



# Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin; Dennis Sweeney; Robert Moore, Ex-Officio; Elizabeth Thibodeau, Alternate; Michael Lowry, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;

Members Absent; Sue Foote, Vice Chair; John Kelley; Robert Fowler; Paul Himmer, Alternate; Hawkins opened the public meeting at 6:30 PM.

## MINUTES OF March 1, 2011

Hawkins asked if there were changes or corrections; there being none.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to accept the Minutes of March 1, 2011 as written.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous Abstained: Thibodeau</b>

## NEW BOARD MEMBER

Hawkins congratulated newly elected member Dennis Sweeney and welcomed him to the Board

## CORRESPONDENCE/ANNOUNCEMENTS

### Case #04-49 Mity Pink Dog

Hawkins said that the Board had discussed the **request of Jim Lyons of Mity Pink Dog to accept Almena Way** at the last meeting. The Board decided to inform Lyons in writing that it would not consider recommending that Almena Way be accepted as a town road until the as-built had been provided. Morgan drafted the letter provided in the Board's packet.

Hawkins referenced the **letter from the NH Department of Transportation informing the Town that if sidewalks are to be included in the Route 107 Bridge expansion, the Town would have to agree to maintain them.** If the Town did not sign such an agreement by April 1, 2011, sidewalks would not be included in the bridge design. Hawkins said that at the March 1 meeting the Board discussed the issue of the State not wanting to take the responsibility for sidewalks on state roads. **Morgan was asked to draft a letter to the NHDOT Commissioner disagreeing with the State's position, and indicating that the State was creating significant safety issues.** Hawkins noted that another issue was that if the town did do the plowing, the State would plow the snow right back on the sidewalk that was just cleared. Hawkins circulated the draft letter which still needed formatting. Kravitz understood that the Board of Selectmen would review the response the next day. If the BOS agreed, the letter would probably be sent on Town letterhead. Janvrin said he had raised this issue with a couple of Seabrook Representatives who said they would follow up at the State level. Kravitz said that Mr Carbone had also indicated that he would seek to raise this issue at the state level. Hawkins thought there couldn't be enough voices on this issue.

## SECURITY REDUCTIONS OR EXTENSIONS

There being none.



# Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

## **PUBLIC HEARINGS**

Hawkins opened the Public Hearings at 6:45 PM.

## **NEW CASES**

**Case # 11-06 - 239 Atlantic Avenue Realty Trust, Charles Daher, Jr., Trustee, to merge two lots pursuant to RSA 676:39-a. The subject property is located at 239 Atlantic Avenue, Tax Map 22, Lots 30 & 31.**

Hawkins asked if anyone was appearing for the applicant; but no one was at the meeting.

Hawkins asked for questions or comments. Janvrin asked if there was anything on the site. Hawkins thought a house that split the lot had been torn down about a year ago. He thought after the lot merger, one house would be built. Thibodeau wanted it to be clear that the Board was not accepting a building proposal, but only approving the lot-line merger. Janvrin said that would fall under the Building Inspector.

<b>MOTION:</b>	Janvrin	to approve the lot-line merger only for Case # 11-06 - 239 Atlantic Avenue Realty Trust, Charles Daher, Jr., Trustee, to merge two lots pursuant to RSA 676:39-a. The subject property is located at 239 Atlantic Avenue, Tax Map 22, Lots 30 & 31.
<b>SECOND:</b>	Moore	Approved: Unanimous

Moore noted that if the lot-line was approved a building would fit.

**Case 11-09.2010-22 NextEra Energy Seabrook, LLC proposes to merge two lots pursuant to RSA 676:39-a. The subject property is located at Rocks Road, Tax Map 8, Lot 58 and 90 Rocks Road Tax Map 7 Lot 110.**

Hawkins asked if anyone was appearing for the applicant; but no one was at the meeting.

Janvrin asked if this was the firing range property. Kravitz said it was.

<b>MOTION:</b>	Janvrin	to approve the Case 11-09.2010-22 - NextEra Energy Seabrook, LLC to merge two lots pursuant to RSA 676:39-a. The subject property is located at Rocks Road, Tax Map 8, Lot 58 and 90 Rocks Road Tax Map 7 Lot 110.
<b>SECOND:</b>	Moore	Approved: Unanimous

## **ONGOING CASES**

**Case #2011-03 – Proposal by DeMoulas Super Markets, Delta & Delta Realty Trust, and RMD, Inc. to demolish a 4,940 square foot donut shop, and to expand Southgate Plaza to encompass 156,838 square feet of retail space at 380-458 Lafayette Road, Tax Map 8, Lot 111; and Map 9, Lots 1 & 2, continued from January 4, 2011; March 1; March 15, 2011; [topics: existing conditions, proposed site layout, grading, parking, utilities, stormwater drainage;**

Appearing for the Applicant: Earle Blatchford, Hayner-Swanson surveyors and civil site engineers; Eric Brown, PCA Architects; Mike Krzeminski, TF Moran, landscape architects;  
Appearing for the DPW Manager: Jim Kerivan, Altus Engineering;



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

Kravitz said that the Applicant had delivered three copies of a Revised Stormwater Management Report just before the meeting.

Blatchford said that Brown would give an overview of the building toward the end of the presentation.

Hawkins said that some of the stormwater issues had not been resolved at the last meeting and wondered if the Applicant had anything new to offer. Blatchford exhibited materials to illustrate his remarks re stormwater [combination of tax maps and USGS plan]. Blatchford said they looked at a pipe going across Boynton Lane and a catch-basin going back in the other direction. Also, they looked at the Lowe's detailed survey along Lafayette Road. He said the basins are too high to use for the Demoulas south site and are part of the state drainage system so they wouldn't be allowed to tie in. Blatchford said the downstream situation had also been discussed, and they took a cursory look at the drainage area downstream. The site is basically at the top of the watershed – about 17 acres; the watershed down to Sheppard's Brook is about 185 acres. Blatchford said this information reinforces their point that a study would be large and too great an undertaking; about 25-30 property owners would be involved. The Applicant's approach is to mitigate their impact on their site. The more that can be infiltrated and detained at the top of the watershed, the more effective downstream. A study of the entire water shed would be well beyond the scope of that project. They are doing everything they can to mitigate their impacts on site.

