



Members Present: Jason Janvrin, Chair, Donald Hawkins, Vice Chair; Francis Chase, Ivan Eaton III, Michael Lowry, John Kelly, Theresa Kyle, Ex-Officio; David Baxter; Alternate, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, engineering peer reviewer, TEC;

Members Absent: Sue Foote, Alternate; Paula Wood, Alternate,

Hawkins opened the meeting at 6:30 PM, noting that the Agenda was relatively short.

ORGANIZATIONAL MEETING

Hawkins asked for nominations for Chair and Vice Chair of the Planning Board; there being no further nominations;

MOTION:	Eaton	to elect Jason Janvrin as Chair of the Planning Board.
SECOND:	Kelley	Approved: Eaton, Chase, Lowry, Kelley, Hawkins, Kyle, Abstained: Janvrin

MOTION:	Janvrin	to elect Donald Hawkins as Vice Chair of the Planning Board.
SECOND:	Eaton	Approved: Unanimous

Janvrin commented that he had served as the representative to the Recreation Commission for 5 years. The duties include a quarterly review of the operations and policies, and making recommendations. Eaton volunteered to serve.

MOTION:	Janvrin	to appoint Ivan Eaton III as the Planning Board Representative to the Recreation Commission.
SECOND:	Lowry	Approved: Unanimous

Janvrin assumed his position as Chair of the Board.

MINUTES OF MARCH 17, 2015

Hawkins asked for comments on the March 17, 2015 Minutes. These minutes were tabled to the next meeting. .

CORRESPONDENCE/ANNOUNCEMENTS

Draft Regional Master Plan - Public Hearing Reminder

Janvrin reminded all that the Rockingham Planning Commission public hearing on the Executive Summary of the RPC Regional Master Plan was scheduled for April 8, 2015 at the North Hampton Town Hall 6:30 PM.



PUBLIC HEARINGS

Hawkins opened the Public Hearing at 6:50PM.

ONGOING CASES - UPDATES

Baxter recused himself for Case #2013-15

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; March 4, 2014; April 1, 2014; April 15, 2014, May 20, 2014, August 5, 2014, August 19, 2014; September 2, 2014; September 16, 2014; October 7, 2014, October 21, 2014; November 18, 2014; December 16, 2014; January 20, 2015; February 17, 2015, March 3, 2015; March 17, 2015. topics letter from NHDOT and driveway permit; Route 1 work schedule; letter from NextEra Energy; revision of 100 % off-site Improvements plan; earlier opening for Bob's Discount furniture;

Attending: Anton Melchionda, Douglas Richardson, Waterstone Retail Development;
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Janvrin asked the Applicant about their request. Kravitz noted that the lots had been consolidated and properly should be identified as Tax Map 8 lot 54-90. Richardson said they had executed an agreement with NextEra Energy and would provide a copy. The approximately 6 foot pavement tapering of Provident Way beginning just after the traffic signal would start on April 15. The 25 percent design drawings for the offsite roadway work had been submitted to NHDOT. The Hobby Lobby store had opened and the Goodwill unit would open in a few weeks. They were still on schedule for completion in June.

Richardson referenced his letter to the Board. At this time Waterstone was requesting permission to amend the conditions of approval to relocate the Bob's Discount Furniture business in their new building and allow sales to begin. Although the new building was substantially larger (about 32,000 square feet) than the existing store, truck traffic would remain low and mainly for supplies. The new store would be a showroom only with the larger space allowing more product to be displayed. Shipping to customers would be done at a separate location. Bob's interior was now being outfitted; they could open much earlier than originally expected if the Board would amend the conditions. Truck traffic would be light except for the opening stocking of product and twice a year for changeover of styles. He called attention to the traffic information in his letter, showing that at the peak about 16 cars would be the maximum; of that amount about half could currently be attributed to the existing business elsewhere in the Waterstone development. Richardson said they would be making changes and improvement to the building in which Bob's was now located, but would not seek to open those units until June 15, 2015 when all of the development work is expected to be completed.

Janvrin asked for the comparative square footage. Richardson said the existing Bob's store was about 15,000 square feet, and the two story new store would be 32,000 square feet. He emphasized that the additional floor space would accommodate more product, but not much



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additional foot traffic. Eaton was concerned that a Grand Opening on a Saturday would cause a traffic jam and asked that an opening be during the week. Richardson said usually it would be on a Thursday.

