



Town of Seabrook Planning Board Minutes

Tuesday, April 19, 2011

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

Members Absent; John Kelley; Robert Fowler; Michael Lowry, Alternate; Paul Himmer, Alternate;

Hawkins opened the public meeting at 6:35 PM.

ORGANIZATIONAL MEETING

Hawkins said that the Planning Board had received a communication from member John Kelley submitting his resignation from the Board for personal reasons. This position would be filled at this meeting. He indicated that interest in the position had been received. Hawkins call for the first order of business would be the Nominations of the Chair and Vice Chair.

MOTION:	Foote	to appoint Donald Hawkins as Chair of the Seabrook Planning Board.
SECOND:	Thibodeau	Approved: Unanimous

MOTION:	Moore	to appoint Susan Foote as Vice Chair of the Seabrook Planning Board.
SECOND:	Thibodeau	Approved: Unanimous

Hawkins asked if there were any restrictions in making this appointment and asked when Kelley's term would expire. Morgan indicated that the person who is appointed would fill the position for the balance of Kelley's term. Thibodeau asked if this would be addressed in an upcoming special election. Moore did not know when that election would take place. Janvrin thought it would not occur until November or December. Hawkins noted that the Planning Board has the responsibility to appoint members in the event there is a vacancy seat. Morgan said it

MOTION:	Janvrin	to appoint Bette Thibodeau as a permanent Planning Board member to fill the vacancy caused by the resignation of John Kelley, the balance of the term to run until March 2012.
SECOND:	Moore	Approved: Unanimous

Hawkins read a letter from Donald Felch requesting to be considered for an appointment to the Planning Board. As there are alternate positions open, Hawkins thought the Board should give consideration to Felch.

MOTION:	Moore	to appoint Donald Felch as an alternate member of the Planning Board, the term to run until March 2014.
SECOND:	Foote	Approved: Unanimous

Kravitz was asked to contact Felch about the procedure for this appointment.



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MINUTES OF April 5, 2011

Hawkins noted that there were plan [revision] dates missing from votes in the April 5, 2011 because the Board did not have the particular revised drawing. He wanted to hold the Minutes until the particular revised plan page [for Case 32011-03] could be obtained, so that the vote was accurately worded. Earle Blatchford of Hayner-Swanson thought a plan page had been submitted at the meeting. Kravitz said the reference was to a plan submitted to for an Alteration of Terrain permit. Hawkins said the Board was looking for a document that showed the 6-inch tree line, which the Town Planner could review, so that the Board would be comfortable with the siteplan date references. Hawkins said if it were other than a Planning Board vote it might be ok, but since it is a Planning Board vote he would hold the Minutes.

MOTION:	Hawkins	to table the Minutes of April 5, 2011 to May 3, 2011 so that the Town Planner may determine the plan reference page and date for the Case #2011-03 waivers approved by the Planning Board on April 5, 2011.
SECOND:	Moore	Approved: Unanimous

SECURITY REDUCTIONS OR EXTENSIONS

There being none.

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins called attention to a **communication from the Rails and Trails group indicating they will be doing a “Clean-up” on May 7, 2011 and assembling at the Library parking lot at 9 AM.** Hawkins said anyone interested should help get this project off the ground.

Hawkins called attention to census information in the packet for Seabrook and neighboring towns covering comparative data from the 1960’s through 2010.

Hawkins called attention to a **letter from the NH Department of Transportation to the DDR organization indicating that they seem to be moving ahead at least on the Bridge project.** It still will come down to when the start date is for the project, which has not yet been determined. They are asking DDR to make one of the contributions they committed to so the NHDOT can keep the process moving.

Hawkins said that in a discussion the previous Friday, Garand noted that the packet this week was light. He suggested that the Board consider putting just case information into the packets, and putting other informational items into a folder that can be passed to members at the meeting, while Hawkins explains each item. He said if the Board preferred to have every item in their packet, he would be happy to continue that procedure. He asked for the Board’s preferences. By consensus, the Board preferred the single folder for information etc.



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PUBLIC HEARINGS

Hawkins opened the public hearings at 6:50PM.

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; April 5, 2011, topics: traffic, parking, existing conditions, proposed site layout, grading, parking, utilities, stormwater drainage;

Attending: Michael Kettenbach, RMD;

Appearing for the Applicant: Jim Lamp, J & CO, for RMD; Earle Blatchford, Hayner-Swanson surveyors and civil site engineers; Eric Brown, PCA Architects; Ari Pollack, Gallagher, Callahan & Gartrell; Kevin Dandrade and Rebecca Brown, TEC, traffic engineers;

Appearing for the Planning Board: David Saladino, peer traffic reviewer, REC

Appearing for the DPW Manager: Jim Kerivan, Altus Engineering;