Blatchford said the revised stormwater report goes into greater detail of both the volume and the peak runoff calculations. In all cases they are reducing the peak rate runoff and the infiltration. In the northeast corner they are reducing the runoff and the volume by 100 percent. They have added a swale and catch-basin; a lot of the stormwater gets detained and infiltrated. They picked up more roof area and there is a larger basin so that for every design storm from 2 – 50 years they are significantly reducing the peak rate runoff and the volume. Morgan said he had not had the chance to review the revised report. He thought that if more water is diverted there would be less water elsewhere, and asked how much water would be diverted. Blatchford agreed but said it varies. He referenced Table #1 and said that the northeast area has 100 percent reduction so they more than amply address those abutter concerns. In the southeast corner at Boynton Lane the reductions in the peak rate runoff are from 2 – 40 percent. The bigger the storm, the more effective the mitigation. Blatchford said the infiltration trench is mitigating almost all of the stormwater in the same area; volume from the 2- 50 year storm is being reduced 32 – 50 percent. For the critical eastern point analysis, the peak rate of runoff is reduced between 9 – 13 percent; volume reduction is 2-5 percent. All of the current levels are reduced.

Morgan asked about the acre-feet reference. Blatchford said that meant 43,560 cubic feet = one acre foot, which is a very large area. Moore asked if the mitigation was accomplished with detention ponds and the infiltration trench. Blatchford said the infiltration is calculated through the side slopes because there is standing water and/or shallow wetlands. For treatment purposes wetlands plantings are used, so the treatment is both physical and biological. The designs are per the NH Department of Environmental Services best management practices. Morgan asked if the big pipe volume is being reduced by up to 5 percent. Blatchford agreed – through 50 year storms; it is beyond what the town regulations require and more than meets the NHDES requirements. Janvrin asked how much of the water in the existing parking lot goes directly into the pipe. Blatchford said all of it goes into the catch-basins and the pipe. Janvrin asked if an oil spill would go directly into the stormwater. Blatchford said they could probably do some retrofit. Morgan recalled that at the March 1 meeting Henry Boyd inquired why they did not incorporate underground chambers for the parking lot. Blatchford said it is a high water table area. Morgan asked why they had not looked at Boyd's suggestion. Blatchford said they did not think this feasible because those chambers need to be about four feet down plus an additional distance from the bottom of that system to the water table.



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

Morgan asked about the testing. Blatchford said they did the testing where they expected to do the mitigation. Starting at the surface there is a four-foot trench of stone wrapped in filter fabric so a system would have to start many feet below the surface of the parking lot. Morgan asked about the data. Blatchford said it varies from about six to eight feet in depth. Hawkins said a remaining problem was that the pond is right next to the road, and asked if there were a way to make that underground or to expand it further into the back. Blatchford said they have a wetlands permit that is substantially through the process. Hawkins said the issue is standing water. It could be landscaped to look better. Blatchford said it would be visually appealing. Moore asked if it was a retention pond and not a dry detention pond. Blatchford said it is a shallow wetlands and is considerably smaller than those behind the site. He did not think that they were introducing any features that were not already on the site. Hawkins said if they can build that at the street, why couldn't they build it in the back where it is already wetlands. Blatchford said that would be a whole different permitting situation, and that the state is not too taken with impacting the wetlands for stormwater purposes if there are other means. They want to keep the impacts to that area at a reasonable level. This design was based on discussions with their wetlands consultant and the State. They felt this was the best design at a reasonable cost; there is a large difference between the cost of putting a system under the parking lot and having it open.

Janvrin asked if these detention ponds would be connected to the detention pond in the northeast. Blatchford said it would not due to the elevations. They had enough trouble draining the area. The outflow and overflow does tie into the system. They are infiltrating it and reducing it down first. Janvrin asked if they had thought about mitigating mosquitoes. Blatchford thought there were different measures that could be looked at. Janvrin asked if there were a bacteria that could be put into the standing water; perhaps the Conservation Commission would know. Blatchford said they were not creating new breeding areas, but they could look at this issue. Hawkins asked if there were no alternatives at all to having the surface pond close to the street. Blatchford said they had used the best alternatives for the overall detention, infiltration and these were some of the best treatments. The sediments could be removed but not the nitrates and the phosphates as effectively for the quality of the water. He noted that the Conservation Commission had looked at this without negative comments. Hawkins recalled that in Foote's letter [Conservation Commission] she was looking for state-of-the-art stormwater mitigation; He did not think that was being offered. Blatchford said the features are state-of-the-art – they are just open; state-of-the-art didn't mean just large mechanical units. This is a natural wetlands stormwater treatment.

Morgan understood that the size of the proposed parking is driving the stormwater calculations and bringing the wetlands so close to Route 1. He asked if there were a tenant for the proposed new building. Blatchford was not aware of any tenant, but said that was not his assignment. Morgan said the mitigation would depend on what kind of tenant will occupy that building. They may need a lot of parking spaces, or very few in which case the pond might not be needed. Blatchford said it is a "spec" building for multiple small tenants, depending on the lease period. The stormwater was designed for normal retail standards. If the first users are not parking intensive they would not be undoing the treatment because in the future it could be a different tenant with greater parking needs. Janvrin asked if the new employee spaces in the north were eliminated, would it have an impact on the runoff ie could the detention pond be placed there. Blatchford said because the store is being expanded they would actually lose a few spaces. Employee parking would be on the other side of the driveway, and the front field would be more reserved for customers. Janvrin asked if there were a way to put a cistern there. Blatchford said once something is put in the ground, the water table would become a factor; that's why they have the shallow treatments.

