



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin; Keith Sanborn, Robert Moore, Ex-Officio; Paul Garand, Code Enforcement Officer, Alternate; Elizabeth Thibodeau, Alternate; Michael Lowry, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;
Members Absent: Sue Foote, Vice Chair; John Kelley; Robert Fowler; Paul Himmer, Alternate;

This meeting was held in the Seabrook Library.

Hawkins opened the meeting at 6:35 PM

MINUTES OF July 6, 2010

MOTION:	Thibodeau	to accept the Minutes of July 6, 2010 as written.
SECOND:	Janvrin	Approved: Hawkins, Janvrin, Sanborn, Thibodeau, Garand; Abstained: Moore, , Lowry;

SECURITY REDUCTIONS, EXTENSIONS

Case #2004-50 Cabral, Blacksnake Drive subdivision;

Attending: Lisa Cabral;

Hawkins referenced the request **from Lisa Cabral for a 2-year extension** and asked why another extension was needed. Cabral said due to the economy completing the site was coming out of pocket as they have not yet recovered their investment. Morgan asked for the status of the construction. Garand said the sewer and water infrastructure was in place, the roadway has been cleared, and the gravel installed. The top coat had not been installed. Moore asked Morgan if there was any reason not to grant the requested extension. Morgan said there was not.

MOTION:	Moore	To grant a 2-Year extension to the current extension of the Case #2004-50 Cabral – Blacksnake Lane Notice of Decision.
SECOND:	Lowry	Approved: Unanimous

CORRESPONDENCE

Hawkins referenced the **email confirming that the Rockingham Planning Commission had received the Planning Board zoning amendments information and would be adding this to its update of regional zoning maps.** Kravitz said that process was ongoing and that RPC would provide the Town with the Seabrook area maps. Hawkins asked for a date. Kravitz said that had not been given.

Hawkins called attention to an important **Rockingham Planning Commission Congestion Management Meeting from 10AM -12 noon on Wednesday, July 28 at the Exeter town offices.** This was discussed at the last RPC Commissioner meeting and Hawkins planned to attend as Seabrook would have a lot to say. Interested persons are invited to attend.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

Hawkins referenced the **waiver request letter from Attorney Peter Reily provided as a condition of approval for Case #2010-05 Bagley-Carey**. Morgan said the letter was satisfactory. Hawkins noted that the waiver items had been accepted at the previous Board meeting and the Board wanted the written form.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:40PM

ONGOING CASES

Case #2010-01 – Proposal by Steven Carbone to construct an 11,000 square foot facility for the sale and storage of fireworks at 287 Lafayette Road, Tax Map 9, Lot 64, continued from February 23, 2010, April 6, 2010, June 15, 2010; July 6, 2010;

Hawkins referenced a **request from Steve Carbone to again continue Case #2010-01**. Kravitz said that Carbone indicated finding sufficient parking spaces was causing the delay. Hawkins **continued Case #2010-01 to August 3, 2010 at 6:30PM in the Seabrook Library**.

Case #2010-18, a proposal by Raman Patel to establish a 1,713 square foot convenience store at 609 Lafayette Road, Tax Map 8, Lot 3, continued from July 6, 2010.

Attending Henry Boyd, Jr, Millennium Engineering; Bruno Campea, Bayside Engineering;

Boyd said most issues other than traffic had been addressed and the traffic letter had been revised; only seven spaces would be required for the convenience store and they will be marked. Hawkins said the Board had accepted the case as administratively complete, noting that all of the checklist items should have been provided with the application. He asked Morgan if all of the checklist items had been submitted. Morgan had reviewed the supplementary traffic letter and said the checklist was ok except for missing waivers for the lighting details and the landscaping. Boyd said this was compliant as the monuments had previously been set according to the original approval, and they are not proposing new lighting or landscaping; Campea could speak to the traffic. Garand said since the previous hearing he had been out to the site. There were at least 61 cars on the site plus 4 on the side. Boyd said 51 are allowed. Garand asked how compliance could be claimed when there are 61 cars with some in front and some double parked and/or in an area designated for landscaping – it is a mess. He asked how they could bring in delivery trucks when there is inadequate parking now. Also a dumpster had been requested. Boyd said he had never seen the site full. He will talk with Nichols about items that may not be allowed. If he is not compliant, he will have to do that. Garand said that Nichols has to maintain the site in accordance with what had been approved. Boyd said there are still 10 empty spaces in front, although there are too many cars on the site. Garand said the Planning Board would look at the whole site. Boyd said that 7 spaces gave adequate parking in front for the convenience store which was the proposal in this case, and a note to this effect was on the planset. [Photographs of the site taken by Garand were circulated].