Hawkins said that at this meeting traffic would be considered. If there was sufficient time, other items might be considered. Blatchford presented a request letter for three additional waivers that were based on discussion at the last meeting. The letter reiterates the four waivers granted at the April 5, 2011 meeting as well. Blatchford said that waivers were requested in response to a traffic comment regarding driveway widths. Another request was for a variation on curbing primarily because of a request from the New Hampshire Department of Environmental Services in re the wetlands permit. Blatchford hoped there would be time to go through the requests at this meeting. Hawkins referenced a pile of materials that were brought to the meeting, and did not think anyone on the Planning Board or for peer review had had time to review them. He said it is one thing to turn in a letter, but quite another to bring in documents of that size. The Board could go through it, but it had not had the time to look at any of the data presented. Hawkins said the Board wanted to move ahead, but time would be needed to review what is in the book, even if some of it is touched upon during this meeting. He thought another meeting on this topic would be needed for the details.

Brown referenced the general access to the existing property and provided certain background about what is existing and what access is being proposed. The property is located along Route 1. Currently there are two driveways located on Boynton Lane. There is one right in/out driveway and a full access signalized driveway along Route 1. Additionally, the donut shop has two full-access driveways along Route 1 and a cross-connect into the Richdale Food location. Under the proposed plan the two driveways into the donut shop would be removed and a new right in/out access would be provided. There would be some modifications to the existing signalized driveway in order to get rid of the sharp turn that dumps into the back of the parking lot, and provide a longer queuing area on the site for going back into the parking lot. The second driveway on Boynton Lane will be pushed back a little further to allow for truck access and construction of the additional retail facility. There are also some modifications to widening the first driveway in that area as well.

Brown said they met with the NHDOT in October to go over the scope for the traffic study that was prepared [by TEC], and also reviewed by the Town's peer reviewer. The collected traffic volumes in August site driveways to collect peak traffic volumes. After meeting with the NHDOT, the study area was expanded including the Route 1 and 107 intersection, the Pine Street and Railroad Avenue intersections,



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each of the site driveways including the intersection of Boynton Lane, the Kohl's driveway at Route 1, and down to the Wal-Mart and Starbucks driveways. The intersections of the Wal-Mart driveway, Route 1 and 107 were counted in November and were adjusted to peak month conditions based on seasonal adjustment factors taken from a Route 1 intersection in North Hampton which was identified by the NHDOT as the most appropriate intersection to use. The traffic volumes have been grown to the years 2012 to 2022 using an annual adjustment rate that accounts for general background growth agreed upon as one percent based on the counts at the North Hampton location. The actual figures showed that growth was increasing at a little bit less than one percent so the analysis is conservative. Additionally the volumes of a number of future developments in the area were also figured in, including the Demoulas north plaza which has subsequently been withdrawn, the DDR project, and a convenience store to the north.

Brown said that the ITE figures for shopping centers were used for the trip generation for [Demoulas south]. The proposed expansion is expected to generate roughly 85 additional trips during the weekday pm peak hour and 123 trips during the Saturday mid-day peak hour. The distribution of new trips was based on the distribution of traffic entering and exiting the existing driveways. Roughly 60 percent of the new traffic is expected to go to the south and 40 percent to the north ie more traffic will be generated from the south. This calculation resulted in 52 – 80 additional trips in the peak hour going to and from the south which is 1-2 per minute. Syncro analysis software was used to analyze the capacity and level of service in the study area intersections. For the most part all of the study area intersections are anticipated to operate at acceptable levels ie D or better during all of the analysis period, except for the Route 107 and Provident Way intersection. The improvements proposed for that intersection as part of the DDR project do not leave any excess capacity for future development beyond the DDR opening in the 2022 condition. However, the [Demoulas south] proposed project is only anticipated to increase traffic volume by less than one percent which is less than the daily fluctuation of traffic volume through that intersection, and is not anticipated to increase delay by more than four seconds per vehicle. For all of the study area intersections, the largest increase in delay per vehicle is four seconds at any one intersection. All of the other study area intersections are anticipated to operate at level of service C with some of the minor movements operating at level E ie minor left turns where traffic volumes are extremely low. Volume /capacity ratios are all below 1 which indicates that there will be adequate capacity to handle the anticipated traffic volumes.

Brown said they also examined the crash history of the site area intersections. The intersection of Routes 107 and 1 experience the highest number of collisions per year – roughly eight accidents per year. The majority of those were property damage only, and rear-enders which is typical of signalized intersections particularly where there are channelized right turns. All of the other study area intersections were fewer than five collisions per year which wouldn't indicate any particular collision problems. Hawkins asked if the crash data information came from the Seabrook Police Department. Brown said that was based on the NHDOT collision data. Hawkins asked if they checked the data with the Seabrook police. Brown said they did not get accident reports from Seabrook police. Hawkins said the town's experience has been that that the Route 107/1 intersection has been a particularly a high accident area, and thought that "8" would not be a high number. Brown said they did not get actual accident reports from the Seabrook Police Department, but did get a print-out saying how many collisions had happened there each year. The accident numbers obtained were consistent with those of the NHDOT. They did not get collision diagrams. Brown said they examined sight lines at the site driveways and they exceed the actual requirements for stopping sight distance as well as intersection sight distance. That information was not included in the original traffic study, but was included in the updated information provided at this meeting. The sight lines from each of the right in/out driveways exceed 500 feet and the stop lines can be seen at the approaches to the intersection.



