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**Town of Seabrook**

**Planning Board Minutes**

**Tuesday November 13, 2018**

**Seabrook Town Hall, 99 Lafayette Road**

**Seabrook, NH 03874**

**603-474-5605**

**Members Present**

Roll Call; Michael Rabideau, Chairman, James Sanborn, Max Abramson, Aboul Khan, Tom Morgan, Town Planner, Kelsey Lindgren-Bosco, Secretary

**Absent Members**

Forrest Dow and Jason Janvrin

**Chairman Rabideau opened the meeting at 6:48pm with the Pledge of Allegiance.**

**239 Walton Road**

Kierstan Schultz from 12 Coleman Court presented to the board the noise and vibration issues regard Premier Recycling located at 239 Walton Road. Schultz started by reading a few emails that she received from residents in the neighborhood that could not attend the meeting but would like to express their concerns with the noise level and vibrations that are taking place at Premier Recycling;

Patricia Gannon,11 Coleman Court

Mary Wilson, 9 Locke Lane

Jim & Helen Burns, 8 Halls Way

Schultz stated that she is a direct abutter to Premier Recycling and has constantly alerted the town regarding the noise, vibration and trucking traffic that is accruing. Schultz explained that her household hears trucks beeping, rumbling of engines and frequent clinging and incredibly load banging of metal and booms, which resemble bombs exploding. She expressed that PRE is habitually non compliant with the Towns Zoning Ordinance and Site Plan Regulations. Schultz explains that PRE that has failed to implement adequate noise control or abatement measures that are required. Schultz also stated that PRE are violating Section 8.1100 of the Site Plan Review Regulations that all machinery to be muffled so that noise will not be discernible at the perimeter of the lot. Schultz expressed that Planning Board approved this case back 2017 with a condition that “there will be no manufacturing noise to abutters”, and that the noise the abutters and others hear is indeed manufacturing noise. Schultz requested that;

1. Find that PRE is in violation of the Town of Seabrook Site Plan Review Regulations.
2. Find that PRE is in violation of the Town of Seabrook Zoning Ordinance
3. Impose all appropriate fines and penalties against PRE pursuant to RSA 676;17
4. Revoke PRE’s approval to operate its facility unless and until it can demonstrate full compliance with all applicable provisions within the Site Plan Review Regulations and Zoning Ordinance.

Gloria Titone from 10 Coleman Court, spoke on the behalf of the noise and jolts that she experiences on a daily basis. She stated that she came to the Planning Board meeting in 2017 when PRE first appeared in front of the Board and she was under the impression that it was just going to be a storage facility and there’s were going to be no noise making.

Kowavis Nelson from 14 Coleman Court, expressed that she does not agree with the statements that are being expressed from other abutter and residents. She stated that the noises are not continuous and the issue raised is not impactful as other issues.

Dan Van Liere from 43 Halls Way, President of the Home Owners Association, explained that he had a conversation with PRE’s management and he was under the impression that they are waiting for them to construct a soft spot area for the placement of the shipping containers.

Paula Newhall from 227 Walton Road said she has lived in her home for 59 years and that she has never experienced such load noise. Paula said that she hears noises about 20 times a day and she sees sand coming through her foundation during the vibration.

Fred Albert from 10 Coleman Court explained that it sounds like a hand grenade going off and it is frightening and never know when the sound will go off again.

 Elizabeth Beal from 239 Walton Road, said she did attend the meeting back in 2017 and remembered that they said there will be minimum noise coming from the facility and she did not expect this much noise coming from PRE.

Attorney Steve Shindella representing PRE stated that when he first heard issue of the noise complaint, he went out to the sight and reviewed the manufacturing process. He explained to the board that you cannot hear the manufacturing process within the building and that the noises the abutters are hearing is the product being moved outside the building which is not part of the manufacturing process. He stated that he went and sat in Coleman Court and asked PRE to duplicate the noise, which he said the noise is loud but only happens about 4-5 times a day and it’s not constant.

