



Town of Seabrook
Planning Board Minutes
November 19, 2019
Seabrook Town Hall, 99 Lafayette Road
Seabrook, NH 03874
603-474-5605

Members Present

Roll Call: Vice Chairman; Jim Sanborn, George Dow, Max Abramson, Selectman Rep; Aboul Khan, Town Planner; Tom Morgan. Others Present: Attorney; Keriann Roman, PB Secretary; Jen Hubbard, Building Inspector; Lacey Fowler, Town engineer; Chris Raymond, Town manager; William Manzi

Absent Members: Chairman; Francis Chase, Paul Knowles, Joseph Jones, Michael Lowry, Claire Knowles, Forrest Dow

Vice Chairman Jim Sanborn opened up the meeting at 6:36 pm. He invited the Town Manager into the forum for any questions that the members have about the CIP. Sanborn has no objections to what is on the CIP for 2020, but he feels that they shouldn't go any further than that at this time.

Abramson asks a question about the town vehicles and having a revolving door for money to keep going into that.

Manzi states that it would be the use of capital funds. The budget committee and the selectman are asking to create such funds. Fire turn out gear and breathing apparatuses. Knowing that it will need to be purchased in the years to come the board of selectman have issued a warrant that was approved. So when the time comes they will not need to ask for a lump sum of money. They are moving in that direction for DPW vehicles, some police equipment, and town building maintenance. The selectmen are asking to seed this fund for the current warrant for 2020.

Motion: Khan	To adopt the CIP that the town manager has presented.
Second: Dow	
Result:	Unanimous

Minutes:

Motion: Dow	To approve the minutes from the November 5th meeting.
Second: Sanborn	Abstain: Abramson
Result:	3 in favor; Passed

Correspondences:

N/A

New Business:

Case # 2019- 20 Proposal by Salt, LLC for a condo conversion at 73 Foggs Lane Tax Map 3 Lot # 50.

Henry Boyd with millennium engineering speaks on behalf of the applicant. He states that this is a very simple case; Tom had no issues with this site plan. Everything is all set, everything already exists.

Motion: Abramson	To accept the case 2019-20 as administratively complete
Second: Khan	
Result:	Unanimous

Sanborn opens it up to the public, seeing none, hearing none.

Motion: Khan	To approve Case # 2019- 20 Proposal by Salt, LLC for a condo conversion at 73 Foggs Lane Tax Map 3 Lot # 50.
Second: Dow	
Result:	Unanimous

Old Business:

Attorney Keriann Roman joins the planning board for a decision on Premier Recycling. She suggests that the vice chairman take a poll from the members to see if they would like Premier Recycling to speak on the case. All members agree to allow Premiere to speak, and then to also allow members of the public to speak.

Mike Panciocco speaks on behalf of Premier recycling. He states that this has been a long process and that this issue has been ongoing with the abutters. He states that Premier has addressed all of the issues that were previously brought up.

- Moved the entrance of steel deliveries closer to the doors to reduce or eliminate noise.
- Not pushing or dragging containers anymore, using forklifts
- Completed a lay down area in the yard with gravel to stop noise and spent \$50,000 for that.
- Containers are not stored on the black top anymore.
- Steel deliveries are transported into the building with forklifts
- They relocated the scrap pile from one side of the building to the other.
- Operating hours are 7-3:30 pm with no steel deliveries until 7:30.
- Zero tolerance policy for noise, they had all their employees sign it.
- On-site training.

He invites anyone to come over for a visit and a tour to see exactly what the company is doing. He believes that at this point the company is being harassed. They recently hired a sound consultant to do a study of sound on their property.

Sanborn- states that he has been on the property numerous times and has never heard any noise. Other members have been there also.

Khan- Asks if they are doing the sound consultant study voluntarily and he would like to know how long it will be.

Mike Panciocco says it's an 8 hour test when they are working and an 8 hour test when they are not working and yes it was done voluntarily by the company.

Tom Morgan- states that in their site plan approval one of the conditions was no noise to the abutters.

Abramson talks about there always being a roomful of people when Premier comes up on the agenda. He believes that there is an ongoing problem here; he doesn't believe that the abutters are just making this up.

Khan states that he has been there a few times during a few different weeks; he has heard just normal noise, nothing excessive. He believes that they should get an independent company to come in and do the sound test. Previously when they hired a sound company they would do it independently.

Mike Panciocco states that they already have a contract with one company and they wouldn't want to have to break the contract.

Carrie Mowbray – The owner of Premier states that they have done all these things and made all these changes. When does it end? She can't keep paying. She has yelled at her employees when she hears noise. She wants her neighbors to be happy. She is a responsible business owner. They do everything they say they are going to do. These abutters can just sit here and say whatever they want. She states most of the board has been over there and haven't heard anything. We have an open door policy. She is not in business to piss people off. She is creating a service for other people. They employ a lot of local people. This isn't fair.

Henry Boyd- talks about the time that they first got involved and there were legitimate complaints when this first began. Premiere has implemented everything that was on that list. They have always been willing to implement change. They have done everything that they could possibly do and more.

Building inspector Lacey Fowler- This has been ongoing for a few years. She went out a few days ago and met with Mike. He showed her the operation. No noise was heard. She asked Mike if they could move one of the containers and she stood outside to see if she could hear any noise; she didn't hear anything. Mike stated that he was going to come up with a contraption with rubber wheels; he did. Lacey visited the next day and they moved another container with the rubber wheels this time and the noise was stopped completely. She states that she has taken every complaint seriously and she is not taking sides but she wants to be there for the abutters as well as the company and the town. She will continue her investigation.

