



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair, Jason Janvrin, Vice Chair; Dennis Sweeney, Michael Lowry; Francis Chase, Roger Frazee; Aboul Khan, Ex-Officio; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer; Members Absent; Sue Foote, Alternate;

Hawkins opened the meeting 6:35PM

MINUTES OF AUGUST 20, 2013

Hawkins asked for comments or corrections; there being none.

MOTION:	Lowry	to accept the Minutes of August 20, 2013 as written.
SECOND:	Khan	Approved: Hawkins, Wood, Khan, Sweeney, Lowry, Frazee; Abstained: Chase

CORRESPONDENCE/ANNOUNCEMENTS

Case #2012-25 McDonald's Restaurant 710 Lafayette Road

Hawkins asked Garand to address his memorandum re the new McDonald's Restaurant. Garand said that the McDonald's was completed very nicely. He wanted the Board to take note that rocks had been used in 2 areas specified for plantings at the drive throughs, and felt this was an improvement to avoid fires in an area where cigarettes might be tossed. Additionally, seasonal mums had been planted, and would be replaced in the spring.

Janvrin entered the meeting.

Case #2013-17 – Proposal by RMD, Inc., and Delta & Delta Realty Trust for a 2,400 square foot restaurant at 380 Lafayette Road, Tax Map 9, Lot 1.

Hawkins referenced the request by the Applicant to withdraw Case 2013-17, stating that additional preparation needed to be done, and potentially there would be another unit to include. The Applicant requested the fee that was paid be applied to a subsequent application when submitted. Hawkins said that according to Subdivision Regulations Section 4.380 Section 4.380 - Refunds, the Applicant was entitled to the return of 50 percent of the application fee paid, noting that the Town Planner had reviewed the file, but the abutter notices had not been sent. Chase asked about case acceptance. Hawkins explained that acceptance would have been the topic for this meeting. He commented that having the fee refund procedure in the regulations made the administration easier. Khan thought this was a last minute change for the Agenda. Wood asked if a motion was needed. Hawkins wanted Morgan's view. Morgan thought a motion would make the Board's intent clear. Kravitz asked if certain costs would be deducted from the refund. Hawkins said the purpose of the formula was so time spent did not have to be tracked; nothing had to be deducted.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

MOTION:	Khan	to accept the withdrawal request with respect to Case #2013-17 – Proposal by RMD, Inc., and Delta & Delta Realty Trust for a 2,400 square foot restaurant at 380 Lafayette Road, Tax Map 9, Lot 1, and refund 50 percent of the application fee per Section 4.380 of the Town of Seabrook subdivision Regulations.
SECOND:	Wood	Approved: In favor - Hawkins, Khan, Sweeney, Chase, Lowry, Frazee; Opposed – Janvrin;

Hawkins reminded that the Rockingham Planning Commission would hold meetings at different locations in re economic development and transportation for the Regional Master Plan update. One meeting will be at the Seabrook Library on Monday, October 7 from 5:30PM to 7:45. He encouraged anyone interested to attend to have a voice in what the RPC Master Plan would look like, and will announce it again at future Board meetings. Chase asked if food would be served. Hawkins thought usually there are light refreshments at these meetings.

PUBLIC HEARINGS

NEW CASES

Hawkins noted that Case #2013-17 had been withdrawn. [see above]

ONGOING CASES

Case #2013-16E – Proposal by Mirage Realty Trust and Medical Laser Technologies, Inc. to utilize the second floor of the building at 1 Walton Road for office use. The property is situated on Tax Map 10, Lot 24.

Hawkins recalled that at the August 20, 2013 Board meeting Case #2013-16E was given a conditional [preliminary] approval, and was scheduled for final approval at this meeting. As the Applicant requested more time, Hawkins continued Case #2013-16E to September 17, 2013 at 6:30PM in Seabrook Town Hall.

Hawkins asked Kravitz to include a new category for final approval at the top of the Public Hearing section of agendas; this should only take about five minutes for a case.

[go to next page]



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Case #2013-13 – Proposal by Scott Mitchell, Sea City Crossing, and IStar Seabrook LLC to demolish the McDonalds restaurant at 652 Lafayette Road and replace it with a 3,500 square foot medical office building and a 4,452 square foot retail building, continued from June 4, 2013, July 16, 2013, August 20, 2013;

Attending: Scott Mitchell, Jim Mitchell, IStar Seabrook LLC;
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jeff Hyland landscape architect, Ironwood Design Group;

Morrill said a revised traffic report had been submitted to the NH Department of Transportation about the driveways, which is described in their comment letters. He wanted to go through some of the changed items. The parking was reduced; 57 spaces are proposed. The total impervious surface was now 65.7 percent. He noted that the rear piece was obtained for the parcel as part of a lot-line adjustment that came before the Board. Modifications made after the Technical Review Committee meeting included revising water lines within the right-of-way; notations were added about the water service to the existing building to be removed, and updated service to be abandoned; parking spaces were updated on the plan as requested by Morgan (Sheet C1). The old McDonald's had 56 parking spaces. Other changes made were adding monuments to be set to the plan.

Morrill said the front setbacks and pylon were added; a third handicap parking space was added near the building to conform to requirements; a grease trap for a proposed restaurant was more centrally located; the water line goes to the utility room in the rear of the building – 2-inch service comes off that line; notes 32 and 35 were updated to include the waterworks association; the lighting plan was updated with illumination levels, and a waiver was requested for lighting that exceeds the recommended levels to the south and west of the property. The pylon sign was also added (Sheet D-3). Morrill said Hyland was present to address the landscaping which they knew was important to the Board.

Hawkins thought it curious that Morrill talked about changes without mentioning the building size. Morrill said he'd indicated the updating to the proposed building size (sheet C-2). Hawkins noted that the size of the building was actually increased by 12 percent. Morrill said about 1,000 square feet; was added in the rear where parking was eliminated. The related and revised Vanesse Associates traffic analysis was submitted, as well as a letter from New Hampshire Department of Transportation referencing the impact fee [exaction fee], because DDR had taken this lot at "0" i.e. vacant. Accordingly all the trips had to be added into the traffic analysis resulting in the amount of \$49,200. A light specification waiver was submitted. Janvrin asked for the number of units. Morrill said 3 units – one for offices in front, one for retail in the back, and a restaurant in the middle. Potentially, the retail could be split into two units; currently the focus was on one large unit. Garand asked how many dentists would work in the building. S. Mitchell did not know. Garand said 3 dentists would mean 3 parking spaces; 5 dentists would need 5 spaces. This would dictate the load of the facility as far of accommodating the parking requirements. Morrill said 18 parking spaces were planned for that use; according to the regulations, the only maximum restriction was for retail; the office standard was for a minimum. Garand wanted to see the parking distribution; Morrill will provide the layout. Garand referenced the driveways, and submitted a copy of the "approved" DDR planset for the file, which showed a right in – right out. Morrill agreed. Garand said the Board should discuss this.

