

**SEABROOK PLANNING BOARD
JUNE 18, 2002 – 7:00 P.M.
SELECTMEN'S MEETING ROOM**

MEMBERS PRESENT: Chairman Robert Brown, V-Chair Susan Foote, Paul Garand and Philip Stockbridge. Others Present: CEO Robert Moore, Town Planner Thomas Morgan, PB Engineer Michael Fowler and Secretary Emily Sanborn.

MEETING OPENED: Chairman Brown opened the meeting at 7:05 P.M. with a quorum present.

MINUTES: S. Foote made a motion to approve the minutes of May 21, 2002 as written. P. Garand 2nd. Vote: unanimous

Public Hearings:

#2-15 – Proposal by the Harry E. Chase heirs and C.P.R., L.L.P. to construct a concrete crushing facility off of Ledge Road opposite the Poland Springs entry drive, Tax Map 5, Lots 8-90 & 8-100: Wayne Morrill, of Jones & Beach, and applicants Kevin Kapanco and Robert Capone were present to go over a proposal to construct a concrete crushing facility off of Ledge Road for the board's review and approval. Mr. Morrill said that this process would be done on Lots 9 & 10 of an industrial subdivision that was approved on March 10th. He said that the owners would process material and sell off site for a profit. Co-owner Kevin Kapanco went over the basic functions of the operation.

W. Morrill responded to T. Morgan's letter of review by reading the following: (See Attached Letter dated June 13, 2002). Chairman Brown asked how many gallons of water to keep down the dust would be used. W. Morrill said that it is a regular garden hose being used and it only goes on during the crushing process and actual usage is unknown. P. Garand informed the applicants that there was a water ban. He also asked where the runoff would go and if it contained chemicals. K. Kapanco said that there would be a water truck on site and that the runoff would be absorbed into the materials. He said that there would be one truck on site and that his operation was mostly for landscaping purposes not a big business and that the crushing machine would be on site one week a year for crushing.

P. Garand said that he visited a site and the complaints for such an operation were dust, noise, and truck travel. He asked if they would be processing hot top. K. Kapanco answered yes, if it is mixed in. M. Fowler said that a good contractor would not have mixed material on site. S. Foote asked about the dust that will be created by the truck travel. Kapanco said that the driveway would be paved all the way back to the front of the building and that the amount of trucks going in will not cause much dust. P. Stockbridge asked how high the stockpiles of materials would

be. Kapanco said that 20,000 yards would be the maximum up to the push blocks. R. Moore told the applicants that they could not create a dump. He said that he did not want a lot of containers on the lot with asphalt, etc. Mr. Moore said that we have a wellhead protection in place and that the material that is being crushed on site is going to have gasoline and oil on it. Mr. Kapanco said that he was not going to take crap. Moore asked if they planned to have quality control. Kapanco said that they would have someone on site. Co-owner Robert Carbone went over the operation. He said that this business would have minimal impact and that decibel level would be less than 80 standing next to the machine. Mr. O'Leary from the audience asked if he would want his children around this noise? Mr. Carbone said that this was not any louder than the beeping from a truck backing up.

Abutter Jason Page, himself a zoning officer in the Town of Portsmouth, said that he is not in favor of this project. He said that his concern was noise, dust and the roll off from all the materials on site and the pooling of stagnate water. He said the noise depended on which way the wind was blowing and who would be checking this if the noise is not suppose to be discernible from the property line. Mr. Page asked what other industrial businesses are going to be coming in this area stating that this type of business would only attract birds of a feather.

Abutter Margot Bergeron said that OSHA has upgraded its control over concrete crushing. She voiced her concern with the dust and its contents such as cancer causing ingredients and the different chemicals such as heavy metals, arsenic, fiberglass and lead paint. She asked the applicants if they would get a waiver from the person bringing material to the site that it was safe material. Mr. Bergeron informed the applicants that this was our well area and that we have spent over 2 million dollars for our water wells to get on line and the board should be careful what is allowed in this area. Steve Bergeron told the applicants that all this project needs is a two-acre piece of property and if you have property why don't they put it in their backyards.

