looking to use any town money and if they have to use money from the master plan they will use it. She believes the Rail Trail is part of the Route 1 corridor. Anything that they can think of so that the Town's people don't have to fund the Rail Trail they are doing it. If they don't have to use any money from the Master Plan than they won't if something is left from the Master Plan like \$5,000.00 than they would use it but if not and something more critical is needed of course the Town would take priority on that money but we need recognition of the Rail Trail in order to move forward. Diana Chapman stated that if the Planning Board and Selectmen don't help them to move forward they will just continue what they are doing. She is asking for the Planning Board's consideration and don't make them feel like they are trying to do something bad they are trying to do something good along with trying to pay for it on their own. They are trying to do something good they don't want help from the town but they would like help from the Town but if they have to do it on their own they will do it on their own.

Janvrin asked if anyone else would like to speak. Janvrin then asked if Mr. Klimak would like to speak.

Kyle feels that we are in a public hearing and only people that are directly affected by it should speak. Janvrin stated that it is a public hearing. Kyle stated for the public that is affected by the change and this is different than a meeting. Mr. Klimak asked Mr. Janvrin if he wishes him to speak. Janvrin stated he could speak he is a member of the Public.

Mr. Jerry Klimak, resident of Salisbury MA spoke in favor of the Rail Trail. Mr. Klimak stated that the Town of Salisbury is designing a Rail Trail that will connect to Seabrook. Mr. Klimak stated that the Rail Trail is great way to walk and ride bikes instead of using the main roads. He was a selectman for 9 years and he worked to develop Salisbury Rail Trails. It was important to him not to use tax payer's money. He would rather use grants and as little tax payer money as possible. They have a trail group like Seabrook does and they had \$100,000.00 in grants to build the ghost trail. They are raising almost \$5,000.00 per year from the adopt a part of the trail for businesses. Rabideau asked how is the volunteer base done has it increased or decreased over the years since Mr. Klimak started the Rail Trail. Mr. Klimak has 45 volunteers in the maintenance crew for the Rail Trail. So they help with spring and Fall Clean up they do general clean up. They have very little trash users pick up the trail. In the fall they blow the leaves off the trail. The ghost trail was built in 2006 to 2012 and they will have to buy stone dust for the first time this year as someone dug it up with a plow. The DPW will load the stone dust on a truck with a roller and 10 volunteers will spread it. This was built 10 years ago and just now they have to be maintained. Seabrook trails are very flat like Salisbury's and he is surprised how well the stone dust held up.

Janvrin asked if anyone else wish to speak.

Janvrin closed the Public Hearing at 7:50PM.

Chase asked if we are looking for a motion to adopt the amendment for the Master Plan. Janvrin stated a motion or we can put it off until the next meeting. Rabideau stated that just last year the town had a warrant article that the voters voted on for the Rail Trail for \$25,000.00 that passed and it has been held up because there is no mou with the Town at this point. Rabideau feels that this whole things comes down to how important it is with the overall mission of the Town and he feels that the new revision to the Master Plan would make it more important since the community voted that in he is only one voter and will not speak for everybody but he will speak for the vote that passed for \$25,000.00 as seed money to explore this. Rabideau feels that as a Community we did this we took an interest in wanting to see where this would go and he stated it didn't go too far due to some political issues unfortunately. He is from an area that has a lot of very scenic Rail Trails. They hold State wide events all over New York and the Rail Trails are featured many times. Much of the Rail Trail was done by private money fundraised and some was State money because it was on State land. Some was state funding but mostly people working hard together for the trails for kids, the grandchildren, and the elderly. Rabideau certainly doesn't want to walk Route 1 although you may see him playing Chicken Little trying to crossing the street which is not a pleasant thing most of the area is parking lots. Rabideau feels that it is up to the Towns people whether or not they want this and Rabideau feels that the people have spoken. Chase is in favor of the amendment, the Planning Board has been talking

about this during discussion on Smith Town, North Village, Safe Routes to School and all the Rail Trail all these people have been volunteering and working toward a cause. He feels we have a number of people in our Town that are for the Rail Trail and he is in favor of making this motion. Putting in ice skating arena and anything else could be done but if the Town doesn't want them it should be done with the people speaking not just a couple taking a position for the entire body. Kyle doesn't think that the Town doesn't want to spend the money or support the people working hard on this but the Town does not have the money. Tell that to the taxpayers who are complaining right now due to their reevaluations, Nuclear Power Plant devaluation, the playgrounds that need to be fixed and many other things. Chase stated Kyle was right in what she is saying but it has nothing to do with this particular subject. Kyle stated that of course it does it is tax dollars coming from people that pay taxes. Lowry asked who will determine where the money goes, how much will go to the Rail Trail and how much will go to Route 1 that is what he feels people would like to know. Janvrin stated that the Planning Board recommends what to spend and makes that recommendation to the Selectmen to accept or not. Chase asked if there is a discussion going on in Town when we take the 10% off and we accept the 90% that we can do more with that money than we can with exaction fee money. Morgan stated that the exaction fee has a 6 year limit and if not used it must be returned to the developer but the donation has no time frame.