Hawkins asked for other suggestions; there being none at that time. Hawkins said he understood the implications of going out on Railroad Avenue and the implications of doing that, and why they can't come across Route 1. He wondered what other alternatives the Applicant had investigated at the north end of the project. It looked like the south end would be a fairly effective method, but he asked if it were an open pond. Blatchford said it would have a stone surface for an infiltration trench. Sheet flow would go across



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

it, and the filter strip up the slope would catch the silt. Alternatives might work for a smaller area, [but not this size]. Hawkins asked for comments from those in attendance. Max Abramson asked if there was more space for planting trees, as that is a method used in stormwater runoff. Evergreen trees are especially hardy. Blatchford said substantial new plantings was proposed for this project. He did not know about the viability and hardiness of evergreens. They would be adding a substantial amount of trees; he noted the existing plantings at the north driveway.

Hawkins asked if they were prepared to address the parking. Blatchford thought he had presented the parking previously. Hawkins wanted to speak about the parking with some discussion about details. Previously, they cited commitments for a certain number of spaces, and he wanted to know where these are. Blatchford said the existing site was approved under the existing regulation standards about 40 years ago when a higher parking ratio was allowed; this is grandfathered. He said Jim Lamp had indicated that there are tenant agreements in place that ties the Applicant's hands. Hawkins asked if there are existing agreements that consume the parking spaces, where would those customers for the additional 9600 square-foot of building space park. Blatchford said they would work that out. Hawkins asked if the parking spots in a lease were for particular parking spots or just in general. Blatchford said in the limited exposure he had to retail clients, in some cases a specific area of the parking lot would be identified as part of the lease. Lamp would be better able to discuss those details. Hawkins asked how many parking spaces there were in the existing parking lot [not including the donut shop area]. Blatchford said that total was 658 parking spaces. Morgan had identified a net increase of 74 spaces for the entire project. Blatchford said the ratio for the project would be below the national average. The number of spaces per 1000 square feet would be reduced.

Morgan said every application that comes before the Board has to comply with the zoning ordinance, and that usually this is fairly routine. This is the first time he had seen a project where the Applicant was claiming that the some of the parking was grandfathered and some was not. There wasn't a lot of precedent. Hawkins did not understand why anything would be grandfathered if the building was changing. If the current building was not to be touched, and they were only doing the new building, that could make some sense. However, if the existing building was being modified what would be grandfathered. Blatchford said he had had that discussion with Garand. Hawkins asked the question of Garand. Garand said he and Morgan had the conversation at the beginning of project was that the parking area that was not being touched could not be impacted. Morgan said the Applicant's position has been consistent, but they are asking the Board to adopt a precedent in terms of how the Board adopts a precedent. Morgan advised the Planning Board to talk with town counsel before taking that step, because if the Board goes along with that premise there would be others wanting the same interpretation.

Moore asked where the parking spaces were for the 18,000 square feet being added. Blatchford said they are in the calculation for the total number of spaces going forward. Hawkins said if the 156,838 square feet for the total project and divide that by 250, that would be 627 spaces; the Applicant wants 729 spaces. Janvrin asked if that included the retail building. Hawkins said it did. It appeared the Applicant was saying that they keep the existing spaces without regard to modifying the building, and the new portions of that same building get spaces somewhere else. This means they are going approximately 100 spaces over the current ordinance because of their grandfathering position. Janvrin said there is no change in use for the property, and there is an increase in retail space. He asked how many spaces would result if they restriped the parking lot under the current ordinance, and how difficult that calculation would be. Blatchford said the client would have a problem with this – about 100 spaces. Janvrin asked if that would be a Zoning Board of Adjustment issue. First, Hawkins wanted to follow Morgan's suggestion for getting advice from the Planning Board attorney as to the position for the Board to take. He said for the new building the siteplan shows 15,000 square feet and 73 parking spots; at 250 square feet per space it would be 60 spots. So even around the new building there would be more spaces than the current ordinance allows. The Applicant wants everything grandfathered but also to take advantage of all



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

the changes they would make. He did not see how that could happen. Moore noted that the client would say the lower number would not meet their need. Blatchford said he was sure it would not [meet the need]. Hawkins said applicants want more and more parking which is why the ordinance was changed to a maximum number, because huge parking lots are being created. Janvrin said that many spaces never get used. Hawkins commented that the part that is busy is right in front of the parking lot and the rest of the lot is empty. Hawkins asked if there were other comments; there being none at that time.

Hawkins thought it prudent to get legal advice to see if options were available, or if [grandfathered] parking has taken away all of the ability to change where the runoff goes.

Thibodeau noted that there were about 40 items addressed by the Technical Review Committee, and asked if they all had been addressed. Hawkins said not all of them had been discussed. Blatchford said they had responded to them. Hawkins wanted the TRC items discuss in order they are listed.

<b>MOTION:</b>	Janvrin	<b>to contact the Planning Board Attorney with regard to Case #2011-03 for advice on whether to allow the proposed grandfathering of existing parking spaces for a project that (i) expands the current retail building, (ii) constructs a separate new building, and (iii) adds new parking spaces.</b>
<b>SECOND:</b>	Thibodeau	<b>Approved: Unanimous</b>

Kevin Ryan, of Railroad Avenue, and referenced the parking spaces for employees which is next to his property. He view from the backyard looks straight at the Lowe's and he is afraid that the same would occur if that parking is put in. He said one of his neighbors had asked for a sound wall that would also shields lighting for protection from late night noise and lights when employees are leaving. Ryan wanted to know how far such a sound wall would go, and if it would come close to his property – and all of the adjacent properties. Blatchford said that so far they are talking about a wooden fence; he thought that had been discussed at the Zoning Board of Adjustment hearing. Moore said the Applicant had only proposed to put a fence in front of the Brown property. Blatchford said they were planning on new plantings where the vegetation would be down to "0". Ryan felt that what was done for the Lowe's neighbors should be done for this project. Also, he commented the wetlands actually comes half-way up in his yard through the ground. His property sits higher than the other properties so the light comes directly in. The proposed [employee] parking area would sit even higher. He is afraid that the water will run-off but is even more concerned about the noise and lights. He asked that a soundwall be considered. Blatchford said that Ryan's property actually drains onto the Applicant's property so they would be taking care of that. He said they could discuss fencing with their client