Abutters Peter & Catherine Evans, Mr. & Mrs. Huddell, Laurie Dube and Brenda ? voiced their objection and concerns with the noise, safety, traffic, runoff and quality control. C. Evans noted that there was no signage depicted on the plan and that lighting, hours of operation and sidewalks were also missing. She said that 68 decibels shakes her house. Evans asked about the traffic study. T. Morgan said that the traffic generated by this business did not warrant a traffic study. R. Moore said that we allow industrial use in this area but the health and welfare of the town is our first priority and this area is surrounded by our well fields and this is an issue that we must be made aware of. T. Morgan stated that before you vote in the affirmative the board should get some expert to certify that this operation will not contaminate our wells.

Attorney Murphy, on behalf of the applicants, said that this is an assumption that there will be bad stuff in the material that is being grinded and that it will go into the watershed. He said that he did not think that it should be denied just because they do not have the proper enforcement in place. S. Foote told the applicants that before this is voted on they should have a site inspection to delineate the water runoff and treatment and a soil study for the area. She told the applicants that these studies would be at their expense, if they wish to continue with this application. Chairman Brown polled the board members. M. Fowler said that the watershed situation was his concern and the loss of our capacity to produce water. Chairman Brown said that these studies needed to be done. T. Morgan said that the board should hire the consulting firms because they would be looking out for the interest of the town and the applicants should get back to the board with whether they would be willing to take on this expense.

S. Foote made a motion to continue to July 16, 2002 at 7:00 P.m. P. Garand 2nd.
Vote: unanimous

#2-16 – Proposal by John & Linda Perdue for a two-lot subdivision at 9 Whittier Drive, Tax Map 8, Lot 38-9: Surveyor Henry Boyd of Millennium Engineering presented the plan for a two lot subdivision at 9 Whittier Drive for the board's review and approval. H. Boyd said that there were no wetlands on this property as defined by Richard Parker. M. Fowler said that the existing lot has sewer and water connections. The new lot should have separate water and sewer services.

Paul Garand made a motion to approve the two lot subdivision for John & Linda Perdue. S. Foote 2nd. Vote: unanimous.

S. Foote revisited **Case 02-15** and made a motion that should the applicant choose to go forward with his proposed concrete crushing facility, that the engineering firm for the evaluation of the site be Bayside Engineering. P. Garand 2nd. Vote: unanimous.

#2-17 – Proposal by Margaret Stard and Angelo C. Didio Building & Realty, Inc. to construct a 9,000 square foot industrial building to house a re-modeling business off of Whitaker Way, Tax Map 4, Lot 19-20:

Wayne Morrill of Jones & Beach presented the plans for a 9,000 square foot industrial re-modeling business on Whitaker Way for the board's review and approval. He said that it would have sloped granite curbing, metal prefab with 21 parking spaces and a loading zone in the front with a 30' wide driveway. He said that the existing 1" water line will be increased to 6" as per Fire Department

recommendation. They will tie into the existing sewer line and the electrical is existing. The pond capacity will be increased for the runoff in the front of the lot.

Wayne Morrill addressed Tom Morgan's letter of comments with the following:

Proposed building use: Proposed building to be used for remodeling business, this use has been labeled on the site & utility plan as note 13.

Sloped Granite Curbing: Sloped granite curb is called for at the entrance and along the north side of the parking lot, these areas have been labeled on the site and utility plan.

Architectural Elevation: Architectural plan has been added to the plan set.

Photometric Grid: Waiver is requested.

Off-Street Loading: Loading area has been depicted on the site and utility plan. Architectural plan depicts the entrances to the proposed building.

M. Fowler asked about the cross culvert and the need for easements on both lots. Wayne said that the runoff would go to the detention pond and then released as shown on sheet C-3. P. Garand said that he liked the layout. M. Fowler said that the numbers look good on the calculations.