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Brown said they did get comments on the traffic study from RSG as well as from NHDOT, but would go over all of those comments because the Board was just getting that information. A couple of the key points were for a number of adjustment factors eg the site lines, and some additional analysis that was asked for and provided. She thought there may be some additional comments after RSG's further review. Brown said the unclear items were the calculation of the exaction fees. If had been identified that there is a project to widen Route 1 from the Route 107 intersection down through the Pine Street and Railroad avenue intersection, essentially tying back in right in front of the right in/out driveway at the northern end of the site. The Route 1 widening would be from four to five lanes providing an additional southbound through lane. The calculation for that exaction fee was not included in the original traffic study although there was one for improvements along Route 107 and I-95 interchange. Both NHDOT and RSG did comment on how that should be calculated. Brown said there were discrepancies between the two figures, but both were valid. RSG came up with a slightly higher amount, \$34,535 based on the construction costs of what it would take to construct those improvements and the fair share contribution based on the number of trips generated. The Applicant is in agreement with those calculations. For the figure of \$29,800 there was some question as to how the exaction fee was calculated for the Route 107 area. Brown said there was an error in the traffic volumes that were included in the appendices for the fair share contribution; it was modified from \$29,800 to a revised \$33,866. Accordingly, the total exaction fee would be a total of \$68,401 for the two projects.

Another comment was in re the secondary access on Boynton Lane which is currently only 20 feet wide. In order to provide adequate truck access the recommendation was that driveway be widened to 28 feet; between that section and Lafayette Road; that change was made. Also some turning information for trucks entering and exiting was requested; that information was provided showing a need for a wider driveway at the Boynton Lane area to accommodate the larger trucks going in and out at that driveway. Brown said they would be requesting a waiver for wider than 20 feet driveway at that location. She confirmed that both driveways would be wider than 20 feet. They would provide templates showing the effect of the changes when trucks are able to use the entire width for entering and exiting. .

Brown said the main comment brought up by both RSG and NHDOT was the right in/out driveways, so they looked at some modifications. There is some concern that the islands at both of those driveways are too small and did not provide adequate deflection to restrict left turn coming out of the site. Also, in the area of the existing right in/out driveway there is a two-way center left turn lane,, and it is a little confusing to drivers as to whether they are allowed to make a left turn there; there is a lane but also a restriction. Also, the position of the signs at that driveway could be confusing for drivers traveling south on Route 1 because the sign is posted on the right side of the road, but people tend to look to the left to find the driveway. A secondary sign would be posted on the left side of the roadway so people would see that they are not allowed to turn left at that point. Also the islands at both driveways have been expanded to provide more deflection as vehicles enter and make it a little more difficult to make left turns. They have added "do not enter" signs on the other side of those islands.

Brown said they met with the NHDOT in April to go over the proposed changes to the site driveway and the requested modifications showing the widened island, the additional signage, and converting that two-way center left turn lane to a [[left turn for just the northbound.]] Additionally the NHDOT requested consideration of certain changes to the main driveway. Currently there is a channelized right-turn movement that comes out of the driveway; there are two islands that have been hit by several plows and really don't provide adequate protection for pedestrians. Because the NHDOT requested that those islands be removed, the channelized right turn also was removed because it would have left an unprotected crossing for pedestrians. That driveway was modified to remove the channelized right turn and convert to a shared left through turn lane, still providing two left turn lanes coming out of the site. They are also proposing some upgrades to the existing to the crosswalks and the ADA ramps will be separated out into two ADA compliant wheelchair ramps. There will be new pedestrian signals and



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pushbuttons. Brown said that these were the changes since the last Planning Board meeting. Hawkins asked if certain islands were raised; Brown said they would be straight and pointed out where there would be raised islands.

Dandrade said this plan was a direct result of the conversations with NHDOT -- both district staff and preliminary design. This led to greater deflections. The plan is now under review, and they are awaiting comments from those divisions of NHDOT soon. Some of the considerations for stripped vs raised islands stemmed from the ability to plow and keep them clear, so that is why they were left straight. It will be a significant improvement in re the operator's understanding of where they should be and that today there is a faded left arrow as if one could turn in the site. From a motorist training perspective, together with the added signs and the greater deflection of the islands, the Applicant expected great benefits. Hawkins asked for the date of the response in re the new islands; Brown said March 22, 2011. Hawkins asked if they had seen this yet. Brown said they discussed this at an April 4, 2011 meeting at which they sketched out the changes, and the updated revision page had been sent to them for additional comments after that meeting. Blatchford said the Board had a full-size copy of that page.