Chase asked if the two-inch water service would have shutoffs for each unit. Morrill said it would come into the utility room for which the Water Department would have access, and then be split



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

into individual meters inside the utility room. Chase asked if inside shutoffs were ok. Morrill said the [water department] would have a key as happens in some of the industrial buildings. Chase thought there had been a discussion about having shutoffs outside. Morrill said there would be shutoffs for the fire line as well as the domestic line. If the bill were not paid the line could be shut off leaving any problem for the owner and tenants to resolve. Chase had thought that there had to be shutoffs for each unit. Morrill said shutoffs would be inside the utility room. Chase asked if they could go in and shut off lines. Morrill confirmed this. Morgan said the Technical Review Committee thought this issue should be deferred to the Water Superintendent. Chase asked if provision for inspecting and testing the sewer lines would be installed. Morrill said there had been a cleanout in the middle which would be replaced with a sewer manhole for testing.

Wood had understood there would be a dentist and some other retail, but this was the first time she'd heard of a restaurant. She asked if the TRC knew of a restaurant. Morrill said the TRC was shown a grease tank. He said they were asked to modify the plan to show where the restaurant would be. Wood asked if there were any other updates that the Board should know about. Morrill said a letter addressing Morgan's comments, and another addressing the plan comments, were submitted. Wood noted that some updating had been reported, but other general changes were now being discussed. Morrill said the landscape plan that the Board had previously seen was very general; Morgan had wanted to see something showing the build-out. Hyland was hired to come up with a detailed landscape plan showing that the entrance way would have good character.

. Hawkins wanted to address the process used to determine how much building could be put on a particular lot. He thought the setbacks would be identified first, then the buffer requirements, followed by establishing the building size and parking. Hawkins asked if that was the way this project was done, and how the decisions led to this plan. He thought there was no buffer on two sides of the property. Morrill said that only one side had no buffer, and pointed out the other buffers and an existing landscaped area. This proposal would rip up the least amount of pavement. They have asked for a waiver along the southerly side of the parking lot. Hawkins asked if the request was being made because they did not want to rip up the pavement, or if there was not enough room on the lot to do the proper landscaping. Morrill said the existing drainage system works from the front to the rear of the property, and an existing landscaped island through the middle; in the area with 16 parking spots, 16 would remain. Morrill said there was a cross-parking easement up to the CVS. Hawkins thought that related to use, but not to dictate how much. Morrill agreed, saying that the 4 lots could use the parking on each one of the lots. They were proposing the waiver to get the parking lot [for this site].

Hawkins asked if there were any vegetative island at all on that side and, if so, was it on the abutter's property. Morrill said it was two feet on the Applicant's site and two feet on the abutter's lot. They would be enhancing the landscaping, including trees, inside the 4-foot island where at present there was not much landscaping. Wood asked if there was anything beside the island. Morrill said there used to be two-foot fencing between the islands. Wood noted there was nothing green, except on the two ends of the island. Morrill said it used to be bark mulch. Wood thought it was now tar and cement. Hyland said it was currently bark mulch – 4-foot wide with sloped granite curbing on both sides. Wood's point was there were no green plantings that could be considered green landscaping, not mulch. Chase asked what would be needed to meet the code if the waiver were not granted. Morrill said they would need to take another 8 feet to alter the parking area, the islands, and the drainage paths to the rear of the site.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Morgan asked if they were in conformance, aside from the 10-foot island on the south. Morrill said they would be in conformance with everything including the amount of trees on the lot. The southern strip was the only thing that would not be in compliance. S. Mitchell said they had more distance than needed. Morgan asked if reducing the building size would enable them to comply with the regulations. Morrill commented that an ice cream shack could comply. The size of the building dictated the amount of parking needed; that was what they were trying to get approved. Morgan said that the proposal did not comply with the site plan regulations. Morrill said that was the reason for the waiver request. Hawkins again asked if the waiver request was a function of wanting that size building, or a function of not wanting to dig up the parking lot. They want a bigger building than the lot would typically support. Morrill said they were trying not to rip up the entire part of the already paved lot. Hawkins did not believe the pavement could be kept, in light of demolishing a building. Morrill pointed out a line on the plan delineating where the existing parking would remain and be resurfaced.

S. Mitchell commented that under the regulations, they could put a bigger building. If under an acre of 43,560, they would not have to conform; it could be subdivided and added to the other piece. Hawkins said that was not the case. S. Mitchell said they wanted to come in with an enhanced landscape plan. It did not seem to make sense to rip up the pavement near the Pizza Hut that had been there since that project was done. They felt it would be more beneficial to enhance the rest of site; he wanted to address the landscaping. Chase asked if this was similar to the West Marine situation where they wanted extra parking that the Board did not want. That applicant then redid their parking. Wood agreed it was the same condition, and the parking was redone. She asked how the requested waiver would be looked at in light of the West Marine situation. Morrill recalled that the West Marine site had been vacant with no pavement.

Morgan said someone looking at the plan could think they were rehabbing existing buildings, when they were actually wiping out the existing building. That was why it was difficult to think of preserving hot-top, when the existing building was being torn down. Morrill said the building was located past the setback; they were trying to save some of that existing parking lot. Wood asked if they could destroy a building, build a new building, and only have to put a 1-inch overlay on the existing pavement. Morrill said when the existing building came down, the parking around the existing building would come out up to the line beyond which the pavement would remain. Chase wanted to see a plan showing what would be conforming, because he felt it was hard to see what conforming in re granting a waiver. Morgan asked if Morrill had calculated how big the building would be if they conformed to the site plan regulations. Morrill said it would be about 1,200 square feet less. Janvrin understood that the proposed retail required 11 spaces, and the proposed restaurant required 26 spaces. He noted that an application already approved for retail, would be returning to the Board because they did not meet the parking for a restaurant.

Janvrin asked if this project got the waiver, what would stop them from coming back saying that the entire building would become restaurant(s) when they could not meet the parking requirements. Morrill said that would be a concern; they knew they would have one restaurant. Janvrin was concerned that if a 1,000 square-foot restaurant were approved and they were signing agreements with tenants, they would return saying that all of the retail space would be restaurants but they had cross-parking easements with neighbors and could not meet the parking requirements. He was not saying this would happen; recently this seemed to be a recurring issue. He asked if spaces would be required if it was all retail. Morrill said with another thousand square-foot it would require 22 spaces. Janvrin said it appeared that the restaurant was thrown in to justify the parking; Sheet C2 says retail and restaurant, and Sheets C3 & 4 only say retail. Morrill said the other sheets did not show the internal line, only the entire building as retail. Janvrin said



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

that would be a maximum of 19 spaces, instead of 37, if there were a restaurant in the building. Morrill said they would not go through the effort of adding a grease tank if they were not going to have a restaurant; they were adding things to have a restaurant. Garand said this would also affect the landscaping. The driveway issue was key for an approval. He wanted the Board to discuss this to address to determine where it would be located and how much would be allowed for setbacks.

Khan said two other retail units had been mentioned. He asked for the location, if they knew who the tenants would be, and would they impact the total parking spaces. Morrill said that Tropic Star was trying to get different tenants, and he was trying to work through the parking for the desired uses. There were not signed contracts for the rear units. They were showing three units in the back, but it might be two.