S. Foote made a motion to waive the photometric grid. P. Garand 2nd. Vote: unanimous. S. Foote made a motion to approve the site plan for Margaret Stard/Angelo Didio Building Realty with the waiver. P. Stockbridge 2nd. Vote: unanimous.

PROPOSAL TO ADD A PROVISION TO THE SUBDIVISION REGULATIONS THAT WOULD REQUIRE A DIGITAL COPY OF AS-BUILT PLANS:

Chairman Brown read the public notice as follows:

The Seabrook Planning Board will hold a public hearing on Tuesday June 18, 2002 at 7:00 PM at the Seabrook Town Hall to consider the following proposed amendments to the Seabrook Subdivision Regulations:

- A) Replace Article V Section A with the following: ***"An Engineered plan: Eight paper copies and one original mylar."***
- B) Add a new section to Article XI as follows, and re-number subsequent sections accordingly:

"D - As-Built Required: The submission of as-built plans shall be considered a stipulation of approval for every subdivision approval granted by the Seabrook Planning Board. Two paper copies and one digital copy of the as-built plan shall be submitted to the Building Inspector. The digital copy shall be in AutoCAD DWG format. The

feature layers that are stored in each drawing file shall be assigned a name that clearly identifies the feature. Required features are sanitary pipes, manholes, water pipes, hydrants, drainage, catch basins, edge of pavement, building footprints, and wetlands. Legends shall also be included. All data shall be defined by the horizontal datum of the New Hampshire State Plane Coordinate System (NAD83) in units of feet, and the National American Vertical Datum of 1988 (NAVD) in units of feet.”

T. Morgan explained the reason for the features included in the as-built plan. H. Boyd asked if this would be applied to minor subdivisions. He explained that minor subdivisions are usually family orientated and this would place a financial burden on the small developer. S. Foote asked if the board could waive any part of this like the wetland flagging. T. Morgan said that to waive a small project would not be a big deal. M. Fowler explained the time saved by this proposal and how it assisted Earth-tech and State Planning. H. Boyd stressed how difficult this is for some smaller engineering firms and the huge expense. Wayne Morrill of Jones & Beach asked about an approved plan being done by one firm and the as-built being done by another. M. Fowler said that a bonding amount be established to insure the as-built is done. S. Foote said that the required features for the as-built should include easements and property lines.

S. Foote made a motion to amend Section D to include property lines and easements. P. Garand 2nd. Vote: unanimous.

S. Foote made a motion to adopt the amendments to the subdivision regulations. P. Garand 2nd. Vote: unanimous.

3) Informal Discussions:

#2-18 – Proposal by Fowler, Moore & Perkins for a subdivision and lot line adjustment off of Moore’s Lane and Belgium Drive;

Henry Boyd relinquished his spot on the agenda for the next case to be heard first. The Board granted his wish.

#2-19 – Proposal by Hannah International Foods to establish a second entry to their property:

Attorney Peter Shaheen, representing Hanna International Foods, told the board that he was here tonight to discuss the problem of accessing the property that is being created by a neighbor that is giving his client a hard time. He said that his client has tried to address the neighbors concerns and issues but the restriction of hours of operation, etc., has limited his business. Attorney Shaheen said

that he had already had to appear in court on behalf of one of Hanna's employees who was arrested for criminal trespassing. He said the matter was resolved.

Shaheen said that like other businesses his client needs to produce more than it does now and that he had spoken with another neighbor, Oliver Carter, about an alternate route to access his property through Carter's property without going by Mr. Borges' property. Shaheen asked if he could get a consensus from this board in regards to the releasing of some of the restrictions put on by a previous boards.

H. Boyd presented the plan for an alternate access to the property. S. Foote and B. Moore suggested an easement for access. R. Moore explained the legal access and why it should not be given up. Attorney Shaheen said that they would not give up the access that they now have but it would have limited us. P. Garand asked about the neighbors abutting the proposed access across Carter's property and could they have the same situation as with Borges.