Hawkins said the intent of the landscaping standards is to make sure that developments have as little impact on the neighbors as possible. These standards call for plantings that would reduce the amount of light and sound that comes through. It is not just fences where the noise would be bouncing off; it is also plantings to absorb some of that. The Board will be reviewing that to try and reduce the impact on neighbors, and feels that developers are in a position to be able to reduce that. Ryan said he used to see the forest from his backyard. Now he can see all the way down to Home Depot; it's his last 50 feet of area between his property and commercial sites. He asked this be considered. Hawkins said reducing impacts is one of the reasons for the landscaping standards, and the Board would be discussing this. Morgan recalled that Lowe's built a special type of fence to reduce the noise impact. He'd heard from the Applicant only a wooden fence which sounded like a stockade fence. Hawkins said the existing building is getting closer to the neighbors so that is an issue, although the new building on the donut shop site



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

seems not to be closer. In the proposal the woods would be gone. Blatchford stated there would be more vegetation in that corner area. Hawkins asked the size of that addition, and how many feet closer to the neighbors. Blatchford said it is 9000 square-feet and about 40 feet closer. Hawkins said the Board wants to see good neighbors on both sides. Blatchford said they focused on that side because the building will be closer to the neighbors. Hawkins asked for more comments on parking.

Antonio Nastasia referenced the expansion of the building south, which would also be contingent on fire laws, and asked how they would cope with the increase in occupancy in terms of shoppers and employees. This might be more about the architecture but he thought it pertinent. Blatchford said that basic building and life safety codes would govern; at the time of the building permit application the codes would be followed and the fire department would look at sprinklers and alarms, egress etc. the codes would govern the building. Hawkins said the building codes would govern the number of sprinklers, egress and the like. The Planning Board was reviewing the site plan. Nastasia was thinking about alternate fire exits and escapes and how they would play into the new parking spaces. Also how the extension would affect properties south and separate the evacuation from the residential aspect. He thought that the Applicant would not want people trespassing on their property in a fire evacuation. Nastasia thought these items should be evaluated. Blatchford did not see such a scenario. If the building had to be evacuated it would be through the front.

Nastasia said he had worked for Market Basket and there were fire exits in the back. Also with increased retail space there would be more employees, so this would affect the need for more fire escapes. If there is greater occupancy and greater employees, better methods should be found to evacuate the building itself. Blatchford said off of those issues would be looked at as a matter of course and of law. Anastasia wanted to make sure these items would be addressed. Keagan Rexford thought it amazing how many people shop at Market Basket; it is growing and the parking lot was always full.. Going to work on a Monday the parking lot was full all the way to the back. People want more parking. Market Basket is not an expensive store and everyone goes there; it is full. Sometimes he has to go as far as TJ Max to park for work. Hawkins said it is full in front of one store. Ryan asked whether the expanded building space meant that Market Basket would be expanding inside, or would that remain the same [indoor] footprint. Blatchford did not know. Ryan said that Market Basket could expand further because currently there is at least one empty store. Ryan thought he would be concerned if there were another empty store they might close the north plaza and bring that business to Demoulas south. He thought the parking need for such a circumstance should be taken into consideration as well because Market Basked would have a lot more volume than a TJ Max. He wondered how much they would change inside the building if at all. Blatchford said there were no such plans toward the south. Rexford asked about snow storage needs. Blatchford said that this winter had a lot of snow. They have added been using the south end of the parking lot for snow storage and added snow storage areas in the plan. But if necessary, the snow would be trucked offsite.

Hawkins asked whether lighting or landscaping should be addressed next. Blatchford asked if the board had questions for the landscape architect. Hawkins wanted the Applicant to go over the proposed landscaping and compare it to the town standards; Hawkins assumed they had been working with the town standards. Blatchford said not initially because it was developed prior to the new regulations; they have asked for 4 waivers, one of which is the tree survey and tree plantings. The other 3 waivers are special constraints. Hawkins asked if it is the tree survey and the 20 percent figure. Krzeminski said he would look at the intent of the regulations. Blatchford said he could give a general idea; they looked at the interior landscaping and a percentage of the parking spaces, excluding the drive isles. He referred to two outlined areas in a drawing, and said their interpretation yields an average of about 13 percent. Therefore, they are requesting a waiver of the 20 percent to allow 13 percent on average. Janvrin commented that if the whole area was included the percentage would be a lot different. Blatchford said it



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

would be about 25 percent open space; it is the interior open space that is cumbersome; it would affect about every fifth parking space.

Morgan asked how many parking spaces would be lost to reach 20 percent, and wouldn't that be the basis for a waiver request. Blatchford said they think the proposal is reasonable. Hawkins did not see the 20 percent referring to just the parking spaces. He understood what the Applicant is asking for as well as the big parking area, and the request for a waiver. But there is no way to explain just using the parking spaces themselves in the calculation and not using the hot top coverage. That is not how it was envisioned. Blatchford said they asked how the regulation should be interpreted and was told they should make their own interpretation. Hawkins said this could not be the precedent for interpreting Seabrook landscape standards. Blatchford said based on the guidance this is the interpretation he made of the regulation ie the parking area.