Hawkins wanted to again review what happened in April of 2012 related to the drawing. He noted there was an entry way about 80 feet from Route 1 onto this property. DDR had returned to the Board and asked for that driveway cut off their [entrance] driveway into their property, basically to allow for an easement that three lots had shared previously. Hawkins had not seen that easement, and asked if Morrill had provided it with the application. S. Mitchell said it had been given to the Board a long time ago. Hawkins said a copy was needed; it was an important item. The Board agreed to allow that right-in, which at the time was also a right-out, 80 feet from Route 1. Hawkins recalled that Steven Ireland from the NHDOT had been present. He had looked up the minutes of that meeting and found that Malcolm McNeill had said this was for an interim time period until that site got developed. Then it would fall back to the Planning Board to determine if that was an appropriate place to have that inlet. This was being done to address an easement that three properties shared in the past. It was pretty clear in the minutes that McNeill acknowledged that this was to be a temporary location until the property got redeveloped, at which time the Planning Board would decide whether the location was appropriate or not. In the meantime, they thought it important to be able to get across this property to the Pizza Hut and ultimately to the CVS.

Hawkins said that the Minutes were clear that there was only one driveway cut off the DDR entrance, not two. The DDR plan showed that there would be access to all of the properties into the main roadway around the DDR site. Although the Board has been told there were two cuts on the plan, but there was only one. There was an exit out the back of the lot on the original plan to connect to the DDR driveway, but the original plan had no entrances [off that driveway] until the Planning Board allowed putting one for temporary access to those other properties. S. Mitchell disagreed, saying he had been at that meeting and there was no talk about a temporary situation. Hawkins recalled that Mitchell had said that before, so he went directly to the Minutes which he hoped the Applicant would have provided. More than once during McNeill's April presentation it was said that these were going to fall back into the purview of the Planning Board; the April meeting was before the Board knew that Mitchell would be coming back with the current application. It was clear that the Board was not maneuvering around.

S. Mitchell advised looking at the video tape because that was approved for a curb cut with a right turn in and a right turn out. Ireland was present and commented on how close it was. Mitchell said it was never discussed as a temporary situation; the only thing temporary was to leave the building there, and the building was going to come down. This was approved, and he got something from Garand approving it. Now he hears that this was temporary, and that was not the case. Mitchell said he never would have let "temporary" happen. Hawkins read McNeill's statement : "...For a period of time the current McDonald's site would be vacant or unoccupied,



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

but there would be a provision for a right in- right out to take care of the abutters' concerns. McNeill said that the town would be further protected because if that site is to be redeveloped it would have to come before the Planning Board. At that time the Board would be in control of the access point, if the access point needed to be moved. Additionally, there was an access near the rear of the site that was previously approved for the DDR site..." Later in the meeting McNeill said: "If further action occurs on the current McDonald's site, the Planning Board would have control and might move the entranceway further up [to] the shopping center in a manner that would accommodate whatever goes inn..." Hawkins said, so [McNeill] clearly was telling the Board at that time that this was going to come back to be a Planning Board decision on where, or if, that driveway cut. He thought that knowledge was explaining that there was an easement between those properties.

Hawkins said that the Board acknowledges that, and would like to see it for the record to know what it was talking about. At this point, there was no discussion of two entrance ways off of that driveway during that meeting; there was one. A drawing was provided to the Board; he asked for the date. Garand said that was the plans that the Board approved using as the plans to build from. Hawkins said that was after the fact; Garand agreed, saying that was not the original approved plan. Hawkins said the original approved plan did not have a driveway on to this site. DDR came back to the Board on April 3rd of [2012] to get that driveway in. Janvrin thought the revision would have been April 2 [2013].

Morrill submitted a memorandum signed by Morgan and Garand in re the new curb cut for the right in-right out which did not say anything about it being temporary. Hawkins agreed, saying that document was a result of the [] meeting so they would have something in their hand saying it was ok to put that cut in there. It did not change what was told to the Board at that meeting, and did not make it a permanent location. Garand said that agreement was signed under the advice of the Town Manager at that time. Basically S Mitchell, owner of the other site had a reciprocal crow-easement between the parcels. The memorandum was to satisfy S. Mitchell because they could not move forward without getting that signed. Janvrin asked if the meeting was a part of the case moving the McDonald's to the other site. Hawkins said that the McDonald's being moved was approved in 2009, because [their existing] site was to become the driveway to get into the DDR site. Janvrin wanted to understand how that conversation arose. Hawkins said it was because there was an easement that gave access from the McDonald's driveway to the Pizza Hut and the CVS. The Board was acknowledging that accommodating what that easement would allow would be a fair thing to provide.

S. Mitchell respectfully disagreed and asked that the tape be watched because there never was talk about this being a temporary access; Mitchell said it was a permanent access; the discussion was only about doing something temporarily around the McDonald's building to gain access while that curb cut was shut down. S. Mitchell was very clear on that position, that's exactly when they got that thing from the town acknowledging that that satisfied their requirement. Garand recalled that the access had to be maintained to satisfy the access agreement, but the discussion was that the Planning Board would have the ability to determine that point of access later on. Hawkins said that meant where it would go. Garand said the board could put it at the end of the driveway, at the rear, or wherever the board felt it should go for safety et al. The access point had to stay a right in-right out so that there was access to the other lots. S. Mitchell disagreed with that, as well, and thought it was very important for them to have the curb-cut. They would have liked it to line up with another curb cut which would have been too close to the intersection per Ireland at the meeting. He encouraged Hawkins to take a look at that tape – he knew everything was



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

videotaped. Kravitz is good with the minutes, but sometimes it's hard to get every detail. S Mitchell said he was very sure of what he said. Hawkins said he would look at the tape.

Chase asked if the access being discussed for Pizza Hut and CVS had to go out the rear entrance. Hawkins said there was a curb cut. Chase pointed out where they had to go out to cross-connect in the rear. Janvrin reminded that the present condition had access to Route 1 by a curb-cut. Morrill pointed to the June 1, 2000 plan that the Planning Board approved for all the four uses, which shows the driveway going out the rear as access to future development. Wood commented that there was nothing in the front. Morrill said the out front driveway had gone away. Garand said due to the construction, currently there was no access from Lafayette Road at all. Hawkins thought the lot was being divided. Morrill said it went at different angle. Hawkins said that referred to the original McDonald's so if the lot next to it developed in the future they could connect. That lot now had a driveway going through it to a major shopping center, and was made smaller. He did not see the significant argument. Morrill said the access lines up across and they were showing the future access, which is the DDR driveway.

Morgan pointed out that in 2000 the Planning Board did not envision DDR. Garand said that in 2000 the Board was looking to promote cross-connection. A cross-connection was shown for future connection to the rear; that was why it was on that plan. It was not intended for the current proposal at all. Wood did not have a problem with the entrance or exit in the rear, but was concerned about in the front. Hawkins recalled that Ireland said the 80-foot distance did not bother him, but that he would have a big problem if it were about 50 feet, i.e. 80- feet was the minimum distance. He thought the proposal location was about 80 feet. Now another entrance was being added. Garand said the DDR plan showed one right in-right out; the site should be limited to that. S. Mitchell recalled that the other plan the Board approved was access coming out through the back. His traffic engineer explained to the Board why that was approved.