Chairman Brown said that the restrictions were put on because of the truck usage in a residential zone. R. Moore said that the restriction of 3 trucks a day was for tractor trailer trucks not every truck. Attorney Shaheen asked the board that if they went forward with the purchase of land for the access would the board consider lifting the restriction of hours of operation and the truck travel. P. Garand asked if they would be still pursuing the access at the rear of the property. H. Boyd said that they would need a wetland crossing and S. Foote said that the Power Plant would not allow them to access through the plant road at the present time because of security. Attorney Shaheen said that he would like to have two shifts. T. Morgan said that the Planning Board could lift the conditions put on by them but the ZBA also put restrictions on this site which would have to be addressed by that Board. Attorney Shaheen asked if it would be worth their time to pursue this matter. Chairman Brown said that the board had no problem with this and would work with him in this matter. T. Morgan said that this would depend on the other abutter to the Carter property not being another Borges

#2-18 – Proposal by Fowler, Moore & Perkins for a subdivision and lot line adjustment off of Moore's Lane and Belgium Drive:

Henry Boyd went over the plan for a subdivision and lot line adjustment off of Moore's Lane and Belgium Drive. H. Boyd said that he had a serious problem with the right-of-way line at the rear of the property next to the railroad tracks. He said he was unable to make the numbers work so he just omitted a small piece of land. Mr. Boyd told the board that the subdivision needed relief for the cul-de-sac as it only had 80' of pavement and that two lots need relief from 100'x 100' square box requirements. He said that no pump station would be added to the existing sewer.

T. Morgan asked if it wouldn't be better to access lot 3 through wetlands rather than by easement through another lot. S. Foote discussed the wetland crossing. Boyd was asked to put note on plan that this plan included upland that have not been mapped. T. Morgan asked what the turn-around would be. H. Boyd said that it would be a hammerhead. H. Boyd thanked the board for their input.

#2-20 – Proposal by Donald Felch to do a Voluntary Lot Merger at 68 Farm Lane, Tax Map 13, Lot 58: Paul Garand made a motion to approve the voluntary lot merger at 68 Farm Lane for Donald Felch. S. Foote 2nd. Vote: unanimous

OTHER BUSINESS:

T. Morgan brought to the board's attention that there has been an illegal transfer of lots on Chase Drive. Tom said that under state law a lot may not be sold until the mylar has been recorded and all conditions such as bond posting be met. He told the board that the Board of Selectmen is the enforcing body.

S. Foote had another issue with developers and their representatives not doing what they had agreed upon. She sited an E-Mail that she had received from the abutter of Elephant Rock Subdivision, Trudy Antanvich, about the subdivision being seven single family lots that have now turned into seven duplexes.

H. Boyd presented an as-built for the Border Winds subdivision that has several deficiencies. He said that the road is in fine shape but the sidewalks, drainage swales have not been built properly. H. Boyd said that developer David Benoit has agreed to pay to remedy the situation. Boyd said that this did not need a public hearing. S. Foote said that she had a problem with the stones in the pond. H. Boyd said that this could be corrected by extending the footprint not the depth. Boyd said that he hoped these problems would be taken care of so that he could submit the as-built at the August meeting.

S. Foote made a motion to meet at 6:30 P.M. at the July 16, 2002 meeting to discuss the review of the as-built corrections made to deficiencies to the Border Winds subdivision plan. P. Garand 2nd. Vote: unanimous

P. Garand made a motion to waive the fee for the re-recording of the Folly Mill Condo Conversion done by E. Cote. S. Foote 2nd. Vote: unanimous

Correspondence: Town Planner Thomas Morgan passed out the correspondence to the members. Chairman Brown signed the bills and the expenditure sheet.

5) **Driveway Permit** applications: None

Capital Improvements Program: The meeting did not allow time for a discussion of the Capital Improvements Program.

MEETING ADJOURNED: Chairman Brown adjourned the meeting at 10:22 P.M.

Secretary's Notations: Mylars recorded on June 20, 2002: John Perdue – two lot subdivision, C-29910, Condo conversions: Elephant Rock, D-29912, Folly Mill Road Realty Trust, D-29911.