Hawkins asked if the Planning board had anyone at the April 4 meeting; Brown said there was no one from the Town. Hawkins was surprised to see the way the current plan is, because it seemed that what was being addressed, particularly in light of the questions as to why the right in/out was still needed in the main mall as there are signalized intersections at both ends. They were anticipating the same types of problems for the new buildings. Brown said in the meeting they talked about the need for having the two right in/out driveways. At the existing right in/out driveway there is a large volume of traffic that is currently turning right. If that driveway were to be closed, that traffic would get distributed either to Boynton Lane or up to the northern signalized driveway, and would also require all of that additional traffic to go along the front of the building where there is all the pedestrian traffic. They wanted to keep some traffic away from the front of the building and reduce the traffic volumes at the two intersections it was felt that the right in/out driveway was really needed. The intent of the right in driveway at the proposed retail area was mostly for those people who were unfamiliar with the area and might not know that the building was there until they get through the signal at the intersection. The right out is essentially to relieve traffic at the signalized intersection and provide an easier access location.

Brown said that at the existing right in/out there had not been any accidents in the last 3 – 5 years according to information from the NHDOT as well as the town. Hawkins thought it would be worthwhile to check with the Seabrook Police Department and see if they agree with that information. Brown said they did not get the collision reports from the Seabrook Police, but did get the print-out showing how many accidents happened at each of the intersections. Janvrin explained that he had worked across the street at the Irving Station and had a better idea of how many accidents had occurred, and the numbers that TEC had given were definitely not accurate. Dandrade said they can only base [their study] on what had obtained from the town and the state. Other anecdotal information is important for them to understand the environment in which they are working, but they have to rely on the given information in preparing their studies. Foote questioned that the traffic people don't fill out reports, saying she had personally seen at least a dozen accidents in the past year. Janvrin noted that the Police Chief was not at the TRC meeting; the information would have been given there. Lamp said that at the meeting the NHDOT acknowledged the property's right to have three curb-cuts. There are two full-access cuts at the donut shop site which will be closed to a single right-in/out. Also, the drive isle that goes parallel with Route 1 will have a significant bow which will slow down the "drag race" feel and provide more storage for cars coming into the site.

Hawkins noted that there had been two site and asked if they were being made into one lot. Lamp agreed but said it is all related to frontage. Hawkins thought this gave 1500 feet, and that it would allow three but asked if it would allow four driveway cuts. Lamp said the fourth is on a side street. Hawkins asked if they were arguing that they should be entitled to four, but were only using three. Lamp said they have no intent



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to close a curb-cut [without this approval]. Foote had a problem with the documentation indicating that there are no accidents at the existing right in/out in the Southgate Plaza because she had witnessed quite a few, and these documents would be used in the future by other developers. Janvrin noticed at least 7 last summer in one month, that were reportable accidents. Foote said the Applicant is saying there are no accidents when everyone knows there are accidents at that location. Dandrade said they will reach out to the Police Department to obtain any updated list or testimony as to the experience at that location. There are some existing deficiencies as to signage and striping perspective that they will also discuss with the Police Chief to make sure he is aware of how things are posted.

Morgan noted that at the previous meeting a NHDOT plan to widen Route 1 to five lanes was discussed, and asked if had yet had the opportunity to gain access and review that plan. Dandrade said there are no plans that are public to widen Route 1 at their site frontage which indicate medians. The Rockingham Planning Commission sketch is on a very conceptual level that has not been programmed at the state. The highway safety improvement projects that are part of the DDR commitment comes down to just north of the right in/out and the NHDOT did not have plans to show at this point, but they did not see it impacting this site; as of two weeks ago it is pending, but nothing is available to them at this point.

Janvrin said one problem the Planning Board had noticed is that a developer will put in its own signals resulting in every signal is beating to its own tune. The board understood that when developers installed such signals they would be strung together so that there could be one continuous movement through the town with synchronized signals. The NHDOT has told the town that the equipment is there but it is not connected so none of the lights are synchronized. He asked if the Applicant was proposing that the two signalized intersections of Boynton Lane and the North Access would be synchronized as part of this project. Dandrade said they would not be synchronized as part of the Case #2011-03, but they would be synchronized. He said this gets to the coordination of projects with the exaction fee(s); He said it is part of the planned widening of Route 1 between Railroad Avenue and Route 1 highway safety project. That work would synchronize the Demoulas south site with Railroad Avenue, Route 107, and the signal north of that roadway with is part of the DDR project. That work is wrapped in to the overall cost estimate and Their exaction fee is based on that project; they are not proposing to do this independently. Thibodeau asked if the north entrance would be right in/out. Dandrade said this is in re the donut shop site; Brown pointed this out. Foote asked how that right in/out would relate to the Dunkin Donuts and Chinese restaurant driveway. Brown pointed out that they are directly opposite one another. Janvrin asked if an island would be in front of the driveway, and Brown said it would be raised so someone could not drive straight across. Janvrin commented that that was the problem at the Irving Station.