Hawkins asked if Blatchford did not consider the isles part of the parking. Blatchford considered that a driving area. Hawkins disagreed. Blatchford said that is where the vagaries come in. there is room for interpretation in the regulation; it is not written so that it is air-tight. Morgan ; said they need to do another set of calculations, and asked Blatchford if he had contacted Julie LaBranche of RPC. Blatchford had not, and said he was told to make his own interpretation, and he did. Hawkins said recognizing that there is a fairly large problem dealing with the existing parking lot, he'd asked that they be creative about the landscaping to try to meet the sense and the purpose of the standards, not to calculate around the standard. Blatchford said the net result of adding in every fifth parking space it would add 40 percent more pavement area. He said that would fragment so much parking area that maintenance would be impractical, and renders the proposal impractical. Hawkins said the Board did not want to tell them how to break up the parking lot. If they looked at the south end of the existing parking lot there would be very little activity and all kinds of opportunities to contribute toward the 20 percent. He recognized that the Applicants feels that parking area is needed. They were asked to be creative about their landscaping approach so as to address the purpose of the landscaping standards which is stated in the regulation.

Hawkins asked the Applicant to keep in mind that with large developments existing woods will be taken down and they would be building closer and closer to the neighbors' property. From the standpoint of the neighbors, the developer would be asked to keep light and noise on their own property and having as little impact as possible on the neighbors' property. With that in mind the regulation has different sections including buffers around the perimeter. Most of the rest is more aesthetics and a way to break up the gigantic black-top areas. Today, Route 1 is not very good looking, but it could have been if more thought had been put into it years ago. Hawkins thought even the north plaza had trees and areas that are shaded. The Board realizes this is a problem and the regulation is new. This is not a site to start from scratch. Blatchford said there are a lot more trees on this site; they may be older. Hawkins said they serve the intended purpose; the islands could be a little bigger. The objective is to make a way for all of Route 1 look better over a 10 or 20 year period. It will take mature plantings, but this is the time to start. Krzeminski said he did a site walk, took an existing tree inventory, and tried to use comparable plantings for the new plan. Janvrin asked if there was a net increase. Blatchford said they'd replace 3 painted islands with curbing and plantings as a way to let some landscaping without affecting parking, and supplementing landscaping adjacent to the driveway. Some evergreens would be coupled with the fence.

Janvrin said there has been a greenbelt for years in the southwest area of the parking lot which he understood the State is widening. He asked how much would remain green between the parking lot and Lafayette Road. Blatchford said about 5 feet. Hawkins asked Morgan if the greenstrip was 20 feet from the edge of the right-of-way. Morgan said it was more complicated The regulations say that "...the Lafayette greenbelt should be measured from the edge of the widest proposed right-of-way currently under consideration by NHDOT." Janvrin asked if that area would be expanded. Hawkins said it has nothing to do with the existing roadway, but wondered if the greenstrip would have been wider if



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

that measurement [from the existing right-of-way] had been used. Morgan said it would. Hawkins said it could have been widened so as to end with 20 feet of green strip; that should be the target. He thought it had probably once been two lanes. Blatchford thought the roadway right-of-way was 66 feet.

Hawkins asked Blatchford to review the standard for buffering along the area where there are neighbors. The intent was to show the opportunity to do the landscaping around the neighbors' property particularly around the northern end. He understood there would be problems in the back, but asked them to also do a better job on the northeast corner. He also asked how much closer to the road the southern addition would be. Blatchford said it would be about 80 feet. Hawkins noted that they are widening the road at the point so the green space is really cut down. Blatchford said the road would be widened to 28 feet. Hawkins asked if there is any other landscaping potential for that area recognizing that there are neighbors there. Blatchford said utilities are the problem in that area. Some plantings would have to be replaced; some trees would be disturbed. Hawkins asked the width of the greenspace in front of the new store. Blatchford said it was over 20 feet. Hawkins was concerned that whatever green space there was would be grabbed for the widening. Blatchford thought they were looking at the west side of the road. Moore said they could take some from each side.

Hawkins asked what is new in the big parking lot and how tall new trees would be. Hawkins asked them to look at doing the very best they could with the perimeter planting to keep the Applicant's business on its side of the lot-line and to look into the span of the fencing as well as the sound barrier quality used for the Lowe's. Hawkins asked for further comments on the landscaping and asked the height of the trees to be planned. Krzeminski thought some would be 15 feet and others in the 8 to 10 feet high with 3 – 4 inch caliper. He had planned on using white pine but might substitute Norway spruce which is faster growing and more dense. They are not asking for waivers on that. Hawkins asked that they focus on the buffering aspects of the landscaping regulations along the perimeters and between the sites. It will be better than it is, although it wouldn't meet the regulation standards especially with the new proposed hot-top.

Thibodeau raised the problem with the northern exit/entrance. Currently, people leave the parking lot closer to Route 1. Under the new plan the flow of all the cars will be in front of the building. This will make a lot more problems for people who are shopping and exiting the stores because they will have to come up all the way to exit. She felt that would cause a lot of traffic jams for people trying to exit the stores. Blatchford said there were problems with the existing entrance. Thibodeau disagreed and said she uses it all the time. People going south will use the Boynton Lane exit. Blatchford said they have access to the drive isles. Thibodeau said she shops there and knows the problems. Hawkins agreed that cars would have to go in front of the stores to get into the driveway to exit. He understood the change for trucks, but asked if there would be a configuration that would not force everyone down to the front of the store to exit on the north end. Moore noted the routing of cars across two lands at the island. Thibodeau said that the island will be the problem. Thibodeau said to think about people leaving the store with a shopping cart. Hawkins asked for other comments on the landscaping; there being none. Hawkins said the Board could expect to hear about plantings on the perimeter at least.