Mike from PRE is the manager of the business, told the Board that this was brought to his attention over the summer from the previous building inspector and that there were complaints that the operations were starting from 5:30am-7am, the issue was dealt with and since, they have been starting at 7am and on. The banging that the abutters are hearing is when they are transferring the containers outside, they are slipping off the fork truck due to the uneven ground. Mike also stated that there are some new things that they are trying to do to reduce the noise, he said that they had Matrix came in and ripped all the old pavement up and graded it flat and put new pavement down. He explained that they plan to have drop yard, but they have had to apply for state and federal permits which is held up the process. They finally got approval and they do have plans that were drawn up from Millennium Engineering for the drop yard, they are now looking for Bids to start the work process. Tom Morgan asked when the abutters can start looking for improvement. Mike asked Henry to speak on the behalf of the question that was asked.

Henry Boyd from Millennium Engineering explained that where the parcel is located it’s classified as a peninsula on a salt marsh, therefore DES is very particular and that there is 250 ft of hide tide line. Henry stated that they would need a Shoreland Permit and a Wetland Permit which can be a long process to get as they have had to pay for an archeologist to come out and do work on the site. Henry said that its starting to get cold out and the grading can be done but the storm water process cannot be done until it starts to get warmer.

Gloria Titone responded back to Attorney Steve Shindella’s comments and that it does not happen 4-5 times a day, as it is way more than that and that she believes PRE is trying to expand the business into the salt marsh.

Henry Boyd responded to Gloria Titone’s comment about expanding into the salt marsh and that, that isn’t the case and they had to get the permits from DES because salt marsh abuts the parcel.

Fred Albert expressed that at the very first Planning Board meeting back 2017, PRE or whoever represented PRE at the time, should have told the abutters at the meeting then that these noises were going to be made.

Aboul Khan asked Tom Morgan if the noises the abutters are hearing are in fact part of the manufacturing process, Morgan said no it is not, and that Henry did indicate last year that there were going to be some noise made at the facility. Aboul proposed that the Planning Board have a meeting with the Town Manager, Town Planner, Mike Rabideau, Abutters and PRE.

Chairman Rabideau had concerns about the drop yard as its starting to freeze outside and the drop yard is not going to do anything beneficial now as it is going to be frozen.

Tom Morgan asked if PRE can load the containers on the truck inside the facility, Mike the Manager at PRE said no they still have to be brought outside.

Rabideau asked if there is any guidelines they can change to eliminate the noise, Mike said there are some other opinions that they are looking into. He explained when they get the lay down yard on the side of property right next to the three over head doors instead of the containers being dragged to the back of the property it will make a substantial difference.

Mary Wilson from 9 Locke Lane, voiced that she is concerned that if they cut down any trees, that it will actually make the noise worse because those trees are a buffer.

Henry Boyd responded to Mary Wilsons comment and stated that the trees that would be taken down are on the West side of the property, the trees between PRE and the Abutters cannot be touched because of the fact that it is Conservation Land. Morgan asked Henry is there could be some sort of barrier around the property, Henry responded back and said they have not had the time to come up with designs for this idea when PRE has some good ideas that they can put in place now that are being worked on.

Chairman Rabideau requested that there be a meeting the week after Thanksgiving, with the Town Manager, Town Planner, one Selectman, Town Engineer, PRE and a few Abutters. Rabideau asked the property owners that there be a reduction in the noise starting tomorrow. Rabideau asked Kierstan Shultz to give her and any other abutter’s information that would like to attend the meeting to Tom Morgan.

Max Abramson said there should be a zero tolerance on this issue and that there should be noise or dropping of the containers on the ground. The property owners responded back and stated that there was originally suppose to be a drop yard but when they started the business and when they submitted their permits, it took 6 months to get a response back and they are doing the best they can.