Hawkins asked if the design for the right in/outs proven successful in the past for keeping people from taking a left turn in or out. Brown said with the amount of deflection shown on the plan the left turn becomes sharper than the typical u-turn to be able to get in and immediately starts to transition back to the other direction. Foote asked if it would be signed; Brown said it would be signed as an out only with do not enter signs posted. Moore asked how wide the driveways were. Brown said 15-feet which would accommodate a small truck. Thibodeau noted that people take the right in at Kentucky Fried Chicken and then go through to the Wal-Mart; they do not go to lights if they do not have to. Hawkins asked Saladino to comment on the history of islands as they are being described. Saladino said in his experience this seemed to be a definite improvement over what is there today, and noted that the fact that this arrangement is being considered would indicate that the research would indicate that it is a typical type of permitting. Hawkins said his question is based on the assumption that the existing island was permitted and did not work very well. He asked if the new design would only be the continuation of what is there now, and noted that the letter to the NHDOT cited how creative drivers can be to get where they want to go. He did not want an island down the middle of the road, but would like as much deterrence as possible.



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Morgan asked if the islands would be curbed; Brown said they would be vertical curbing. Morgan asked the height of the curbed; Brown said 6 inches. Morgan asked about some other depiction wording. Brown showed where a scored area provided a little bit more detraction from vehicles being able to turn out making it a bit more uncomfortable. Dandrade said the radii occur only at the very noses on Route 1 which have been reduced from the NHDOT standards to be as aggressive as they can to deter motorists from making that turn. Dandrade said he had been part of the review process for the Lowe's project some years ago. One of the locations in what could be done with that driveway, was the fact that they were not taking more substantial site improvements at the time; they were more or less tied into where the back row was heading today. With the changes proposed for the Case #2011-03 site, it shifts that almost a full parking space further in toward the site, which starts to lend more flexibility with what they can do for the angles in the lot and with signs and the geometric changes.

Hawkins asked for any Saladino comments before he reviews the new submissions. Saladino referenced the RSG review comment about the Route 1/107 intersection which is at level service E and for which there is no plan. RSG's recommendation is to identify what that next level [improvement] would be. Hawkins asked if this meant that even with the DDR improvements, that intersection would still be an E in certain circumstances, and the plan to take care of that had not been identified. Saladino confirmed this. Dandrade recalled being before the Board and recommending a greater level of geometric improvement at that intersection that would have solved the challenges. The section is under the NHDOT's jurisdiction and the Case #2011-03 level of impact is minute compared to what else is going on. This is part of a broader regional project that he did not think was the proponent's responsibility. It is already identified as within the Highway Safety Improvement Project which is an appropriate means for advancing a project of that scale. That is what the exaction fee is for, and the Applicant agrees with the calculation. The ability for a larger project to be implemented with funding from multiple sources, would put a burden of improvements at that intersection that would be a challenge for that small change in delay in movement. Everyone desires a greater "fix" at that location but there are some limitations in the discussion in the discussion between NHDOT and DDR.

Kettenbach said that they had also met with the NHDOT after the tri-party agreement was signed, and had a conversation about what the responsibility of NHDOT is according to the document signed by the private community and DDR. Kettenbach said it is an agreement that is locked and signed; you get what you have signed. It would be very, very difficult for [Demoulas] to intercede in that, and they chose not to at that point. They felt that wasn't in the best interest of the community at the time, but it is a signed agreement - the Town signed it, the State signed it, and DDR signed it. That is the end of [the matter] as far as Demoulas is concerned. They are mitigating their project as good as they possibly can. Hawkins said that at this point there isn't an identified project that the Board could act upon, and that perhaps another conversation with NHDOT should occur if [the intersection] is at an E before it is built. Kettenbach thought the problem the Board faced is that it is a signed agreement, but it is always worth talking about. Hawkins asked Saladino if he had other comments. Saladino said not at this point other than identifying the problem related to the DDR work.