Khan asks if the company has cooperated with everything that the building inspector has asked them to do.

Building Inspector Lacey Fowler explains that the company has addressed every issue. She couldn't smell the paint from the outside of the building either.

Mike Panciocco states that they only use water based paint, not oil based.

Attorney Keriann Roman states that our only ability right now is to talk about the sound issue to the abutters.

Goria Tatone- 10 Coleman court feels like this meeting has gotten a little personal tonight. Their complaints are totally legitimate. When the noise first started she had no idea where the noise was coming from. Everything that they have been saying may be true. All I can tell you is what I hear from my house. She has run out to her back deck and tried to capture some noise and then it's gone. She can't capture it. Nothing may be happening that day. She is surprised that no-one on Walton rd has heard anything. She'd also like to address the issue of trucks coming down Halls Way or Coleman Court. Last week a huge truck came down Coleman Court and he couldn't figure out where he was. The policy plan that they have in their business doesn't prevent what we are hearing. She states that this isn't harassment. It is her intention to live without this noise. She has concerns about the noise study. She states that anyone can stop anything for 8 hours. What is that going to prove? She states that it is not their intention to shut any business down or to put people out of work. We would just like to live peacefully with no noise.

Abramson would like to hear from the abutters and see if any of the issues have gotten better or worse.

Mary Wilson- 9 Locke Lane; speaks about the marsh land behind her house and maybe that's why the noise is so loud. She is wondering if any of the noise logs from the previous year have been filled out and if she could see what those look like. This is the first night that the lighting has not shined on her house. She feels that as long as these things are maintained she doesn't have a problem.

John Watkins -10 Locke Lane. States this seems to have taken a personal turn and it has gotten more negative than he had hoped it would have. The problem is with the inconsistency. October 30 or the 31st it was very, very noisy, the next day it was quiet. He states again that the problem is the inconsistency and that the noises are very, very loud. He isn't sure how valid a noise study would be. He states that he was a small business owner himself for over 15 years and he is on the board of directors called New Hampshire/ Maine. He supports small business, but what they are living with right now has violated the conditions set out to Premier.

Sanborn states that it is not Premier's responsibility for the trucks on the highway. He has seen that for years, trucks have been going down there for years. The GPS is not 100 percent perfect.

Gloria says that premiere notified all of their truck deliveries and pickups to not come down that way. When Beckman Woods was originally built there was a GPS issue. The GPS for that whole area has been corrected in the last year and a half.

Khan states that the selectman can vote to put signs up if that is what is needed. He states if there are those issues to call the town manager and he will bring those issues to the selectman.

Linda Watkins- 10 Locke Lane states that she has a few videos and she asks the attorney how she could get the evidence over to the town without losing the time stamp.

Attorney Keriann Roman speaks about doing a screen grab to get the evidence with a time stamp.

Linda Watkins presents her sound clip to the board that is dated November 7th of 2019. She states that she would like to enjoy her outdoors and not be startled by the noise. She states it is not their intention to complain and they would like to be good neighbors.

Sanborn states that the sound clip is a substantial amount of noise. He talks about living right behind a garage and asks if anyone would like to switch places with him.

Henry Boyd states that the video presented is exactly what the company owners want to hear. They want to fix the problems. Please let Premier know of all the noise complaints. He says he sees trucks all the time coming out of Beckman woods and the trucks have nothing to do with Premier.

Carrie Mowbray is looking for answers herself. She doesn't want the abutters to hear that banging noise. Some of the noise is just accidents because they are dealing with steel. She can only do so much; she is willing to do it with an endgame. She wants everyone to be happy.

Mary Wilson just wanted to make it clear that they were asked to go directly to the town, not to Premier, with any issues they may have with noise.

Motion: Dow	To recess the meeting 8:30
Second: Khan	
Result:	Unanimous

The meeting was reopened at 8:53pm. Selectmen **Abul Khan** removes himself from the quorum and Attorney Keriann Roman explains what is going to happen next. She states each planning board member will explain why they are voting the way that they have chose to.

Abramson feels that this case has presented enough evidence, in his opinion, that Premier is violating their noise condition that was set out by the planning board.

Dow states that he doesn't think there is sufficient evidence that Premier is violating any condition.

Sanborn agrees with Mr. Dow. He states that the numerous times that he has been down there he never observed any noise. He cannot find sufficient evidence that Premier is violating their condition.

Motion: Sanborn	That Premier is not in violation of the site plan conditions : -no noise to the abutters
Second: Dow	Khan- Abstained
Result:	2 in favor 1 opposed

Gloria Titone feels like these two gentlemen have made a decision and voted on their personal opinions. She believes they are here as members of the planning board and the people that live in the community. She believes it is extremely unfair on how they voted.

Attorney Keriann Roman explains that this is not a perfect situation. She states that the members had information and they had to make a decision on the information that they had.

Mike Panciocco suggests that if there are issues that arise in the future to reach out to him. He gave out his business cards to the abutters and he told them that they could contact him directly of any issues. He wants to keep the line of communication open they go forward.

Attorney Keriann Roman suggests to the company that planting some trees or looking into acoustical things to reduce the noise would be a good idea.

Khan is invited back to the meeting at 9:06 pm.

Motion: Khan	To ask the town planner to bring a recommendation to the planning board in the near future to bring the regulations up to date.
Second: Sanborn	
Result:	Unanimous

Motion: Abramson	Motion to adjourn meeting
Second: Khan	
Result:	Unanimous

***Vice- Chairman James Sanborn adjourned meeting**

Respectfully submitted by Jen Hubbard