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| **Motion:** | **Sanborn**  | **To appoint Tom Morgan, Town Planner to be the point person to set up a meeting with the Town Manager, Chairman, one Selectman, Town Engineer, PRE and Abutters, the week of November 26th, Date/Time is TBD.**  |
| **Second:** | **Khan** |  **Yes: Rabideau, Sanborn, Khan****Against: Abramson****Motion Passed** |

**Rabideau recessed the meeting at 8:08 PM and opened it at 8:23 PM.**

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| **Motion:** | **Sanborn** | **Approve the meeting Minutes from October 16, 2018** |
| **Second:** | **Khan** |  **Yes: Sanborn, Rabideau and Khan****Appose: Abramson**  |

**Rail Trail**

Derek Griggs, member from the Friends of Seabrook Rail Trail proposed to use $15,221 from the $25,000 that was passed back in 2015 from warrant article #67. Derek explained that this expansion of the rail trail would allow Salisbury to have an exit point that would connect to a bike lane on Route 286 allowing people to get to the beach. He explained that it would give Seabrook a trail head and would allow Seabrook residents to have an easy access to the rail trail. Aboul asked why Salisbury isn’t spending this money for the connection instead of Seabrook. Derek stated that Salisbury is spending money, but this would benefit the Town of Seabrook because they would have access to get onto the rail trail. He explained that there would be a parking area and trail head located at the Seabrook Fireman’s Association building which Salisbury received an easement from the SFA. Rabideau explained that the money is going to be spent in Seabrook for the residents and that this trail will eventually be a national rail trail. Abramson stated that he doesn’t see any problems with this project as the residents voted for this and it passed and that the town residents will benefit from this expansion.

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| **Motion:** | **Abramson** | **To submit to the Board of Selectman for their Review.** |
| **Second:** | **Sanborn** |  **Yes: Abramson, Sanborn and Rabideau****Against: Khan****Motion Passed** |

Khan stated that the $25,000 that was proposed and passed, he was a member of the Friends of Seabrook Rail Trail and his understanding was that the money would be spent in Seabrook and not in Salisbury that was collected from the tax payers.

**Case 2015-16-Request from the Southern New Hampshire Management to release the $5,000.00 Security Maintenance held for a two year time frame.**

Rabideau explained to the board that Southern New Hampshire Services is looking for the remaining $5,000 Maintenance Security that was held for a two year time frame. Chris Raymond, TEC had no comments and recommended release the money.

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| **Motion:** | **Sanborn** | **To release the remaining $5,000 Security Maintenance held for a two year time frame for case 2015-16.** |
| **Second:** | **Abramson** | **Unanimous**  |

**Case 2016-14- Request to release the remaining 10% of security at 72 New Zealand Road.**

Rabideau told the board that the applicant is requesting the remaining security, around 10% is left. Morgan asked when the last time TEC went out to the site, Raymond stated about 6 month ago and there were some comments that were made at that time that needed to be fixed. Morgan recommended that TEC go back to the site to make sure everything looks good.

**Case 2018-20- Proposal by Andrew Hoekstra for boat sales and service at 12 Stard Road, Tax Map 4, Lot 15**

Andrew Hoekstra presented to the board that he owns a boat sales business down in Ipswich, MA and is looking to purchases a new facility which would be at 12 Stard Road. Andrew expressed that he is asking the board for permission to use the facility at 12 Stard Road for his boat sales and service business. Khan asked if he is going to be repairing boats, Andrew said that its mainly buying and selling boast but he does do minor repairs here and there. Morgan expressed that he recommends that the applicant meets with the Technical Review Committee so there’s not a chance of oil or chemical interfering with the Towns Water Supply. Rabideau asked Cutis Slayton, Water Superintendent for his opinion, Slayton explained that this site is in the Aquifer Protection Zone and recommends that this be heard at the next TRC meeting to know a plan if anything were to spill onto the ground. Morgan stated the next TRC meeting will be held on Tuesday December 11th.