Hawkins called attention to a letter from the Rockingham Planning Commission. He explained that after both the north and south plaza applications were submitted, RPC had been notified by the Board about potential regional impact. Even though the north plaza proposal was withdrawn, RPC continued to look at the regional impact of the south plaza. One item raised for consideration in the RPC letter was the impact on Routes 1 and 286. Hawkins commented that the Applicant states that 60 percent of the traffic goes south toward that intersection. Although this is unusual because it is outside of New Hampshire, Hawkins asked the Applicant to comment on the feasibility and what they perceive to be the possible impact at that intersection. Brown said that that intersection is over 1½ miles from the site and there are a number of other side streets and intersections in between the property and that intersection. They have not looked at



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how much traffic would go through that intersection, but would expect it to be a very small proportion of the traffic that would make it all the way down to that intersection from the site. Given the current amount of traffic going through that intersection, they would not anticipate a large impact ie not any more that the 4 second delay in front of the property. Dandrade said that the proximity of that Routes 1/268 intersection, it is not the most direct route for that regional type traffic. People coming from the heart of Salisbury have another opportunity further to the south to shop at Market Basket. They do not intend to analyze that intersection because it is perceived to have negligible impacts in traffic associated with the project. Morgan asked for the derivation of the 60 percent figure. Brown said it came from the traffic volumes that are actually entering the existing driveways as well as the Boynton Lane intersection. They looked at the calculations collected in August at the driveways and what the turning movements in and out were.

Morgan recalled that when DDR was before the Planning Board, the traffic study included an analysis of where the shoppers were coming from, and asked if they had looked at that. Dandrade said they did not intend to do that because the most accurate way of determining future traffic trends was to look at what is currently there. In the traffic engineering industry if there were a blanket site with no operations, there would be more subjective analysis of where they might come from. Where there is a major plaza with existing tenants, that is the best data to rely on to project the distribution of the small increase in trips. He thought Saladino would agree. Saladino agreed with the theory, adding that the new trips will come from Market Basket and other uses. People will be coming from the north to go to the other uses as well. Morgan asked if Salisbury did not have a supermarket. Foote said it did not, so residents would come to Seabrook south or go to Newburyport. Dandrade said in other recent studies that were significantly larger eg Kohl's, Lowe's, that intersection was not addressed. He thought it would be unfair to assume that for plaza expansion would introduce an impact that would not have been realized in the other major projects. Morgan said the reason the Planning Board heard from Salisbury was the regional impact process. With the other projects they did not hear from Salisbury.

Dandrade understood that a project presentation was recently made to the RPC to encourage them to review it. He thought that analysis was probably part of their decision-making process. He stood from a letter received from RPC that the other perception of regional impacts were associated with the two right in/out driveways; it was confusing as to why they would be perceived as having regional impact along with a parking ration or proximity of wetlands to a particular driveway. He thought the Board should look at requests from the RPC with a mind of what would be perceivable or unperceivable as to the real regional impacts associated with a right in/out driveway, given all the uncontrolled driveways on Route 1. Dandrade said the real delays associated with a right into or out of a site are unperceivable. He asked the Board to consider that as well as the merits of analyzing Route 1 and 286 which is such a great distance away. Hawkins asked Saladino if the stated maximum of 4 seconds delay at any of the intersections tend to become less as one drives further away from the site ie would the delay be less at the Routes 1/286 intersection. Saladino said an additional 20 or 30 cars would be likely to add 4 seconds which would be relatively low. Closer to service level E or F it would have more of an impact. Kettenbach noted that the figures relate to peak hours.

Hawkins asked if Saladino or Board members had any other comments at this point. Janvrin said they had used a shopping center in North Hampton for data generation. Although that information came from the NHDOT, he said it would not be valid, or to adjusting it by 1 percent. Janvrin had a very big problem with that whole idea. Brown said that is for determining the seasonal adjustment – looking at how much recreational traffic on the roadway. Initially, they proposed to use a location in Hampton Falls which is closer. But because [the Hampton Falls] area experiences a lot of traffic heading toward the Beach in the summertime and has a lot less retail in it, the NHDOT thought that the North Hampton area with more retail and commuter traffic would be more comparable to the Seabrook site. Brown noted there is not a permanent count station in Seabrook that provides that. Janvrin said that is flawed. The are trying to



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compare Salem, NH to Route 28 -it's apples and oranges. North Hampton is nothing like Route 1 in Seabrook. Dandrade explained that for the intersections that were counted in November, they adjusted

the percentage also balanced this with the August summertime counts so that the throughput on Route 1 balances between intersections. After that they adjust it upwards by 1 percent/year and also add in other related projects. Further, they consider the worst 15 minutes of the day. Dandrade said there is conservatism in their methodology. He commented that the Town and the NHDOY don't want to be overly conservative because they would end up with a sea of pavement everywhere. They used standard traffic engineering procedures and made some responses for clarification which Saladino could review. They are confident with the numbers and the collaboration with RSG and NHDOT in the review, referencing the NHDOT's memo indicating that the traffic study was adequately prepared. Janvrin commented that they also thought it a good idea for the town to take over the sidewalks. .