Motion:	Chase	To Adopt the Transportation Chapter revision to include the Rail Trail.
Second:	Lowry	Approved: Rabideau, Chase, Lowry, Sanborn, Janvrin Against: Kyle

Mr. Gary Dolan asked if the purpose to revise the Master Plan to give the enabling legislation for the Town to accept this money coming in as a donation and be able to defend it or just to include it in the Master Plan where it is a living document. Janvrin stated that is correct.

Janvrin feels it is in our best interest to have Chase do a little research to include Safe Route to School or the new name to further revise the Master Plan to include the Safe Route to School. Chase will check in with Scott and report back.

Janvrin recessed the meeting at 7:58PM until 8:03PM.

Portsmouth Hospital will have a grand opening for the Seabrook Emergency Room and would like us to join them on May 30, 2017; Tuesday @ 3:30PM - 4:30PM VIP Ribbon cutting ceremony and a tour will take place from 4:30-6:30. Everyone should RVP.

CASE #2017-6, 549 Lafayette Road and 2A Smalls Avenue, Site Plan Review, To construct a 2,886 SF restaurant, existing structures will be removed from both lots, Amaral Revite, Morzia Real Estate, LLC, SN Rental Nominee Trust, Furmer H. Souther III, TTEE, Map # 8, Lot #11 & 12-1

Case #2017-6 was continued until the June 6, 2017 Planning Board Meeting.

CASE #2017-9, 16 Collins Street, Conditional Use Permit, Auto Sales, Dean Savastano & Nicholas Riccio, Tax Map #15, Lot # 2

Janvrin, Zalewski, Morgan all looked at the zoning which was a little confusing. It was made to accommodate the Seabrook District Village. The applicant would like to reestablish residential in his commercial property. The ordinance says the applicant must go to both the Planning Board and the Zoning Board. It was not the intentions to have the applicant go to both Zoning Board and Planning Board but rather one or the other. Morgan stated that section 8 page 23, mixed use is permitted in zone 6 but nowhere else. Page 22 mixed use requires a conditional use permit which is through the Planning Board. Morgan decided to have the Planning Board hear the case.

Janvrin the Planning Board has determined that the request for mixed use will be heard tonight.

Motion:	Janvrin	To determine that the request for mixed use in Zone 2 requires a conditional use permit for the Planning Board and not a variance from the Zoning Board of Adjustment.
Second:	Kyle	Approved: Janvrin, Rabideau, Chase, Lowry, Sanborn, Kyle

Janvrin stated it can be grieved by an abutter to Zoning Board of Adjustment.

Janvrin stated we already approved the site plan and under the conditional use permit they have 6 criteria's.

Chase asked if this was the same building to sell cars. Chase stated he took out the Residential and now he wants to put it back in. Mr. Savastano was advised by the Planning Board that he could come back to the Zoning Board to get the residential put

back in under a mixed use. Morgan and Zalewski felt he should come to the Planning Board and not the Zoning Board.

-Do not have an adverse effect on surrounding abutters or surrounding properties and they do not as their will be no change to the exterior of the building will build to the site plan.

-The residential use will not increase the driveway size they will have two cars for the back entrance.

-The residential use will not have chemicals or pollutants go into storm water. No the residential use will not and the commercial use has been dealt with

-No impact from odors, smoke, and, fumes which travel beyond the boundary lines of the residential property. For the residential use they will not.

-The residential use does not interfere with or decrease safety for access for motorist, motorcycles, pedestrians, and bikes. No it will not the applicant has increase visibility in that area. The applicant stated that now the lot is cleared you can do a loop around the building.

Janvrin asked if based on the criteria has the applicant met the criteria. Chase thought this had to have 5 units and they can have a maximum of 5 units. Chase asked if they will have an office and the residential space which is about 900 sq ft. They will still have both residential and a commercial office at the site. The residential home will have a completely separated access from the back of the home and the office will be separate entering from the front. It has been all cleaned up and has a lot of square footage. Now that it is all cleaned you could fit 40 cars. Janvrin stated that the applicant will have to work with Code Enforcement and the Fire Department. The applicant is working with the both of them.

Motion:	Chase	To Approve the conditional use permit for Case #2017-9.
Second:	Janvrin	Approved: Janvrin, Rabideau, Chase, Sanborn, Lowry, Kyle

Janvrin stated that he cannot sign off until after 30 days for occupancy permit as this decision can be grieved.

Case #2016-27, 18 Stard Road, Site Plan Review, The proposed project consists of the construction of a 10,147 sf warehouse and office building, with associated

site improvements including landscaping, parking, and utilities, Waterhouse Properties LLC, Tax Map #4, Lot #17

Doug Larosa from Ambit Engineering and King Weinstein the applicant presented to the Board. The met with the Zoning Board of Adjustment and they were granted a variance. The applicant removed 3000 sq ft from the building. The variance approval is on sheet C2. The applicant met with the Conservation Commission and they recommended more plantings and corrected erosion control issues. The TRC was visited and gave feedback. Mr. Larosa stated that Sue Foote wrote a very nice letter to agree with the changes that were made as suggested by the Conservation Commission. The site is in the Aqua for protection area and the applicant feels that they met the requirements of the overlay district. Mr. Larosa completed the soil work and it came back better than the first time. The TRC had 4 particular items of concerns; They asked for a Sewer manhole to be installed onsite, Change from Safeco manual system and show detail on petroleum plug. A 24x24 plug will be used which is the same one that US Foods has. It will plug up the petroleum automatically. A SPI triggered valve will be added. They will have Wb65 trucks onsite. All TRC concerns have been met.