Janvrin noted the reduction in curb-cuts. Blatchford said that two driveways would be replaced with one right in/out. Khan said that with the Kohl's in 2007-8 the neighbors raised the noise issue. It was resolved out very well. Khan said that Demoulas should treat its neighbors just as well, So a solution re neighboring houses had already been worked out. Khan said that the south entrance right in/out is a trouble place every day. He asked that vehicles entering at that point should be brought further into the parking lot to avoid the speed trap at the 4-way stop signs. The trouble is that cars coming from the south are jammed in. the developer can bring those cars inside of the parking lot. Janvrin asked if that entrance could become a full access right in/out with a signal. He related that he used to walk from Radio Shack to the Irving station and encountered 4 people traveling south turn into that parking lot; one car grazed him.



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

This is a common thing. The police, the Selectmen have identified it. If cars could push further into the property, someone would have time to decelerate. He thought the only reason that wasn't addressed in the proposal was because parking spaces would be lost. The height of vegetation impacts the visibility. Blatchford said that this drive was a means to allow exiting from the south end of the plaza.

Hawkins suggested that the one lane from the north could be closed at the island and this would avoid accidents. People would have an easier time exiting and coming in from the south when it's necessary to move quickly because there are cars behind the vehicle. It would also slow down the traffic that travels along the back area – the stop sign doesn't work very well. Blatchford said they would look at this but thought it would create internal confusion on exiting. Hawkins noted that many malls provide a driveway half-way inn to deal with some of those issues, particularly since it is a right in/out which people don't like and it is an accident spot. He acknowledged that the island was moved out a bit to try and force people to avoid making a left turn into the lot at that point. Janvrin noted that the police chief was not at the TRC meeting. Blatchford said that is why he made that contact by phone. There are issues with people not using it properly. Janvrin asked if they had discussed a patrol agreement so that the police could do enforcement. Blatchford said he had not, but had discussed the safety concerns and the proposal to reinforce the island area. Hawkins asked if Abramson had a comment. Abramson said that a civil engineer specializing in traffic should look at that intersection. He'd seen that a lot of people had been injured in parking lots all over the country. It should not be designed by committee. Hawkins said that the Board had identified an issue that they want addressed. No one on the board would pretend to solve it, they just want someone to look at it and propose solutions.

Hawkins noted the other agenda items, including one land use regulation and two Master Plan chapters, and asked what would remain for the next meeting. Blatchford asked when a response from the Planning Board's counsel could be expected. Hawkins said at the next meeting, or sooner. He wanted to move on as quickly as possible, and agreed that resolving the [grandfathering] issue would make it easier to move on. Janvrin thought that lighting and the architecture could be handled quickly. By consensus the Board agreed to move to the next agenda item. Hawkins said that the architect would be heard first at the next meeting. **Hawkins continued Case #2011-03 to April 5, 2011 at 6:30PM in Seabrook Town Hall.** Hawkins agreed that Kerivan and the Planning Board engineer should look at the revised stormwater calculations.

### **PROPOSED AMENDMENTS TO LAND USE REGULATIONS** **Application Refund Policy**

Hawkins said the Board had modified the proposal at the March 1 meeting, and the proposed policy had been public noticed. He referenced the revised proposal in the packet, calling attention to the explicit footnotes which were added as important specifics because this policy would be used to determine whether or not any fees could be refunded. Hawkins read the proposed footnotes as follows:

...that all out of pocket expenses for public notices, abutter notices, town planner, Planning Board engineer, special studies, professional reviews and inspections, and other professional services are the responsibility of the Applicant and only will be returned if the funds have not been expended...

Hawkins said that even though this is stated in the application, it should be made more clear in the ordinances. If money had been spent for the town planner it should come out of the application fee.

...The Planning Board has the sole discretion to return fees...



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

...the Application Refund Policy shall apply to all applications made to the Planning Board...

...The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100..

Janvrin commented that the Board had once reduced a fee for a church project, and asked if that fee was waived. Hawkins said it was not the same thing. This [application refund policy] does not address waiving a fee. It is for when a refund is requested. The Board had waived fees in different circumstances eg for a charitable local service group. The policy addresses a request when an application is withdrawn. Hawkins asked for comments and questions. Kravitz noted that there had been a request to reduce fees for a returning case that had been denied. Hawkins said that currently there were requests in re two cases that the Board had asked him to handle separately. He was in the process of collecting information to make the recommendation re Cases #2010-34 and 35 Demoulas north, and would address the other circumstance as well. Janvrin noted that there might be public comments. Hawkins recognized Khan.

Khan asked that the full amendment be read. Hawkins said that the amendment was drafted because the Planning Board received a request for a refund on a project that was withdrawn and not completed. At that time the board determined that there had been no history for such a request, and there was no procedure in the ordinances for dealing with it. A proposal had been reviewed by the Board at a previous meeting and the final recommendation was drafted by Morgan and had been public noticed. Hawkins read the proposed Amendment to the Land Use Regulations:

### **Add the following to Section 4.200 of the Subdivision Regulations:**

**4.210 Refunds - Upon withdrawal of an application, eligibility for refunds of application fees are as follows: 75% refund after the application is accepted by the Planning Board's secretary; 50% refund after the application is reviewed by the Town Planner; and 25% after the Town sends abutters notices. Should the application be reviewed by the Planning Board at a formal acceptance hearing pursuant to Section 5 below, no fees will be refunded.**

**add the following information as footnotes to the proposed application Refund Policy:**

**All out of pocket expenses for public notices, abutter notices, town planner, Planning Board engineer, special studies, professional reviews and inspections, and other professional services are the responsibility of the Applicant and only will be returned if the funds have not been expended;**

**The Planning Board has the sole discretion on the decision to return fees;**

**The Application Refund Policy shall apply to all applications made to the Planning Board;**

**The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100;**



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

Kravitz referenced the percentages and noted that there would be subsequent reimbursements. She asked if the reimbursements would first be deducted, or whether they would have to be billed subsequently. Hawkins said the percentages are based on the application fee. Kravitz' question was whether the total reimbursement amount, which would not have been accounted for in the application fees, would be deducted from the percentage to be returned. Hawkins said if

reimburseables have not been spent they would be returned. Kravitz was referring to reimbursable expenses occurring after the application (and the fee) had been submitted. Hawkins said those amounts would be paid first before figuring the percentage to be returned.