Dandrade said they had talked with NHDOT about the sidewalks and were told that the Town needs to sign an agreement with the NHDOT to maintain the sidewalks. Subsequently the Applicant needs to sign an agreement with the Town to maintain the sidewalks along their Route 1 frontage. He thought that way everyone would be covered. Hawkins asked if the NHDOT would not do an agreement with the Applicant. Dandrade said they would not. Moore asked if they would maintain the sidewalks on the public right-of-way. Dandrade affirmed this. Lamp commented that there already is an agreement for maintaining the sidewalk at the Boynton Lane intersection. Moore said that small piece was not a problem because the town had their own sidewalks. Lamp said that the sidewalks would be maintained during the winter and any deterioration would be the Applicant's responsibility. Moore said that the traffic volumes in Seabrook were a lot higher than in North Hampton. Once a vehicle gets past Route 101 in Hampton the volume drops off; there is no comparison. Dandrade said they are talking about the seasonal variation between August and November. Janvrin said the seasonal impact on the Seabrook population is much more than 1 percent. Brown clarified that 1 percent is the annual increase, not the seasonal variation which is 19 percent higher in August than in November. Hawkins noted that the 2010 census supports the 1 percent annual increase (over 10 years).

Lamp said they would go through the drainage issues with Kerrivan, and asked if they could do the same with Saladino for traffic questions so that they could be on the same page next time they appear before the Board. Hawkins thought that would save everyone time, and asked if the Board agreed. By consensus they did. Hawkins said that this did not mean that the Board would agree to everything the engineers presented, but thought it the smartest way to get through the details. Foote agreed that the communications should be between the experts. Hawkins asked if Pollack had had the opportunity to talk with the Board's attorney. Pollack said at the last meeting the Board looked at their attorney's opinion which came in a couple of hours before the meeting. The applicant was not given a copy of that opinion until later that week so they did not have a chance to address it. However, he did send a message asking to discuss this matter with the Board's attorney, explaining that the Board had agreed to this, and also explained that the Board was not interested in providing its own opinion and would defer the matter to the attorneys to discuss. Hawkins said that the Board deferred to its attorney on whether [the site parking] was grandfathered, not whether the Board agreed with the Applicant's parking plan or let its attorney decide what the parking lot would look like. Pollack explained he meant that the Board would not get into the merits of the parking plan until he had had a chance to discuss it with the Board's attorney. Pollack said he asked for the Board's attorney to contact him so that he could ask questions about the opinion, but that had not occurred.

Pollack said that the Applicant is in a "neverland" on whether they can sign onto the opinion, or whether they have to apply to the Zoning Board of Adjustment to ask for relief on the parking issue. He thought that the path of least resistance might be to go to the ZBA and seek a hearing at their May meeting, but they still would like to have the discussion with the Board's attorney and make sure they are going to the



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right place for the right reasons ie that the parking area is not entitled to grandfathering. Hawkins thought it important that the attorneys talk, noting that the Board's attorney's opinion is what everyone thought. The building is being expanded on both ends so how could that allow for grandfathering of the parking for the whole lot. The Board did not think that was right to begin with; its understanding was that its attorney confirmed the Board's position. If Pollack could bring to his attention something that was missing from the discussion, the Board had no problem with Pollack having that discussion. Whether the Applicant applies to the ZBA is their option. He noted that almost all of the Planning Board members thought the parking was excessive, and the Board would like some alternatives to the number of parking spots proposed. If no alternatives are presented then the only route would be to the ZBA.

Pollack clarified that they are not ignoring that request; their position is that the areas of expansion are what require compliance, and that the additional square footage on both ends of the building and the new retail space will have parking areas associated with them on the plans that is compliant with the stall dimensions as well as the number of parking spaces. The variance they would ask for is to preserve what is there today for the existing structure. There is not an effort to carry that ratio over to the new parking areas. Hawkins said the Board understands that position, but is looking at the area as one site where the parking spots are not grandfathered because in fact that building is being expanded. The vision differs. Kettenbach said they are going the same process with the NH Department of Environmental Services regulations. Their understanding is that changes are being considered based on a matrix system for the alteration of terrain regulations. Things that are existing are receiving a certain point structure for a matrix as to how to proceed with development. As it currently stands, if there is an existing building it has to be brought completely into compliance with the new regulations including expansion in New Hampshire and any urban area. He thought DES would set the trend as to what and how things that are pre-existing will have to be dealt with in New Hampshire. Kettenbach said that in re Case #2011-03 there is a difference of opinion as to what grandfathering is. They are not upset. It is the community's decision. They will have to make their best case to either the Board's attorney or the ZBA.

Hawkins asked about other open items. Blatchford said that a meeting was set for the following Tuesday to meet with Kerrivan at the Altus Engineers office. Lamp said this meeting was not scheduled sooner so they could check the groundwater and the wells on-site. They did not think the seasonal elevations would change the design but they were checking the numbers. Blatchford asked if the waiver requests would be addressed. Hawkins preferred to hold them until Morgan had reviewed them, and deal with that at the next meeting. Blatchford said they had provided the reasons. Hawkins noted that the regulations require the rationale to be provided with the waivers. Lamp requested that the Board be polled on tabling these requests until they would be able to go to the ZBA, after the attorneys have talked so there is surety as to how to address the items and see if the proposal is greatly affected. Hawkins asked if they wanted to hold the next meeting until there is some decision on the parking because that could greatly affect the other open items. Kettenbach said if they did not have the parking they need to operate the business they would have to withdraw. Morgan noted that the ZBA meets at the end of the month, so the tabling would be until early in June.