Janvrin stated that sheet C2 has a 50' front set back when in fact your frontage on Chase. Zalewski stated they have frontage on both Roads. The applicant has a variance for the dimensional requirements.

The water flows toward the wetlands. They have curbed the entire site to catch storm water and roof run off. The overflow will go into a micro pool than move toward the wetlands. Janvrin stated that due to aqua for protection area if you were to have a fuel truck making a deliver for heating oil and they had a leak in the parking lot how would you address it. The applicant will have the petroleum plug installed which will work automatically to close off spill. When a truck pulls up to unload the truck would be over the area with the manual system and they would have to be manual pull up the grate under the truck which the TRC recommended the automatic system be used and not the manual one. The new system will be automatic. A rough calculation for the storm water management sheet is based on one oil truck tank spill. The applicant has one tenant that is public and they are taking the whole building. The storage onsite will be less than 5 gallons or less and they will add a note to the recorded plan. Janvrin asked that a spill prevention plan will be put in place and will go on the recorded plan. Lighting trespass is .2 and .3 to the wetlands and .4. Janvrin feels the applicant needs a light waiver. Friberg feels we should have no light trespass and they can still safely light the parking lot. Chase stated that they need to shield the lighting in parking lot and the dumpster area. Proposed sign will conform to the sign ordinance. Janvrin asked where they have one tenant will they use both sign areas. The applicant is leaving that

up to the tenant. Chase asked if they addressed the turtle issue and was acceptable to Conservation Commission. The slope curb will require a waiver.

The applicant is requesting a waiver for curbing and they will put it in writing.

Rick Friberg from TEC stated that the applicant covered most of the TRC concerns. Friberg feels they should have conditions that the Water, Sewer, and Town Planner should be satisfied. Friberg feels that the applicant met the intent from Conservation Commission. Friberg also commented on the concrete slab area and stated that leaks could occur in between the wall and slab. The manual valve would have required someone to get out of the truck and close the opening in case of spill. The new plug will be automatic and the applicant will provide a spill prevention plan. Friberg stated a waiver for slope granite curb is needed, a sewer man hole will be added on site; provide a cut sheet showing the new plug, and site security be \$75,000.00.

Chase asked if we need an easement for the sewer department to test the sewer pipe. Morgan stated that a few years ago it was suggested to provide an easement for applicants but it is not a legal requirement. Morgan will draw up a generic easement for all water, sewer, and DPW. Janvrin asked if the applicant will they have an outfall sign for drainage for DPW. Friberg doesn't believe that a private sight requires it. Friberg feels the applicant has done their part within the operation and maintenance plan and storm water regulations. Friberg stated the catch basins are hooded so the pipes go down like elephant trunk just clean water makes it all the way to through the pipes. Friberg stated that the inspections log is checked annually by the DPW for MS4. The trucks will not be delivering fuel to the site. Janvrin stated the lighting has to be dark sky compliant and cannot have any light trespass.

Friberg will leave it to the applicant to how many sheets they will record. Janvrin asked if there is any objection to an easement. The owner would like to see it first before he agrees to it. Look at Ocean State Job Lot and see how they did it. The easement will be a 24 hour notice to inspect water, sewer, and DPW needs. The water superintendant will handle the easement.

Motion:	Janvrin	To Approve the waiver for Case # 2016-27 to have slant curbing in the perimeter of the parking lot instead of vertical curbing as depicted on the plan.
Second:	Chase	Approved: Janvrin, Rabideau, Chase, Sanborn, Lowry, Kyle

Janvrin asked if any abutters wish to speak.

Abutter Gary Dolan is an abutter just interested in what is going on with the project.

Motion:	Janvrin	To Approve Case # 2016-27 with the following conditions; 1) Final plan must satisfy the Water Superintendant, Sewer Superintendant, Town peer Engineer, and Town Planner, 2) Detailed construction of containment on the loading dock be depicted on the plan, 3) The Storm Water Prevention Plan and the Spill Prevention Plan will be on a recordable sheet satisfactory to the Registry of Deeds, 4) Security set at \$75,000.00 (\$30,000.00 for drainage, \$15,000.00 for sewer, \$10,000.00 for loam and seed, and \$20,000.00 for water, 5) No hazardous waste be stored in anything larger than a 5 gallon containers note placed on a recorded sheet and any changes will require the applicant to come back to the Planning Board, 6) Lighting needs to be in compliance with not light trespass off of the property.
Second:	Rabideau	Approved: Janvrin, Rabideau, Chase, Sanborn, Lowry, Kyle

Janvrin adjourned the meeting at 8:55PM

Respectfully Submitted,

Maria Brown, Planning Board Secretary