Sanborn noted that some of the cars in the photos are not on the site – they are over the property line. He understood that the stores on the site were supposed to be automotive related. Thibodeau commented that there are already too many cars on the property. Boyd said there was always supposed to be another store, and asked what the Board wanted done. Garand asked what retail tenants were discussed before, other than the retail stores in the rear of the site. Morgan did not specifically remember that discussion, but did not anticipate high traffic usage. Garand thought the retail convenience store overburdens the site. Boyd asked if a convenience store was a permitted use. Morgan said it was. Boyd thought the Board should allow it, and said that \$10,000 had been spent to address traffic issues. If the Board's position was no more convenience stores the applicant should have been told. Moore asked if a proposed retail or



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

convenience store had been approved. Boyd said it was not different than a retail store. Garand said the site is overburdened with traffic and vehicles, and thought the applicant should take care of that and then return to the Planning Board.

Boyd said there were spaces in the front sufficient for a convenience store, and asked if a letter from the owner could resolve this issue. Garand said a violation of the approved plan could be issued at this time. Morgan noted that the light fixtures on the cooler were designated as "floodlights". Boyd said they would be box lights. Garand asked about the dumpster. Boyd said it would go next to the existing dumpster. Thibodeau said that would take up spaces used for parking in the back. Garand noted that a dumpster and pad would be needed for food items. Boyd said it is a sealed surface. Garand cited the impact on parking and asked for a writing from the owner that compliance would be accomplished. Hawkins said there were 61 cars and to clean out the "junkers" and the double parking, referencing the photos shown at the July 6 meeting. Boyd said he wasn't there, and asked for suggested wording. Hawkins emphasized that businesses are wanted in empty Route 1 stores, but the owner has to be responsible for maintenance. The site should be cleaned up if the owner wants additional approvals. Boyd agreed and said he would deal with the owner. .

[Morgan's memo re the revised traffic letter [was distributed]. Campea explained that the square footage given to him initially was wrong; the actual square-footage was 1713 square feet. Accordingly, he had recomputed the hourly trip generation as 60 and 90 rather than his first calculation of 80 and 120. Campea said the hours of operation were "non-24" at 6AM -11PM and would have no impact on the criteria. Traffic from the north or east would approach from I-95 and through the Route 107 & 1 intersection. He said that the revised average trip generation and distribution was now reduced to 18 per hour. The worst case would be 90 trips per hour ie 45 in and 45 out, and this amounted to less than 50 trips per hour. Campea said this meant that nothing was due under the formula. Sanborn said other convenience stores had more than 18 trips per hour and there would be more traffic coming from Massachusetts on I-95 and onto Route 107. Morgan agreed. Campea said he used commonly accepted practice to calculate the trips. Sanborn said that was an inadequate computer model, and to stand and count traffic for the near-by stores. Campea said typically that type of convenience store would generate "impulse" stops. Sanborn asked if he had looked at the store next door which he thought probably was 18 trips in a half hour. Moore asked if the count would be the same as for other types of retail. Campea said the ITE trips generation guide gives guidelines for many different uses; the counts vary. The specific use is for a non-24 hour convenience store which doesn't vary that much from 24-hour stores. He said that "pass-by" impulse trips from vehicles already on the road could account for as much as 60 percent, ie not new trips. Sanborn asked if the calculations were for single or double lanes. Campea said the numbers didn't matter. Sanborn thought there would be more vehicles in two lanes ie double the capacity.

Morgan disagreed with Campea's selected mode because this is not a typical situation with so many convenience stores in such proximity built within 3 years. He thought this unusual explosion of convenience stores phenomenon was due to customers from Massachusetts aiming to avoid the taxes; it was not Seabrook based. Thibodeau said that people from Massachusetts would come up I-95 to Exit 1. She frequents the auto repair shop in the back of the property. They are not supposed to make a left turn to exit the property, but some do or else go around and get to I-95. Campea maintained there would not be left turns at the exit; only right in and right out. Hawkins noted they turn at the end of the median strip. Garand said they make U-turns at Chevy Chase. Campea said that is not legal and said to get a "no U-turn" sign for south and north bound traffic at the ends of the median. Morgan again disagreed with Campea's calculation and said there would be more than 18 cars from Massachusetts. Boyd said people go to convenience stores when they are on the way to somewhere else. Sanborn asked if lottery tickets would be sold. Boyd said they will sell what is needed. Morgan thought customers would also come from Amesbury. Boyd said those customers would go to the store at the rotary.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