Thibodeau called attention to the changes proposed at main entrance; she thought the existing configuration was greatly superior. The proposal would have all of the traffic going in front of the Market Basket instead of closer to Route 1. This means that shoppers will be coming out of the store into that traffic. In her opinion, that would make it a lot more difficult for people, as well as the cars, to move around. Hawkins said all of the cars are being brought to where the heaviest pedestrian traffic is. A lot of people would be using the north exit and would have to go through the pedestrian traffic to get out. Hawkins noted that at the last meeting the Board asked for some consideration of alternatives to that design. He thought a lot of people would be upset at having to dodge cars when they are crossing with a shopping cart. Foote said if there is no change in that design, it would push a lot of people to travel south to the right out, so those calculations are probably understated. Dandrade said that would be one of the



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benefits to keeping the right in/out, and explained some of the limitations of tapering in to the site. The ability to come around the site is that there are pavement markings to direct people. If that right in/out were not there, all of that traffic would have to go in front of the store. They are trying to develop an orderly movement of traffic. Janvrin thought the speed limit heading north on route 1 was 30 miles per hour; that would be the speed of a car when entering the main entrance. He thought that there was more room to decelerate currently, because under the proposal a car would have to make two 90 degree turns right away. Dandrade said that is almost exactly the way it is now; there really wouldn't be much change from that perspective. He noted that this design was successfully implemented in a new Salem, NH store; the geometry works great. Moore asked if the driveway that travels along to the right in/out goes left all the way around the corner to Boynton Lane. Dandrade said it would. Janvrin thought this a change from the current design. Moore said if when driveway is used the driver doesn't have to go right in front of the stores. Dandrade commented that the signal installed for the Kohl's was a great benefit. Janvrin said the public would have to be educated. Dandrade said that everything is a compromise at some point. They also looked at how the trucks have been moving in and out of the parking isles, and thought that allowing them to go straight back would be a great improvement. Janvrin asked how the trucks would exit. Dandrade said at the traffic signal. Janvrin asked if they travel south, would they come in the main entrance or at Boynton Lane. Dandrade said it would depend on what dock they are using, and they have provide wider sweeps for the trucks. Foote noted that not just Market Basked trucks use the right in/out.

Hawkins continued Case #2011-03 to June 7, 2011 at 6:30PM at Seabrook Town Hall

AMENDMENTS TO LAND USE REGULATIONS

Hawkins read the proposed amendments to the Subdivision Regulations in turn:

Refund Policy

There being no comments.

Add the following to Section 4.200:

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.

4.211 All out of pocket expenses for public notices, abutter notices, Town Planner, Town Engineer, special studies, professional reviews & inspections and other professional services are the responsibility of the applicant, and will only be returned if the funds have not been expended.

4.212 The Planning Board has sole discretion on the decision to return fees.

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

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



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Hawkins asked for comments; there being none.

MOTION:	Thibodeau	<p>to add the following to Section 4.200 of the Subdivision Regulations:</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">4.211 All out of pocket expenses for public notices, abutter notices, Town Planner, Town Engineer, special studies, professional reviews & inspections and other professional services are the responsibility of the applicant, and will only be returned if the funds have not been expended.</p> <p style="padding-left: 40px;">4.212 The Planning Board has sole discretion on the decision to return fees.</p> <p style="padding-left: 40px;">4.213 The Application Refund Policy shall apply to all applications made to the Planning Board.</p> <p style="padding-left: 40px;">4.214 The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100.</p>
SECOND:	Moore	<p>Approved: In favor: Opposed – Janvrin</p>

Recording Stormwater Mylars

Add the following to section 4.610:

The applicant shall submit a mylar plan, suitable for recording at the Rockingham County Registry of Deeds, that depicts all of the above except checklists.

Hawkins referred to Morgan's memo and asked him to explain his comments. Morgan said that with the Board's encouragement, Henry Boyd had drafted a prototype graphic plansheet for Case #2010 29 Midway depicting both the stormwater design and the language that had been in the operations and maintenance manual that could be made as a mylar and recorded at the Registry. This plansheet would be submitted as a part of the application. The DPW Manager had been asked to look at this proposal and had provided some changes in the language that Boyd proposed. Morgan pointed out there were certain of those changes with which he did not agree, and advised the Board to table this item to the next



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meeting until they had a chance to examine the language. **Hawkins tabled the vote on the proposed addition to Section 4.610 of the Subdivision Regulations until after the Board has the chance to review the DPW Managers proposed changes in the text.**

Hawkins adjourned the meeting at 8:40PM.

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board