<b>MOTION:</b>	<b>Thibodeau</b>	<p><b>to add the following information as footnotes to the proposed application Refund Policy:</b></p> <p style="padding-left: 40px;"><b>All out of pocket expenses for public notices, abutter notices, town planner, Planning Board engineer, special studies, professional reviews and inspections, and other professional services are the responsibility of the Applicant and only will be returned if the funds have not been expended;</b></p> <p style="padding-left: 40px;"><b>The Planning Board has the sole discretion on the decision to return fees;</b></p> <p style="padding-left: 40px;"><b>The Application Refund Policy shall apply to all applications made to the Planning Board;</b></p> <p style="padding-left: 40px;"><b>The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100;</b></p>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

[space left intentionally blank]



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011

NOT OFFICIAL UNTIL APPROVED

<b>MOTION:</b>	Thibodeau	<p><b>Add the following to Section 4.200 of the Subdivision Regulations:</b></p> <p style="padding-left: 40px;"><b>4.210 Application Refunds - Upon withdrawal of an application, eligibility for refunds of application fees are as follows: 75% refund after the application is accepted by the Planning Board's secretary; 50% refund after the application is reviewed by the Town Planner; and 25% after the Town sends abutters notices. Should the application be reviewed by the Planning Board at a formal acceptance hearing pursuant to Section 5 below, no fees will be refunded; and .</b></p> <p><b>add the following information as footnotes to the proposed Application Refund Policy:</b></p> <p style="padding-left: 40px;"><b>All out of pocket expenses for public notices, abutter notices, town planner, Planning Board engineer, special studies, professional reviews and inspections, and other professional services are the responsibility of the Applicant and only will be returned if the funds have not been expended;</b></p> <p style="padding-left: 40px;"><b>The Planning Board has the sole discretion on the decision to return fees;</b></p> <p style="padding-left: 40px;"><b>The Application Refund Policy shall apply to all applications made to the Planning Board;</b></p> <p style="padding-left: 40px;"><b>The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100.</b></p>
<b>SECOND:</b>	Moore	<b>Approved: Unanimous</b>



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

### **MASTER PLAN CHAPTERS - For Approval**

#### **Adopt two chapters for the updated Master Plan: Vision and Transportation and Circulation.**

Hawkins said that the Board had gotten certain draft Master Plan chapters forwarded by the Steering Committee, and that more would be provided. As the Master Plan is quite lengthy, it was decided to forward the chapters to the Board a couple at a time for adoption. The Vision for Seabrook and the Transportation and Circulation Chapters had been discussed previously and the proposed final chapters were provided in the Board Packet.

#### **Vision Chapter**

Hawkins said the Committee had spent a lot of time on the vision statement and had received a lot of comment from the public about how it would like Seabrook to develop. The focus was then on how to bring the vision into the individual chapters. He thought one of the most important parts was stated on page 2

...”to properly manage the growth consistent with the town’s vision and character and provide the balance for residential, business, industrial and institutional activities;

...preserve and protect its natural and beach/estuary environment and balance with recreation, economic, business, employment opportunities for its citizens;

...strive to integrate its diverse geographic neighborhoods;

...encourage educational opportunities of all types for all ages and groups

...provide multiple modes of transportation, facilities and services that provide connections to neighborhoods as well as regional definition

...continue to provide quality community services and facilities for the benefit of all of its citizens

...encourage an economic climate that fosters small businesses and industry consistent with Seabrook’s small town character and provides employment opportunities for its citizens.

Hawkins described this listing as what would be liked to happen in the town; some areas are done well and not as well in others. From the Master Plan standpoint, this is the jumping off point and is actually the first Chapter One. Thibodeau noted that because of highlighting, copies of some of this chapter’s pages were not readable. Hawkins recommended that a clean copy be provided to the Board in the next packet. Kravitz thought that at least one bullet referencing the work now being done to develop the villages should be added. Hawkins continued the Vision Chapter to April 5<sup>th</sup> at 6:30PM at Seabrook Town Hall.

#### **Transportation and Circulation Chapter**

Hawkins noted there had been multiple presentations of this Chapter drafts. It now comprises some of what the design workshop had proposed, although not everyone liked all of it. This is a Master Plan starting point which recognizes that there are things to change and offers some proposals to do this. It is a fairly long chapter with a list of Action Items relating mostly to transportation, some of these are very important to accomplish. Hawkins wanted the action plan so that items would not just be put on the shelf, only to be remembered five years later as not done. Some of these items would be easy for the Planning Board to implement. He intended to start working on some of the items in the Board’s quarterly



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

workshops. Some are related to development and others are internal to the Planning Board. He wanted a “living” action plan with a calendar program to address them. He thought that this methodology would enable making a lot more progress toward Master Plan objectives than had occurred in the past, and create more control of the process. For example, one really important action is to adopt a Memorandum of Understanding between the Town and the NHDOT with respect to access management along Route 1, so that the Town would have more input into the ins and outs of the driveways – at times the town has not been happy with the results. Hawkins said that that is being worked on with the help of the Rockingham Planning Commission. The hope is that the Planning Board and Selectmen would agree once the provisions are framed.

Hawkins said the action items are intended to give a path forward to accomplish some of what is in the Master Plan. He thought that if they are pursued diligently, a good job might have been done in the next ten years. At least decisions could be made on what should and should not be done, He did not want to see the items ignored. Hawkins asked for comments or questions or any disagreement. Janvrin referenced T.1.7 which referenced a Folly Mill Bridge over Route I-95, and asked if this had been discussed by the Board. He thought it was not a realistic action, even in the next 30 years. Hawkins said that the Steering Committee had discussed the potential for getting this done. One problem is that there is only one east – west route over Route 95; in 2000 it was a potential solution. The question was whether voters would ever want to do this ie taking the roadway to the level of Route 107. There were some reservations, but the consensus was to list this so as not to lose sight of it as an option. He did not think the State would have any money for this. Morgan commented that this is kind of a negotiating provision when the Town asked that the Route 107 bridge. Janvrin asked if the items were prioritized. Hawkins said they were not because some items the town could control, but many it could not. They need to be kept in mind as the town develops. Thibodeau noted that Route 286 was also an evacuation route, owned by Salisbury after the lights on Route 1. Morgan noted that was in Massachusetts.