Garand said that regardless of what was approved for the site, the DDR site was a stand-alone approval with only one curb-cut. Chase asked what exactly had been approved; he thought that the rear driveway had already been approved. Morgan said that was 13 years ago. Morrill and Morgan agreed they were talking about two different approvals. S. Mitchell pointed out the approved curb-cut, saying all they were asking for now was to move it to line up together with the driveway that would also lead to the proposed Greene retail site. He pointed to two approved points indicating that one was right in-right-out, and one was only a right in. Mitchell said he would not be before the Board if that curb-cut was not already set.

Hawkins asked for Morgan's understanding in terms of the Board approving a change from a back access to a side access - as to what the Board could and could not do. Morgan said to rely on the Minutes where McNeill assured that it would be entirely up to the Planning Board. Chase asked if that meant eliminating one cut in the front, and putting one in the rear. Morgan said that would be if the Board saw some benefit. He understood that this discussion was about who had the right to do what, but had a different objective. That was what kind of circulation would be of greatest benefit to the public safety and convenience. Khan thought that Mitchell was proposing that the east entrance would be left turn and also right turn. His main concern was making a left turn into oncoming traffic without a stop sign. Morgan noted that would be a conflict in service.

Wood asked if the rear entrance was a right in-right out. Khan said they were proposing both. In light of discussing the flow of traffic, Wood said the traffic flow re the McDonald's just a little north



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

of the property with a right in right out, was [[horrendous]]. During the first week that store was open, until people, including herself, got familiar with it, people went the wrong way. Someone could come up the back entrance from CVS to get into the drive-through. Because she comes from the north through the mall entrance into DDR, she did what everyone else was doing and took a left. She understood that signs weren't out on the first day, but realized that one cannot then take a left to go into the drive-through. She had to go all the way around the building to get in, and then around the building to get out to the south. She understood that related to the DDR project, but thought that the Board should look at the circulation. For example, if a roadway would be connecting all the way to the newly proposed mall, it would become a speedway because people would take that rather than waiting at the traffic lights.

S. Mitchell said that his traffic engineer had explained to the Board the benefits of what had been previously approved by the Board, and what this proposal would do. Wood said she was no expert, but was expressing what she saw; she drives this route every day. Mitchell said the location was what the traffic engineer had proposed. Hawkins asked to see the drawing with the exit out the rear. He thought the traffic engineer's argument was that there would be a tougher time getting onto the DDR property going out the back than out the side; there would be a queue lined up at the intersection. There wasn't enough room for people to get out the back entrance turning left onto that roadway. Janvrin thought the traffic engineer was referring to taking a left and then a left on to the DDR driveway to get to Route 1. Hawkins questioned the left turn to get across to the DDR driveway. He did not see much of a problem coming in on either cut; but was bothered at going out and taking a left to exit the DDR site as proposed. Khan was also concerned about this. Garand referenced the right in – right out, and did not think the Board had the ability to grant full access. The site plan for the DDR dictates what was allowed on that access. That is what they have to build to, or go out the back. That is for the easement.

Chase felt that the engineers who designed this plan agreed to what McNeill stated in re adjusting the entrance anywhere along that lot. They did have in mind that the entrance could be moved anywhere along that roadway. He thought this was being proposed to fit the specific building, more than just moving it anywhere it was wanted. Hawkins said the point was made that the Planning Board would consider the appropriate location depending on what was to be built. The argument was that if the Board was worried about the location, there would be another chance to determine it when the property was developed. Chase asked why the first entrance was needed. Morrill said to get people right into the site. Chase thought they could drive a little further to enter. After discussion to clarify this situation, Wood said people would go right across the parking area to the Pizza Hut and CVS. Garand said it was not a straight line in and would become a pedestrian nightmare. Khan suggested looking at what a signal would do. S. Mitchell recalled the difficulty trying to get a signal at Rocks Road.

Janvrin asked if the building as currently designed were pushed into the site about 10 feet to the west, the right in only closed, the building attached to the parking field on the far left, and the right in right out at the top of the driveway, would suit the purposes. He thought that would probably allow the landscaping. He added that trucks would not be able to make the right in when coming off Route 1, as they could not decelerate fast enough. That would have to be restricted. Janvrin said he had walked to McDonald's without problems, even with no sidewalks. He did not see pedestrian access for this project. He thought they would have to come in off the 15-foot setback, close the 16-foot spot, and pick up a little bit more room, but it could not be a full-service access. He thought the consensus was to see a right in-right out moved a little closer to the Route 1 intersection and further away from the queue going into DDR. He thought that would satisfy the access issue, and could result in compliance with the landscaping.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

S. Mitchell had wanted to get customers with the reciprocal easement in as close to the front door as possible without having a Route 1 curb-cut. That's why, given the Board's approval, they designed their whole site around that access coming in. They felt having a right turn in and a right turn out was to get the customer in. He commented that they did not really need the right out. Wood said this was not the first time for this conversation about the first entrance. Mitchell said that first access had been approved, so it was a non-issue. They took away half of the access. Janvrin said if the building physically were moved, the access closed, and the parking field made closer to the building they would pick up 16 feet for parking. It would be more pedestrian friendly because people would not risk being run over as they cross what he perceived a high speed lane. Pedestrians would enter the site at a slower point because vehicles would be queuing up. Directional signs could get people to Route 1 north and south. He acknowledged the Board did not favor this generally; the key was signage.

Mitchell said their most important thing was to get the right turn into the site for the other customers; they designed the whole site around the right turn in, as Hawkins had earlier commented; the right turn out did nothing for the site. They wanted the right turn in, and the access in the rear. He thought the only question was the best place. His understanding was that the access in the back was already approved. Wood said that Mitchell repeated that, but it was not in the Minutes and was a disagreement i.e. whether it was an approval or was temporary. Hawkins noted that there were driveways at the Pizza Hut and CVS, so there was access to that site at those driveways. Mitchell said they realized there had been a full access driveway at the McDonald's. Now that a traffic light would be going in, their goal was to try to get the Pizza Hut, CVS and the Bank access immediately. They designed the whole site around that 80 feet that Ireland told them was the magic distance. They would like it to line up exactly at about 60 feet. Wood's concern was about taking a right in and then having to take another right and a left to get to the front door of Pizza Hut. She would do that once and would do the back entrance after that.

J Mitchell said before the new McDonald's he would come southbound and have to come around the porkchop and follow the easement right in front of the Pizza Hut, stop at the stop sign, and get to the CVS. Wood said she did this run every day because it was a straight shot to CVS. Janvrin commented that when UPS routes their trucks for right turns only because they can turn on a red light, and have less chance of getting in to an accident. If he were going to Hampton Falls from this site, he would turn right onto DDR's property, turn left into McDonald's, and bear right out. He would avoid both traffic signals at all cost. Realistically, if someone would try to come out of the Pizza, they would hit the traffic signal right away, and it would also be triggered by people going to the dump. He thought his suggestion for rearranging the site would be a great compromise. A full service entrance would not work. Hawkins said the issue remained that the back exit was a left out. Janvrin agreed it could not be a full service entrance. Garand said it had to be restricted to a right in right out as on the approved plan.