Janvrin asked Morgan about changing a use from one lot to another. Morgan said this would be at the Board's discretion; he thought it a good case for no increased traffic. Hawkins said to acknowledge that there would not be much traffic increase in re the new location; it might be 30 cars in and out, half that number is already there. He noted that the intersection was designed for heavier traffic, because it was assumed that the old Walmart and Shaws were in operation, but they are no longer active. However, the Board had been really clear that it was approving the opening of 2 stores. Hawkins was happy they were still on for June completion, but there were still issues on Provident Way. He had not yet heard that the lining up on the way to NextEra had been resolved. Richardson said they had signed a right of entry for a taper reduction with NextEra, and the document was forwarded through NextEra's attorneys. That work and the top surfacing was scheduled for the first week in May.

Hawkins recalled that the Board had asked Waterstone to take responsibility for the Provident Way signal operation and financial cost ongoing. Melchionda said they had reached out to the parties that would benefit from the signal to work together on the maintenance and cost on an ongoing basis. They understood that this was the first signal in the town, noting that there was a one year equipment warranty. Rather than wait for coordination with abutters, Waterstone proposed to pay for a 5 year extension of the warranty, and also pay for the electricity consumption for 5 years. Maintenance after that would be minimal. Morgan asked if this had been discussed during the negotiations with NextEra. Melchionda said they had been before the Board for 3 years and had been trying to get agreement with NextEra for the taper and fencing for 18 months. The priority was getting the signal operation resolved. They would return to the Board with a resolution. Morgan said that originally there was to be a roundabout; he thought NextEra wanted the signal. Melchionda explained that they were trying to get the issues resolved one at a time. Everyone agreed they needed continuous flow so it went from 4 stop signs to the roundabout and then to the signal. Waterstone made the business decision to resolve this on their own. Although they would try to get DDR and NextEra to participate, they decided to put forth the above offer on their own at this meeting.

Hawkins asked how the signal came to be in the plan. Melchionda said that Waterstone agreed to the requests, to get the project done. Hawkins had the same recollection and agreeing to the light was to move the project along; the understanding was that DDR and NextEra would benefit. He did not see where the taxpayers would benefit. Melchionda recalled that the original design had been for 4 stop signs, which was not good from a life safety point of view. During discussions a roundabout was suggested, and somehow the signal evolved as the desired design. He would keep trying to get a positive response from DDR and NextEra; they wanted to have a resolution for this Board meeting. Hawkins asked for the cost of the warranty extension and the light maintenance. Melchionda said that cost would be about \$3000 annually; they did not yet have an estimate of the electricity cost. Chase asked about the maintenance costs. Melchionda said if a town plow hit the signal that would be on the town's insurance cost. The signal would be kept in good working order from the base to the lights. Eaton asked what the cost would be if the warranty insurance were not in place. Richardson estimated that the maintenance would be about \$1200 annually. Chase asked if the DPW Manager had any requisites. Janvrin said that some estimates had been given to the Budget Committee, but they were not exact.

Hawkins asked why footing the ongoing costs was such a big deal for Waterstone. Melchionda said, just as the donation Waterstone made to the town, this was an investment. But their



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business was based in Boston and they could not know what might happen down the road that might encumber the project. They were comfortable with a 5 year horizon. They would make an arrangement with the town, even escrow funds for 78 years. Their concern was “in perpetuity” because they could not know when that encumbrance would end. It was not a matter of dollars. In the spirit of working with the town they could absorb cost, but needed finite parameters. They want a resolution that made the town comfortable. This is the first time in working in 35 states that they were considering this type of arrangement, and would continue to get the other parties to contribute. Lowry asked if NextEra could control that light as well. Melchionda said in an emergency situation the police could override the signal. NextEra would call the police; they would not have direct access.