Hawkins said if the proposed use is legal, then the hurdle is the traffic issue. He asked if there were another model to use as the basis of a decision, if the Board did not believe the traffic figures presented Morgan said not in the ITE trip generation manual, and asked where else in the United States so many convenience stores are located at a state line. Hawkins asked about the basis for the decision if the calculation is generally accepted. Morgan again said the model used is not the appropriate basis. Lowry recalled that ArcSource was anticipated to be low volume. Boyd asked how long a store had to be vacant. Campea said this location might be a disadvantage. It might be easier at other locations but this is the client's option. Boyd said they wouldn't have a gas station that would have taken on other traffic. He doubted the illegal turns and said he'd never seen this. He said that municipalities don't have medians – they use striped painted lanes. Thibodeau thought if the parking had been taken care of they might not be having these issues.

Morgan disagreed with Campea about the methodology for using the formula, and noted that VHB [DDR's engineers] counted incoming and outgoing traffic separately. Campea said that his assumption is that all trips will enter from the north, and were already on their way to somewhere south. Boyd asked if it would help to do a traffic count. Hawkins asked Morgan to discuss the formula. Morgan read part of the formula verbatim. He explained it applied to generation of more than 50 trips per hour with both in and out trips counted separately which he said agreed with the VHB method. Hawkins noted that DDR was the first case to use the formula, so there wasn't much of a track record. Morgan said the important point was to apply the formula consistently. Kravitz recalled that the formula was used to identify the amount of the Kohl's contribution that was committed for the bridge. Campea said the analysis is based on new trips, not existing trips, and noted that incoming trips are not going through the signals. Campea said there are in-trips and out-trips only because of the usage of Route 1. Sanborn said someone coming off I-95 to go south onto Route 107 is not going through the lights. It is a new trip. Hawkins said if they come on Route 1 they will go back on Route 1. Hawkins commented that the street infrastructure is inadequate.

Hawkins said he would have a hard time using a calculation that wasn't consistent with VHB's initial usage. The calculations must use the VHB methodology to be consistent in arriving at the fair share of added traffic. Campea stated that he could present the detail for all of his conclusions, but that even simulating under the VHB developer's formula there would be nothing due. He could study a similar convenience store on Route 1. Boyd said to use [Cigarette City] which is huge. Campea said that would be ok if they sell the same products and are of a similar size ie 1700 square-foot convenience store; a larger store would have more variety and attract more customers. Sanborn said that 4 spaces had already been lost so the parking should be resolved first. Garand said a traffic study of [Cigarette City] would be more accurate. The stores in back also have to be looked at. Hawkins said to look at the incremental traffic. Morgan said it would have to be the peak hours. Campea said that would be 11 AM – 2PM or 1PM to 2PM. Hawkins asked for further comments from Morgan; there being none.

Hawkins recommended that the case be continued to give the applicant a chance to (i) clean up the back parking area, (ii) show the parking count and how it would be managed, (iii) show how the dumpster would be positioned, (iv) determine the cost under the formula, if any, and (v) provide the traffic generation figures for the adjacent store with a similar business. He asked Morgan for the history of how the formula was established, and to work with Campea on this. If a Cigarette City count brought the same result, so be it. Boyd said he would address the parking issues. Hawkins **continued Case #2010-18 to August 17, 2010 at 6:30PM at the Seabrook Library.**

NEW CASES

Case #2010-21.07-11 a proposal by Dalton Investments, LLC for lot line adjustments at Beckman's Woods (off of Causeway Street), Tax Map 13, Lots 17 thru 20.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

Attending: Michael Green

Appearing for the Applicant: Henry Boyd, Jr, Millennium Engineering;

Boyd said after building houses on the first three lots in Beckman Woods they found the housing configuration did not fit on the next four lots as planned. He had submitted a waiver request for the topography and the box placement. If this proposal were approved, they would set the monuments. Hawkins said the checklist had been addressed, and asked for Morgan's comments. Morgan explained that the house on lot 20 is not entirely in the block as shown in the approved plan. Hawkins said the decision on acceptance was needed.