Khan said anyone who wanted to get to the Home Depot, Walmart, and the Bank had the same situation. Wood said when it was busy it was very dangerous. Garand said they were showing a construction entrance off of Lafayette Road; he did not think that was the best place – it was kind of a hazard and should be removed. Also he did not see how the snow storage shown behind the building near the loading area worked. Additionally there could be 86 square feet at ground level on each side for the sign including the whole sign, but not the 10-foot base. Currently it was shown as 160 square-feet per side.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Morgan recalled that the prior Board had worked hard to encourage DDR to make their center pedestrian friendly. They were not entirely successful, but there were some concessions. That discussion is beginning with Waterstone, who had indicated they were receptive. He did not see much of that in this proposal, which was disappointing. The DDR discussion was if someone drove in to go to two different stores, would they drive from one store to another or would there be a convenient way to walk there. Morgan said a massive retail complex is developing in Seabrook, in which DDR and Waterstone would have some amenities. He wanted to see this proposal do its part and make it easy for someone at DDR to walk to this site, and then to the CVS, rather than getting into a car each time. This would be good for pedestrians and reduces the number of times people get into their cars which contributes to congestion. There would be less traffic if a site plan encourages people to walk. Wood commented that DDR had included a bus stop.

Morgan said the people were encouraged to walk. Wood mentioned that DDR had included a bus stop on the abutting lot, which would be close to the property. The North Village subcommittee has talked about encouraging bus traffic. J. Mitchell commented that people could safely follow the sidewalks that DDR was putting in, because they could not get through the drainage area. Morgan asked them to envision how someone parking at DDR would get to this site. Morrill thought that had been done with crosswalks and a sidewalk. Wood asked about from the mall. Morrill said a sidewalk runs all the way out to Route 1. Morgan asked them to look again at how someone would get from their building into the DDR shopping site, and vice versa. He thought they would find a few places where the pedestrian path might be a little hazardous. Chase asked if they had thought about making two buildings. Morrill said two buildings would take up much more space, needing some kind of parking or pavement in between. Morgan commented it could be landscaping.

Hawkins asked to hear from the landscape consultant. Hyland distributed color renderings of the proposed landscaping and planting choices, and explained they had been brought in a few weeks ago to embellish the plan. They had reviewed all of the town's landscape requirements; the proposal exceeds the requirements in re plant sizes, quantities, and densities and the like within the buffer and the parking lot. Hyland proposed to use the 4-foot wide median island between the property and the Pizza Hut, planting it out with a substantial variety of plants including ornamental grasses and trees. They felt such plantings could be installed on top of the existing utilities which are at about a 36-inch depth. The small flowering trees should be fine. Hyland commented it was unusual to have a property line running down through the middle of a parking lot. From the perspective of one large parking lot servicing two different businesses, he saw this as more of an internal planting within a larger parking lot which meets the requirements. They have added significantly to what was proposed earlier with a number of trees and the fieldstone wall, enhancing the property.

Hyland said the Applicant was very interested in making this project shine within the community. He and the Applicant had had good success in designing projects with fieldstone walls accenting property, adding a signature element which would make it a little different from other developments in the town. The fieldstone retaining walls would not be all linearly connected. They would be broken up to add a little interest; the curving layout creates a dynamic, exciting and interesting look for the project. That serves as a visual interest element as well as preserving some of the natural drainage channels within some of the curb cuts in the parking lot. They acknowledge the existing conditions and drainage paths, and trying to embellish the existing landscaping. Hyland said at the entrance way there would be nice brick pillars that would work nicely with the architecture of the building, pulling that effect out of the building to create a more cohesive design. Storage and other things were also considered; the layout of the wall would not



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

hamper the snow storage which would be behind the loading dock. Hyland pointed to the sketch to would what the entrance would look like, and a simulated granite base on the building. There would be some seasonal planting for a different signature element.

Wood thought the plantings were beautiful. She commented that for someone who drives a smaller vehicle, the ornamental grasses which are beautiful in the springtime grow larger, as in the entrance to the Kohl's, West Marine and the Community Center; these are very tall. She suggested hostas for islands where line of sight was needed. Hyland said they considered the sight lines with the plantings, but would double check the plan for the viewing with ornamental grasses etc. At the entrances and exits they took a lot of consideration in sight lines i.e. being able to see well out of the entrance point and areas between the parking. He thought that a good comment. The trees are all quite high with the branching at about 6 feet, so someone could see under the canopy. Around the entrances and exits they were proposing a type of low continual blooming rose, about 18 inches with nice flowering throughout the summer. They propose 6 to 8-foot rhododendrons that maintain low branches to block the loading area, along with multi-stem birch trees to provide a lush look.

Hyland said overall they were trying to come up with a pallet that had seasonal interest as well as continual blooming throughout the year. Ornamental grasses and day lilies would have color throughout the summer. A variety of plantings was being used to add interest. Hawkins asked what was in the triangle area in the back, and if it was paved or had curbing. Hyland did not think there was curbing; it would just be lawn and snow storage. The intent was to focus on the front areas, and have a maximum impact along the DDR drive. The perimeter was naturally vegetated and did not seem to warrant a lot of excess planting. Some evergreen trees buffer the back side of the building. Morgan called attention to the conflict with the Jones & Beach siteplan that proposed snow storage between the DDR drive and the bigger building. Morrill said that would go off their plan. Garand noted some snow storage was shown at the back and the side. Hyland said that was shown primarily as all perennial and ground cover planting that would die in the winter so there was some room for snow storage.

Lowry asked about the dumpster locations. Morrill thought that was on the back side. Hawkins said it was three spaces down from the parking lot. Garand asked if there would be one dumpster or multiples. Morrill said only one. Garand said a grease dumpster would be needed for the restaurant. Morrill will look into that. Janvrin noted that some parcels in town were doing one dumpster for recycling. Garand asked if there would be donation boxes or corrals. Morrill said there would not. Garand wanted a note to that effect on the plan.

Morgan recalled the earlier statement that the landscape plan failed to comply in one respect – the buffer on the south line – and asked if Hyland concurred. Hyland agreed saying it was currently 4 feet, and was an existing condition treated as is. Morgan asked if they got a peer review from another landscape architect, were they likely to draw the same conclusion. Chase asked if two feet were on this property's side. Hyland said they envisioned the planting being done on both sides of the property line. Through some form of agreement worked out with Pizza Hut. Chase asked who would maintain that island and be responsible. S. Mitchell said they would maintain it. Chase asked if that would be stated in some legal form. Janvrin suggested that be a note on the plansheet. J. Mitchell thought it might be in the current state because no one was taking ownership. Chase asked if there would be conformance S. Mitchell owned the Pizza Hut. Hyland said if S. Mitchell owned the entire parking lot, it would be a legal planting.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

S. Mitchell asked for the fieldstone wall to be pointed out. Hyland did so. Janvrin asked for the height of the wall. Hyland said it would vary up to 4 feet with the majority about 36 inches. Janvrin asked if there would be signage on the walls, noting some lighting was shown. Hyland said that was just an accent. S. Mitchell commented that they had recently done a fieldstone wall, which they felt enhanced a project very much. Wood asked why one little part of the fieldstone was there; it seemed to be sticking out. Morrill said they had to remove parking that was half on the Pizza Hut property and half on this property. Hyland pointed out where the property line runs through that parking spot. If it were moved, it would probably impact the parking count for Pizza Hut. Morgan asked if that was included in the 57 parking places. Morrill said it was not. Wood felt it was odd. Hyland agreed, but said the kind of S turn would help with calm traffic. Morgan recalled that earlier in the hearing the Board was discussing the best place of access and egress. Now they were looking at a straight away in the back. Hyland's view was that if it were eliminated, there might be a lot of diagonal driving to take the quickest path to the front of the building or to the CVS. Wood said that as there was already an entrance to get into Pizza Hut and CVS, she did not see why someone going north on Route 1 would go into the mall entrance to go around the back. Hyland said he would concur, except that it would be very difficult to get into the right lane from the left lane to enter CVS in the short amount of time. People try to merge in and it was near impossible to make that right turn in.