Hawkins asked how the state handles the Route 1 intersection. Melchionda said they would turn that light over to the NHDOT, which had an internal group to maintain and coordinate signals. They were open to suggestions and wanted to find a resolution. Janvrin recalled that in re the Verizon site the Board stipulated that they had to report back every 6 months. He thought the 5 years was a good start; it gave a period of time for the 3 parties to come up with a resolution in perpetuity so that the town never incurs expense. Hawkins was concerned because NextEra requires unfettered access. Eaton remarked that no residents live along Provident Way, and felt that the taxpayers should bear no expense. The 3 parties should come to a resolution. Chase asked how 5 years would assure a resolution. Melchionda noted the exaction process they had endured with the nearly \$1,000,000 calculation. Waterstone made the decision to provide a donation (in lieu of the exaction) to be used at the town’s discretion. This was done to recognize all the things the town had done for Waterstone, as well as Waterstone’s investment in improving properties in the town. They are willing to take on the cost of the Provident Way light and believe that the town benefits from the cross-access; additionally Waterstone was doing significant roadway work. Further, Waterstone is doing work along the east side of Route 1 at its expense for which the cost otherwise would be for the town. This work is for the benefit of the town is being done at Waterstone’s expense and was not part of the proposal.

Melchionda said they would follow the recommendations of the town but did not know when or if they could bring DDR or NextEra into agreement. Janvrin said the Planning Board decides on exactions or donations, but has no control how the money is spent. He thought the Board could recommend to the Selectmen that a portion of the donation be spent in re the Provident Way light. Kyle pointed out that Waterstone had made a donation, and did not follow the rules for exactions. Janvrin asked for Morgan’s view of setting aside funds from the donation for maintenance of the light after 5 years. Morgan said that would be an option, but was puzzled as to why the relatively small amount was a problem for Waterstone. His preference would be for Waterstone to absorb the entire cost. Chase thought the discussion had been about a condominium association among the three parties that could take care of the cost over time. Hawkins said Waterstone had been asked to work out a resolution with DDR and NextEra. He did not think those entities would be keen to participate. The only time the Board could insist is when a property owner returns with an application to the Board.

Melchionda said that if the Waterstone development was not bettering the town, it would be unreasonable to for the town to pay a thing. He called attention to the millions of dollars they were investing in roadway work and in paying their real estate taxes. Even if the light expense were deducted annually, the net new monies to the town would be very substantial so taxpayers will receive a net income benefit and no negative impact. Eaton disagreed saying there would be more traffic and use of fire and police services. They want to keep the cost to taxpayers down. Chase asked if stop signs could be substituted. Baxter explained that shopping center tenants generally pay cam charges on a square foot basis for maintenance of the common areas and



contribute to the plowing, lighting etc. He acknowledged Waterstone's contribution, but did not think the light would be a significant cost. The need to run the shopping center and make sure that the light works.

Melchionda agreed with Baxter and said this was not about dollars. They just wanted an end date – it could be 10 or 15 years. Eaton suggested for as long as the center was in operation. Melchionda said they would be happy to come up with the funds for X number of years. They would need advice since the light was on town property. They were not refusing to pay \$1200 to \$2000 a year for even 50 years, but he did not know the logistics. Given all the lights they have installed in many states they had not been asked to do this. Morgan said they could contract out the work. Melchionda said how to do the work was not a problem, it was how to structure the arrangement as they owned the improvements to the property, but not the land. Chase suggested a memorandum of understanding. Melchionda said they would have to figure out the mechanics. By consensus the suggestion was to come back with a resolution. Melchionda said he would first sit with the DPW Manager, and then with the Town Manager and their attorneys to agree on the methodology so there is no negative impact on the shopping center and did not pose an issue down the road.

Hawkins asked if Waterstone was willing to take responsibility for the maintenance and operation of that signal. Melchionda confirmed this. Hawkins said all that was needed was an adequate agreement between Waterstone and the Town. Chase asked if a special assessment could be placed on DDR and NextEra. Janvrin said that would be an assessor matter. Hawkins questioned an additional assessment on property already on the tax rolls.

MOTION:	Hawkins	to approve moving up the opening date for Bob's Discount Furniture contingent on (i) the developer taking responsibility for the maintenance and operation cost of the Provident Way signal and work out an agreement with the town to identify the respective terms; (ii) the old Bob's building remaining unoccupied until the Route 1 traffic mitigation work is completed, and (iii) any grand opening be held Monday through Thursday and not on Saturday or Sunday.
SECOND:	Lowry	Approved: Unanimous

Zalewski asked for the earliest date that a certificate of occupancy could be written. Janvrin said May 20. Melchionda asked if they would waive jurisdiction to the building Inspector for a soft opening on may 14. Zalewski said he would allow stocking in advance.