MOTION:	Moore	to accept Case #2010-21.07-11 as sufficiently complete for jurisdiction and deliberation.
SECOND:	Thibodeau	Approved: Unanimous

Hawkins said that in the future waiver requests would need to be submitted with the applications. In the future a checklist will be attached to the Application and the Board will follow it closely. He asked Morgan about the "blocks" Morgan said the Board wants to have the block show where the house would be situated on the lot. Technically, the house on lot 20 is not on the block [shown in the plan] but it is already built. Boyd asked how the Board could make a denial if there is compliance with the building set-backs, and asked what harm would be done. Morgan said the applicant could build where they want but put the box where the house is. Hawkins asked if there were other issues. Morgan said there were not. Garand commented that this is a much better plan. Thibodeau thought it looked good.

MOTION:	Janvrin	to approve Case #2010-21.07-11 - Dalton Investments, LLC for lot line adjustments at Beckman's Woods (off of Causeway Street), Tax Map 13, Lots 17 thru 20 with waivers for (i) the zoning box placement, and (ii) topographical contours.
SECOND:	Thibodeau	Approved: Unanimous

Case #2010-22, a proposal by Florida Power & Light and NextEra Energy Seabrook to construct a 376' by 82' indoor firing range off of Rocks Road, adjacent to the Seabrook Transfer Station, Tax Map 8, Lot 58, and Map 7, Lot 110.

Attending: Steven Coes, Project Manager, Dick Winn, Communications & Government Relations Officer, Michael Hambrook, Security, Seabrook Station;

Appearing for the Applicant: Mark Beaudry, PE, Meridian Associates; Kevin Provencher, Architect, PDA Associates;

Hawkins thought an earlier checklist had been complete, and asked Morgan to speak to the current checklist issues. Morgan said certain items were not submitted, but had been explained in the letter(s) or were not applicable eg hours of operation, perimeter, no signs, monumentation, waiver re off-site wetlands survey, and total acreage. He suggested the Board could be flexible in a situation like this. Hawkins noted the lighting hours of operation is missing from the plan, and asked this be inserted.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

MOTION:	Moore	to accept Case #2010-22 as sufficiently complete for jurisdiction and deliberation.
SECOND:	Thibodeau	Approved: In favor: Hawkins, Moore, Sanborn, Thibodeau, Garand, Lowry; Opposed: Janvrin

Coes introduced those attending on behalf of the Applicant, and said the proposed indoor firing range would be used for Seabrook Station security personnel and local police. The dimensions are for an 82-foot x 376-foot concrete building with two roof elevations – one reaching 25 feet. The inside firing direction is to the southeast, away from the residential area. The shooting distance is 100 yards with elevated towers to simulate actual conditions. There are classrooms and an armory for ammunition. The building would be 1000 feet from the closest structure; they don't want to be seen or heard. Coes said that access would be from the South Access Road, through the security guard station. No firing range traffic would go across Rocks Road; the Jersey barriers would stay in place. No wetlands permits are required; there is minimum signage and lighting. They have requested a waiver of a traffic study as there is a 40-person classroom where people remain all day; therefore there would be a maximum of 40 cars – one trip in and one trip out. Coes said many trainers are already on the site.

Beaudry reviewed the drawings and indicated the position of the Jersey barriers. The relevant parcel is about 4 acres, although the Station owns quite a bit more land. Janvrin noted there could be foot-traffic beyond the barriers as this is a town road; he walks his dog there. He asked if the chain-link fence would be moved, noting it is not shown on the plan. Beaudry said the plan is not to move the gate and the perimeter will be secure. Beaudry said the wetlands system drains to the east through Seabrook property and along the dump access through a culvert and into the Seabrook Marsh. Coes said this meets the intent of the regulations.

Coes said the facility orientation is southeast to northwest with a gravel surround for fire access and parking; there are 32 additional spaces with handicap spaces on a concrete pad. Cars would have a single access to Rocks Road, but could not turn left without hitting the barriers. The lighting will be wall-paks with low-level lights and a couple of light poles for security purposes. The shed roof slopes to the southwest; gutters have downspouts with a water flow to a new swale and riprap aprons at less than one-foot/second and out through Seabrook property to the ocean. There is no increase in flow-rate and would accommodate a 50 year storm. The municipal sewer is along the dump road and Rocks Road with a gravity flow to the pump station as discussed with the Sewer Superintendent. The water line connects to an 8-inch line, and there is a gas connection. The landscaping would remain natural scrub growth vegetation except for the slopes, with a grass island having a liberty elm and flagpole. There will be no signage post. Given the nature of the site he questioned the value of monumentation and said a waiver had been requested.