Hyland asked for other comments. Janvrin understood that snow storage would have to go by the loading dock; no road signs were depicted on any of the sheets or the detail, and what would be changed at the full service DDR driveway that was still stripped on the plan sheet. Janvrin asked if an ok to have lighting trespass could be obtained in writing. Hawkins noted the waiver request and said that could be a condition to get agreement from the abutters. Janvrin said if the right in only remains he wanted trucks restricted from that entrance. S. Mitchell had no issue with that.

Hawkins said the NHDOT representative would be present at the September 17 meeting. A large project would take up a good part of the meeting, but he wanted traffic to be discussed for both projects. Traffic would be the only topic at that meeting. He asked if the Applicant's traffic consultant could be at that meeting, but did not know if the Board's traffic consultant had yet reviewed the revised report. Kravitz said that report had been sent to the Board's traffic consultant. She had asked if his analysis could be provided in time for the 17th, but did not yet have an answer.

S. Mitchell asked if the Board had the NHDOT comments. Kravitz said they were attached to one of Morrill's letters to the Board. Janvrin commented that the amount of funds was in the letter. Hawkins said there were still issues to deal with: driveway location, and landscaping would be dictated by that. Hawkins was happy to have professional landscaping and there were some good ideas, especially the stone wall. He had reservations about the area between the two lots, and the [building] size. He wanted to see the multi-lot parking and access easement. S. Mitchell said it had been previously given to the Board. Hawkins asked if it came in with the package. S. Mitchell said it did not, but he would provide a copy. They would need to work on the sign dimensions, the grease trap, and the grease dumpster. The big issue was the access. Hawkins wanted to hear what the traffic people had to say. He had less reservation about coming in than getting out of the property. Khan wanted to add Morgan's comments about getting from the DDR project to this project. Morgan wanted a pedestrian upgrade. S. Mitchell said that Morrill's instruction after the last meeting was to look at that; he thought that had been done. Sidewalks were all around so customers could get from DDR around the perimeter to this site. Morgan suggested using color to show where the pedestrian corridors were.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Chase asked about the bus terminal. Wood pointed out that it was a little further south in DDR. Wood called attention to the dumpsters and asked about the esthetic, noting there could be at least 3 dumpsters if there was a restaurant. She did not think it would look pretty in the middle of the parking lot. Also, there are ordinances about what times dumpsters can be picked up. She asked what would be the most appropriate place to put a dumpster, noting that the CVS had its dumpster up against the building; this site was very tight. Khan asked for the current location of the Pizza Hut dumpster. S. Mitchell said it was in the back of their building. Janvrin noted there was also a compactor. Morrill's concern was there would not be enough space for trucks to unload. Khan asked if it could be next to the Pizza Hut dumpster on the property line. Wood said it was against the back of the building, not in the parking lot. Khan asked about the south side of the property line near the Pizza Hut. Morrill said he could look at this. Wood was concerned about the dumpster amid all of the lovely landscaping. Khan said that S. Mitchell might want to put benches for his customers.

Hawkins continued Case #2013-13 to September 17, 2013 at 6:30PM in Seabrook Town Hall. Traffic would be the only topic so having the traffic consultants in attendance would be appreciated. Only Case #2013-13 and Case 2013-15 would be discussed.

J. Mitchell asked for confirmation that Steven Ireland of the NHDOT would be present on September 17. Kravitz said it would be Kevin Russell, not Steven Ireland.

Hawkins recessed the meeting at 8:20PM
Hawkins resumed the meeting at 8:30PM

Case #2013-14 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings, LLC, West River Road, LLC, and Waterstone Retail Development, Inc. to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to discontinue most of Chevy Chase Road, continued from July 2, 2013, July 16, 2013;

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, review of Town Planner comments and technical review, continued from July 2, 2013, July 16, 2013;

Request for application fee reduction, continued from August 6, 2013

Chevy Chase Road Relocation Request

Attending: Arleigh Greene; Anton Melchionda, Doug Richardson, Waterstone Retail Development;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Hawkins scheduled the traffic discussion for September 17, 2013; that meeting would also have the discussion about moving Chevy Chase Road so there could be input from the traffic people as well. The following correspondence was referenced: the town Planner's memorandum and the Jones & Beach response. the Technical Review Committee Minutes and the J & B response; and Town of Seabrook Planning Board Minutes



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

engineering memoranda from Michael Fowler; and Altus Engineers and the J & B response. Morrill said their engineering responses was in their general response letter. Hawkins said other major meeting discussions would be scheduled for the landscaping. Morrill asked if the landscape architect should present this; Hawkins said that would be preferable. Parking, NHDES permits, and some abutter letters would also be scheduled. Hawkins said this meeting would address the town planner and tech review memoranda. As this constituted a huge amount of material, he wanted to go over each letter(s) item. Morrill noted that Chevy Chase Road would be a part of the lot-line discussion. Hawkins had asked Morgan to do some research on the 2004 Zoning Board of Adjustment decision, so that would also be addressed.

Janvrin commented that the map 8 lot 54-8 lot had not been included in the ZBA decision. Morrill read the lots in the variance as map 8 lots #54-4,5,7,8,90, 90-3. Janvrin said the actual; ZBA motion granted the variance for 6, 9, 13 21, and 25 Chevy Chase Road, and 546 Lafayette Road, not to include map 8 lot 54-8 as a condition. He noted that the relative minutes stated that map 8 lot 54-8 did not need to be included in the decision. The variance was not granted to that lot which remained in Zone 3. Morrill said they would ask Attorney Mary Ganz to look at that. Hawkins said that was the part that he wanted Morgan to research and talk with Morrill about, to get the best information. He did not want to go through the process only to end up in court because not all the issues were taken care of. Greene thought that combining the lots took away any zoning issues. Hawkins wanted to take the right steps so the Planning Board decision would not be challenged. Greene thought there were discussions about this in the 2009-2010 cases that came before the Board. Greene thought the reason they wanted to pull that lot out, was it was always a vacant lot and [the ZBA] said they could not grant a variance for a vacant lot. They were using it at the time, and were told to come back with a siteplan for the variance. Hawkins said his reservation was that it was still in the industrial zone. He wanted to know what had to take place to make sure there would not be a problem by not have the correct designation.

Morrill wanted to begin with the August 27, 2013 letter relating to Morgan's comments of June 22, 2013 that goes into the Altus 8, 2013 comments as well. [Secretary's note: Morgan's comments are in italics; J&B response, plus Planning Board discussion are in plain text.]