OTHER BUSINESS

Baxter resumed his seat

Streamlining the Case Review Process

Hawkins described the recent effort by the Planning Board chair, town planner, peer review engineer, and the secretary to identify sequentially the elements of the case review process and shorten the time frame where possible. The intention was to get down every administrative and



interdepartmental step, and designate who is responsible for each item within the timeframe. Applicants would become aware of the procedures at the outset because they would be explained as an exhibit to the Application itself. Recently, the case plans have been provided to department heads, the planner, and engineer very soon after they are submitted - in advance of the first Planning Board hearing. The date of the potential Technical Review Committee meeting will be stated in the accompanying memorandum; the TRC meeting will be cancelled should the Board decide it is unnecessary. Once the conditional approval is granted by the Board, to reduce the repetitive presentations the applicant's case engineers or surveyors will be asked to provide revised plans in a digital format until the peer review engineer, and department heads are satisfied, and the town planner is ready to authorize the final paper plans to be signed.

Hawkins said the next step would be to share these procedures with a couple of engineers who are often representing applicants for their feedback, and to be clear that as-builts, letters of completion, final digital and paper plans satisfactory to the Board would be required. He asked for comments from the Board.

Janvrin commented that this was a lot of work, and wondered if a flow-chart or calendar could be helpful. Hawkins said the amount of time devoted to a case would vary; eg the 180 day period to complete conditions of approval could be extended another 180 days. The objectives were transparency, understanding expectations, reducing inefficiencies, and giving more time to department heads for review. Janvrin asked if there could be signoffs on a chart with responsibilities detailed in the conditions on the plan. Hawkins said he would meet with Wayne Morrill and Henry Boyd, and then attach the exhibit to the Application. Morgan noted the town regulations require the applicant to request an extension if the project was not complete within 2 years. Hawkins thought that was a reasonable time; the construction end date could be a condition. The state set a 5 year exemption from zoning changes. Janvrin said the applicant would have to be educated.

Route 1 Subcommittee

Baxter called attention to the many changes along Route 1 since the bottleneck at Route 107. He wanted to expedite the long term process, working with the Rockingham Planning Commission. Seabrook was unique in using exaction fees to help the state to accelerate the process. South of Route 107 was pretty good, but with the new retail traffic, he was concerned that the bottleneck would now move to the north of Route 107. Chase said the system was changing and the state had adjusted its point value and guidelines. When there is no money, the projects fall off. Janvrin favored a committee to work with the RPC Commissioners in re the regional master plan, and also to review and update Seabrook's Master Plan to have influence with the NHDOT. Baxter thought this might be a joint effort with the Selectmen. Morgan cautioned that if 4 or more Planning Board members attended a meeting that would be a Board quorum requiring notice and minutes. Baxter, Janvrin, Eaton, and Chase responded to Janvrin's call for subcommittee volunteers. It was suggested that John Starkey would be a valuable addition.

Impact Fee Subcommittee

Janvrin noted that Hawkins, Chase, and he had expressed interest in the Impact Fee Subcommittee, and recommended waiting for a response from Aboul Khan to return from overseas. Chase asked about the procedure. Hawkins said the methodology had to justify the purpose of any proposed impact fee, and calculate proportionately the excess capacity percentage in a formula. Items could be bundled together. The Town had previously worked with the impact fee consultant recognized as the state's expert, and could engage him again. Information could come from other towns, including Hampton, that already had impact fees. The



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purpose and justification for each fee for a town asset had to be established one by one for the entire town. They would have to check on how the Beach would fit in. Janvrin said a list of the assets would be needed, and the fair share determined. Morgan noted that the purpose must be based in the CIP. Hawkins said the schools could participate. Janvrin said that the process for involving the Budget Committee and the Board of Selectmen would be discussed at the next meeting.

Janvrin adjourned the meeting at 7:53 PM.

Respectfully Submitted
Barbara Kravitz, Secretary
Seabrook Planning Board