Janvrin called attention to T. 1.8 re Boynton Road which he thought had been discussed for many years, and asked for the status. Moore said it is another tight residential area. Thibodeau said it was expected that Wal-Mart would turn this over. Hawkins thought that the Town had objected to having dead end routes and wanted through streets because they are easier to maintain and give a better traffic flow. Janvrin thought that when the Police Station was put in, the road was eventually going to tie into Liberty Lane. Thibodeau agreed, commenting that she was a Selectman at that time. When the Library was physically moved it went through the woods behind Wal-Mart so that became an access road. Moore said it went through a State area and he did not think the State wanted that again. Janvrin commented that the Rails and Trails committee is working toward a management agreement with the State, so he did not feel it was unthinkable. Morgan concluded that it was a good idea to leave this action in the plan. This was agreed by consensus.

Janvrin wanted to clarify T. 1.10 re adding a five lane cross-section at New Zealand Road. He wanted it to read from Route 107 to 1/8<sup>th</sup> of a mile from the Hampton Falls line. He did not think five lanes of traffic could be shoved onto Hampton Falls. Hawkins commented that the State would not let that happen. He said to put it to the town-line as there were some “neck” issues that would have to be dealt with. Hawkins said the 2000 Master Plan had five lanes all the way to the Hampton Falls line. However, the RPC Route 1 Corridor Study was inconsistent calling for five lanes only from Route 107 to the North Access Road. Hawkins said that would be inconsistent if there were a big project in that [northern] area. So the Steering Committee wanted to make the Corridor Study and the Master Plan match, and asked RPC to change the Corridor Study to make that happen. That way the State could not say that there was a disagreement between the Town and the Corridor Study. Hawkins said this only matters if there is development that requires that, and noted that such a development had been close to happening. Hawkins also did not think that Hampton Falls would ever change to five lanes, so there would be a necking down at some point. Janvrin asked about the verbiage. Hawkins said the verbiage was intended,



# Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

but he did not think the State would ultimately allow it. Morgan commented that Seabrook’s commercial zoning extends all the way to the town line. Hawkins said it might be unlikely, but there was quite a bit of traffic at the town line now.

Janvrin thought that the T.1.19 reference to gambling at the dog track was too specific. Hawkins said that was a good point; the action focus was to do the corridor study so the development wasn’t going on before [the Town] thought about what it would like to happen in that area. Janvrin wanted the reference to be to “the impact of development along the Route 107 Corridor.” This would be a desirable study no matter what happens to the dog track. Morgan said that other action plans identify the parties who are responsible for action items. Hawkins said the Steering Committee had discussed having all the action items from every chapter consolidated into one chart that identified the responsible parties (or those who would be recommended as responsible parties). Janvrin thought there could be three or four developers that could contribute to such a study. Hawkins noted there is a lot of wetlands in that area, but developers are apt to find buildable areas. Thibodeau called attention to a line where the type was inconsistent.

Hawkins asked for other comments re the action items; there being none. Kravitz asked if the RPC memorandum indicating certain changes to be made in the Corridor Study should be attached. Hawkins thought that unnecessary because the memorandum was written so that RPC acknowledged that it would make some changes to agree with the Seabrook Master Plan.

<b>MOTION:</b>	<b>Janvrin</b>	<b>to amend the Master Plan Transportation Chapter presented by the Master Plan Steering Committee, as amended to fix a typo in section T.1.16 and remove the reference to “gambling in Section T. 19 substituting “mitigate the impact of development along Route 107.</b>
<b>SECOND:</b>	<b>Hawkins</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Thibodeau</b>	<b>to adopt the Master Plan Transportation and Circulation Chapter dated February 21, 2011 presented by the Master Plan Steering Committee as amended by the Planning Board on March 15, 2011.</b>
<b>SECOND:</b>	<b>Moore</b>	<b>Approved: Unanimous</b>

## OTHER BUSINESS

### **Stormwater Operations & Maintenance Methodology**, continued from March 1, 2011

Hawkins said the question in re the Stormwater Operations and Maintenance methodology was whether it should be adopted as a plan and inserted on a mylar. Henry Boyd had asked to be allowed to draft a prototype for Case #2010-29 so that the Board could judge what that would look like. Hawkins asked what Morgan thought of the draft. Morgan said although not perfect he liked it; it was the best he had seen. He commented that Boyd had a lot of practice with the practicality of this type of presentation and understood what is important when something is recorded at the Registry. Hawkins asked if a public hearing would be required. Morgan said it would and that some language would need to be added to the regulations. It could not be adopted at this meeting. Hawkins asked if the Board wanted to see the draft. Janvrin thought that wasn’t necessary because Morgan was comfortable with it. Hawkins thought the



## Town of Seabrook Planning Board Minutes

Tuesday, March 15, 2011  
NOT OFFICIAL UNTIL APPROVED

board would look at the plan and ask why this wasn't done before. It is clean and the instructions are on the side; it was very nicely done. Kravitz asked if the Board would want the DPW Manager to take a look at it. That was agreed. Additionally, the Applicant for which this was done had looked at it in the Planning Board office and indicated that the cost was acceptable. Hawkins said this would be their contribution to a smooth process. Kravitz said this Applicant had been very professional during the process.

Hawkins asked if there was any other business to discuss; there being none.

Hawkins adjourned the meeting at 9:20 PM.

Respectfully submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board