- 1. Notwithstanding its title, the aforementioned compendium includes a great deal more than a drainage analysis and erosion control details. Furthermore, the document is poorly organized, it is missing pages, and it not assembled in a coherent order. Although the table of contents (incongruously placed just beyond Chapter 5) claims to include an "AOT Application Form," none is included. Rather, fragments of an AOT Application are scattered throughout.*

Morrill said the Alteration of Terrain permit supplied to the town is the same format as had to be submitted to the NH Department of Environmental Services i.e. one drainage analysis that complies with the AOT regulations. Morgan said the copy provided to the Town was missing items. Morrill thought that might have been the Notice of Intent and related items. Morgan said in his memo that the organization might be improved; he wondered if Jones & Beach would revisit that. Morrill referenced some of the things that came from the Kerivan review, so they could provide an update. Morgan noted that the Stormwater Operations and Maintenance Manual was inserted inside, and did not think the NHDES was looking for that. Morrill thought not particularly. He will provide an up to date document with Kerivan's comments addressed. Kravitz asked if that would include addressing Michael Fowler's comments as well. Morrill said it would.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

- 2. The plan does not include the stamp of the Wetland Scientist.*

Morrill said the plans that will be submitted to the Town will have the Wetlands Scientist stamp verified by Chris Albert, the Wetlands Scientist before starting the project.

- 3. The submittal did not include a copy of the variance as required by Section 4.517 of the Subdivision Regulations*

Morrill said a copy of the variance that was granted [by the ZBA] was included with this response. Hawkins asked if that was the only one to include. Morrill believed it was, but said they would have to look at the lot 54 – 8 lot. Hawkins wanted Morrill to check for all of the variances related to any of the lots under discussion, in addition to the variance cited above.

- 4. Is there a sidewalk proposed along Lafayette Road? The plans are not clear in this regard. Who will be responsible for maintaining the sidewalk? Who will assume liability? No sidewalk construction specifications are noted on the plan. Section 8.100 of the Site Plan Review Regulations mandates the construction of concrete sidewalks.*

Morrill said there was an existing sidewalk along the entire front. The Staples drive would not be altered, but there might be a modification once the traffic signal light area was done. He asked if additional modification was being requested. Morgan said the plans he looked at were not of a scale that the sidewalk was clear to see. He also wanted to be sure they were aware that there was a sidewalk issue with DDR, particularly that section that lies within the NH Department of Transportation right-of-way. He did not want to see that trap again. Janvrin thought if the sidewalk were not touched, it would not change the status. Morgan said they would be touching the sidewalk. Hawkins said as soon as it is torn up, the NHDOT says is the Town's responsibility to maintain it thereafter. He did not think the NHDOT had any plans to deal with the east side of Route 1, only the west side, so that it would not affect this proposal. However, it could never be known in advance. Morrill asked if all the construction work happens on the other side of Route 1. They had an existing sidewalk in front of this property, as long as that is not altered in this proposal. Hawkins said the intersection would get chopped up. Morrill thought that would be the Bob's Furniture and the yellow building.

Hawkins said the problem was that as soon as the state comes in and takes out the sidewalk, they tell the town they are not putting it back until the town agrees to do the maintenance. This is a problem that could be addressed by asking the Applicant to put the sidewalks on their land as things develop. The alternative being explored is the possibility of asking the applicants to sign the same agreement with the town that the town would have with the state; it would not specify liability, but would include maintenance. This would come up for discussion at some point. It was an issue with all of the DDR project under construction, and was a major headache. Hampton and other New Hampshire communities were going through this, because the NHDOT was taking the position that they would not put in sidewalk unless the communities sign the agreement. There had to be a resolution to this issue. Morrill said he would need to discuss this with his clients and come back with a response. Hawkins said if they had proposals, the Board would be glad to listen to them; it is searching for ideas on how to resolve this. Janvrin noted that the existing Walmart moved the sidewalk on to their property. Hawkins said this might be the only solution at some point. It would not resolve the problem when they break up the roadway and decide not to put in



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

sidewalks, and the town or the developer did not own that land. Morrill asked how that would be fixed when DDR fixes its sidewalks. Hawkins said that was the problem to address.

5. Morrill skipped responding to Chevy Chase Road scheduled for the September 17
6. *There are a number of locations along the property's perimeter where boundary monuments have not been set.*

Morrill said the lot-line adjustment and siteplan plan would show all the monuments to be set. Hawkins asked if the changes that Morrill was speaking about were on the current plansheets. Morrill said they were.

7. *Section 4.522 of the Subdivision Regulations requires the provision of flood elevation data.*

Morrill said note #2 on sheet C2 was modified to comply in re this lot. It was not in the floodzone, but was located in Zone X which is above the 500-year flood elevation.

8. Morrill said landscaping would be discussed separately with the landscape architect.
9. *Section 4.530 of the Subdivision Regulations requires wetland mapping to extend 25 feet off-site. The plans do not conform in all locations.*

Morrill will check with the wetlands scientist to see if a flag needed to be added.

10. *Section 4.532 of the Subdivision Regulations requires a Stormwater Operations & Maintenance Plan "displayed on a mylar plan sheet that is suitable for recording." No such plan sheet or mylar was included in the applicant's submittal.*

Morrill said that information was added to Sheet C3; the mylar had not yet been provided to see if changes would be needed. .

11. *The Stormwater Maintenance Plan does not include signatures from the parties who will be responsible for the long-term maintenance of stormwater infrastructure.*

Morrill said signatures would be included on the final plans. They would determine the appropriate signatory.

12. *Section 4.606 of the Subdivision Regulations requires the submittal of "evidence that applications for all applicable State & Federal permits have been filed with the respective agencies." As noted above, the compendium's table of contents refers to an Alteration of terrain application, but a complete application was not*



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

included in the submittal.

Morrill said state and federal permits had been submitted and are pending. Notes had been added to the cover sheet for wastewater discharge, AOT, and NHDOT.

13. *Section 4.607 of the Subdivision Regulations requires the applicant to solicit comments from the Conservation Commission. No comments have been submitted to the Planning Board.*

Morrill said they have requested to meet with Sue Foote at the next Conservation Commission meeting. He recalled that the entire lot was wetlands and there was a mitigation site on Stard Road. All the wetlands were placed on the outside of the lot, so there was no wetlands impact. Greene created ponds and drainage, and recharged the stream as requested by Foote and the Conservation Commission. He thought they had gone above and beyond to make things right.

Morgan asked Morrill to explain the relationship of this project to Stard Road. Morrill said there had been a NHDOT pond and a couple of little pockets. Approximately 25 acres on Stard Road was the mitigation for that wetlands impact [on this site]. He believed this amounted to a 10:1 ratio of mitigation land, a large tract that goes back as far as the trucking company. He thought part of the mitigation land connects to other conservation land. Janvrin asked if that was part of the property on which the fireworks was being stored. Greene said he still had control of that piece. He thought two lots had been given to the town, one in an easement, and one as a deed. It abuts some town-owned land near Weare Road and Pineo Farm Road, and was a good fit for everyone. Morgan asked if anything more needed to be transferred or concluded. Greene thought this was all done; although there was some confusion earlier this year. He would check with Attorney Ganz. Wood learned from that circumstance that if was possible to trade wetlands to another area so that the existing land could be used. She had thought that there was no way to build on wetlands, but knows differently now.