Hawkins said that the case would go to the Technical Review Committee before the vote, and would be continued to a later Planning Board meeting. He also wanted to hear first from Foote re the wetlands situation and in her absence would like a letter from the Conservation Commission. Hawkins asked for more comments or questions. Janvrin asked for a writing re the traffic impact noting that the threshold under the regulations was 50 vehicles per hour. Morgan said the police usage would have to be factored into the traffic statement. Coes said the threshold wouldn't be met and pointed out the request for a waiver. The facility would be used either for the Station personnel or the local police. Hambrook said the police would have free access but not at the same time that security personnel were using the facility. He said the Station has a robust security force that must qualify and cycle through the extensive security program. They would want 24-hour access. Hawkins asked if the traffic was incremental in the formula.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010

NOT OFFICIAL UNTIL APPROVED

The Board has been dealing with Route 1 and had to be consistent in how the formula was applied. Hawkins said the factors would be how many trips specifically, and when they would occur. Morgan explained that at no time could there to be more than 50 trips per hour or the formula would apply. Hambrook noted that the facility would be available for police department personnel as well as the Seabrook Emergency Response Team. Hawkins said if the threshold is not reached a writing to that affect should be submitted.

MOTION:	Janvrin	to schedule Case #2010-22 for the Technical Review Committee on August 9, 2010 at 10 AM in Seabrook Town Hall.
SECOND:	Thibodeau	Approved: Unanimous

Coes asked if the Board had other questions or points to address. Hawkins called attention to Morgan's comments re (i) signage and parking, (ii) a waiver on the traffic study, (iii) commentary on the wetlands from the Conservation Commission, and (iv) the entrance/access clarifications. He asked if the Jersey barriers were on the plan. Janvrin asked who put up the barriers. Coes said the barriers are not on FPL property, but they would add them. Garand said the Town had blocked the road to prevent dumping.

Hawkins asked for the location of the roadway agreed by FPL and the Town. Coes said it is an intended as a parallel path for alternative access to the transfer station, and pointed out the approximate location. Hawkins asked for the status of that roadway. He hoped to get a good idea before approving this proposal. Coes said there is a holdup on the pathway because of a PS&H easement on FPL property. They have talked with the Public Works Manager because of the easement needed from PS&H. Moore said there are no set limits but the roadway would give a lot of relief; the town wants to see it happen. Winn said they worked hard to send a detailed package to PS&H outlining the benefits to the town, and thought things were progressing. They would build a sub-station if necessary. Perhaps PS&H wants money to give an easement. The proposed roadway is now on the lot-line which PS&H likes better. Morgan asked if there is enough room for the roadway and the easement. Coes said this is his project; it will happen but not so soon. It needs a Letter of Intent or Memorandum of Intent, and it cannot happen right away. Moore hoped it will happen sooner as they are chasing the clock for a death at Rocks Road. Winn said they would address and publicize matters of safety, traffic etc Moore said to consult with the Department of Public Works Manager about the run-off drain.

Coes did not want to wait for the roadway to get the firing range approved. Hawkins noted the town and FPL agreed a year ago and there's been no movement within the year. Moore said the negotiations are painfully slow. The roadway cannot come of South Access road. He said Winn and FPL are excellent to work with. Hawkins asked for other comments or issues; there being none. Hawkins continued **Case #2010-22 to August 17, 2010 at 6:30PM in the Seabrook Library.**

OTHER BUSINESS

Case # 2005-42 Bagley - Dows Lane Culvert status continued from July 6, 2010.

Garand said to hold off sending a letter as Bagley is e is building the culvert himself Hawkins said to hold the letter until Garand says it is satisfactorily done.

Hawkins referenced **Morgan's memorandum re the Gove subdivision.** Morgan said he forwarded it because Kravitz had asked for help in identifying the related cases.



Town of Seabrook Planning Board Minutes

Tuesday, July 20, 2010
NOT OFFICIAL UNTIL APPROVED

Morgan recommended that Hawkins sign certain site plans as well as the 2010 land use amendments that have to be filed with the Town Clerk.

Hawkins called attention to the **revised expedited checklist which would be added to the expedited application, noting that non-expedited requirements had been removed.**

Hawkins adjourned the meeting at 8:40 PM

Respectfully submitted

Barbara Kravitz, Secretary
Seabrook Planning Board