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| **Motion:** | **Abramson** | **To accept case 2018-20 as Administratively complete.**  |
| **Second:** |  **Sanborn** | **Unanimous**  |

**Case #2018-19- Proposal by PS Renewables and GRA Real Estate Holding LLC. to construct a Solar Farm at 27 Stard Road, Tax Map 4, Lot 9.**

Rick Barthelmes from Cornerstone presented to the Board a ground mounted solar panel farm to be constructed at 27 Stard Road, the site is 22 acres and looking to use 5 acres of the property. He explained that back in august they received a variance for the use from the ZBA. He also said they have met with TRC and the Conservation Committee and have applied their comments to their plans. The Conservation Commission requested that they raise the fence 6 inches, leave the stumps in place after clearing the property, no using hay bales and any disturbed areas are to be seeded. The comments from TRC were that the fire department wants a secondary gate, the transformer oil will be a seed based oil, an emergency response plan and that the fire department will have a walkthrough of the operations. Rick explained that solar panels will be 1 mega watt with a pole mounted array. They met with Seekamp Environmental who has flagged the wetlands and has met with DES Wetland Bureau and sited the panels outside the wetland areas. Once the project gets approval, they will need to apply for a wetlands permit for temporary disturbances. Khan asked how many solar panel there will be, Rick said there will be about 4,300 panels and they will be at 25% tilt. Slayton expressed that there has been email exchanges with property owner Arleigh Greene and he sounds excepting to an easement to protect and service the radius around the town’s water wells and that they are just waiting on the surveyor to gets the points of location for the deed.

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| **Motion:** | **Khan** | **To approve case 2018-19 with the following conditions;**1. **Execution of well head easement.**
2. **To receive all State permits from DES.**
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| **Second:** | **Sanborn** | **Unanimous**  |

 Bill Melanson from PS Renewables asked about the impact fee, as its $22,000 and they are looking to get it reduced. Melanson said they have applied the comments from TRC and Conservation Committee and that if it was fair enough to be reduced or waved because in other towns they don’t charge this fee so they don’t have an amount they can really compare it too. Khan recommended that $5,000 would be a reasonable amount as the comments from TRC, Conservation Committee and Planning Board are recommended for everyone’s safety.

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| **Motion:** | **Khan** | **To set the fee at $5,000.**  |
| **Second:** | **Abramson, open for discussion** **(comments below)** | **Against: Sanborn and Abramson** **Abstain: Rabideau**  |

Abramson voiced that 5%-10% of the $22,000 would be a reasonable fee which would $1,000-$2,000 range.

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| **Motion:** | **Abramson**  | **To lower and set the fee at $2,000.**  |
| **Second:** | **Khan**  | **Unanimous**  |

**Presentation by Mary Ganz and Forrest Properties**

Mary Ganz representing Forrest Properties explained that they are looking to expanding the number of units at Parke Place but the Zoning Ordinance does not allow it. She is confident that the ZBA would not grant a variance; Mary said the two ways to make this happen would to get a Zoning Amendment from the Planning Board or Present something for the March meeting. Dan Sterner from Forrest Properties presented that currently there are 96 units at Parke Place and would like to expend for another 60 unit and add a resident lounge and gym as they have extra land around the back of the property and would like to put to productive use. Aboul asked how may bedrooms would there be, Dan said 40 2 bedrooms and 20 1 bedrooms. Aboul had concerns that if there are more 2 or 3 bedrooms that would affect our schools. Dan responded back that he met with the school business administrator and said that this project would have a minimal impact. Dan explained the people that will rent the new townhouse would roughly be young professionals, retirees and both groups. He stated that revenue would roughly be $90,000. Khan recommended that the Planning Board hold a Public Hearing as there needs to be more members and more details about the project.

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| **Motion:** | **Abramson** | **Continue the discussion to the December 4, 2018 meeting.**  |
| **Second:** |  **Khan** | **Yes: Rabideau, Khan and Abramson****Against: Sanborn** |

**Chairman Rabideau adjourned the meeting at 10:20PM.**