Greene said Foote had initiated this in 2007 or 2008 as a win-win possibility. The way the state had designed the ponds in re Applebee's and Staples was not working. The water was going into the ground instead of being treated; it was dry in July and August. He understood there were once fresh water plants in the brook. Greene said Morrill's worked well i.e. fully charged through the year. Morrill noted that the pond and stream actually pulled some water from abutters' back yards to be concentrated into the stream; neighbors have commented that they have drier lots. Morrill commented that his firm was part of the Walmart project in Epping where 8 ½ acres were filled in exchange for 150 acres Northwood. Janvrin commented that a mitigation swap did not have to be in the same town, but this applicant did do that. Hawkins said this was a win for Seabrook.

Wood had been talking with some department heads who again have commented on exaction fees, because with two big malls more services would be required. She felt a personal responsibility to ask developers to take a look at that; there have been donations to Cain Brook. Wood appreciated whatever came to the town. Budgets were coming up and she wanted to keep this in the forefront. Hawkins said those fees would be the responsibility of the Planning Board to make the recommendation. He informed the Police Chief that this could go on a worksession agenda in the fall to see if there was interest. In the past the Board had looked at impact fees and felt it was more work than what was gained. The subject comes up periodically. Exaction fees are for roads, sewer, and water - infrastructure items only, and not for police cars or fire engines, or



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

the like. The subject would be on an agenda; he thought the Fire Chief also might want to address this. This is in the purview of the Planning Board and, if desired, it would be the responsibility of the Planning Board to generate a warrant article. From past experience, it's a huge amount of work just to prepare to make a recommendation. Wood thought it had not been too difficult for the Conservation Commission, to accept such items. She felt strongly that in the past, however the process might be, there were agencies that had received money from developers. She appreciated having the waterways cleaned, but also appreciated when the fire or police chief say there were big malls coming in and ask what kind of help could they get.

Khan referenced Hawkins remarks about how much work for the town an impact fee would be to put in the regulations. If that route were to be followed, a lot of work and preparation had to be done before election day. Given all of the activity on Route 1, he thought it a good idea to discuss this again to see if the town of Seabrook wants to adopt such a policy regulation. Janvrin commented that the Walmart-Shaws plaza would need redevelopment. Hawkins said to keep in mind that redevelopment would always occur

14. *Section 5.40 of the Site Plan Review Regulations requires the submittal of a copy of a certification form a qualified inspector, pursuant to NH RSA 155-A and NH RSA 285, that the project meets the accessibility standards in the State Building Code. The requisite certification has not been submitted.*

Morrill said the plans have been designed to meet the accessibility standard. This certification will be part of the construction of this project. Morgan deferred to the Building Inspector who asked the Board to incorporate this into the regulations. He asked Garand at what part of the process would this be expected. Garand said when the final plans had been developed, to assure that they were ADA compliant. Morgan thought this meant before the plan was voted on. Garand said this would have to be in place before the Chair could sign the plans. This meant the interior sidewalks, the landings outside the doorways, and that the whole site was compliant. Morrill said the reference was to get a certificate from a qualified inspector. Garand said the state code requires a certificate from a qualified person. If the town did not have a qualified certification person, the ADA required a competent design professional. Hawkins asked if this was just for site items, and not buildings. Garand said the buildings would be compliant; this referred just to the site.

15. *The applicant has not proposed a site security as required by Section 6 of the Site Plan Review Regulations.*

Morrill thought that would be discussed with traffic. Hawkins said site security was in the engineer's (Mike Fowler's) letter. Kravitz asked if Morrill had received the Fowler memorandum. Morrill said they got it at the TRC meeting, along with Altus' letter.

16. *Section 8.020 of the Site Plan Review Regulations requires the designation of off-street loading areas. The site plan depicts loading areas for some, but not all, of the proposed buildings.*

Morrill said the revised plan depicts all of the proposed loading areas.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

17. *Section 8.040 of the Site Plan Review Regulations requires stormwater discharge to be designed so as to remove 80% of suspended solids and 50% of nitrogen and phosphorus. Neither the site plan nor the compendium addressee this requirement.*

Morrill said the Drainage Report includes BMP worksheets for all ponds and bioretention filters as required by NHDOT indicating they meet the removal requirements. Morgan asked when the removal of 80% of suspended solids and 50% of nitrogen and phosphorus would be removed. Morrill said the Drainage Report had the BMP checklist. .

18. *Section 8.050 of the Site Plan Review Regulations restricts the use of hay bales to salt marsh hay. This should be noted on the plan so as to alert the contractors.*

Morrill said this note has been added to the revised plans, see Note 30 on plan sheet C3-1.

19. *Note #26 on Sheet C2-1 states that "The applicant shall ensure that truck traffic, the unloading of dumpsters, and operation of refrigerated trucks will not occur in residential areas between the hours of 11:00 PM and 7:00 AM." In the interest of forgoing debates over the applicability of this note, I would suggest that the words "in residential areas" be struck from the sentence.*

Morrill said Note #26 has been revised as suggested.

20. *Section 8.130 of the Site Plan Review Regulations requires that machine noise not be discernible at the perimeter of the lot. I was unable to find a note on the site plan to this effect.*

Morrill said this has been added to the revised plans, see Note 27 on plan sheet C2-1.

21. *The plans depict no outside storage, as regulated by Section 8.160 of the Site Plan Review Regulations. The plan should address outside storage.*

Morrill said a note regarding exterior storage has been added to the revised plans, see Note 28 on plan sheet C2-1. Morgan asked what the note said. Janvrin read the note: There shall be no outside storage of hazardous gases, liquids and materials over 2000 gallons. Morgan asked about parking lot sales as at Walmart. Morrill said the note would be modified to say no outside or tent sales allowed. Janvrin said one deficiency in the regulation definitions related to pallets and bales of cardboard, which the Board did not want to see in the parking lot.

Storage for those materials should be depicted. Garand added no corrals or charity boxes.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Hawkins said to think in terms of enforcement; if it is not shown on the plans, Garand would say it could not be there. If it is intended, show it on the plans.

22. *Section 8.170 of the Site Plan Review Regulations requires Green Roofs for buildings that are larger than 50,000 square feet. In this regard, the site plan includes no details for the 87,000 square foot building at the eastern side of the proposed shopping center, nor does the application address LEED standards referenced in Section 8.180 of the Site Plan Review Regulations.*

Morrill said the proposed buildings are to be constructed with a white TPO roof membrane to cut down the heat and have clean water discharge to the drainage system. They did a similar thing in Epping Square which seemed to work well, reducing the heat.

23. *Section 9.025 of the Site Plan Review Regulations mandates that "outdoor lighting systems shall be designated such that direct glare is not observable above a height of five feet at the site boundary." The site plans do not demonstrate compliance with this requirement.*

Morrill said all proposed light fixtures are Dark Sky Compliant. Calculations have been included on the revised plans. The last plan given to the Board had the overall; this had been broken into 4 sheets to this could be seen better (Sheets L5 1-4). All 4 quadrants and illumination levels could now be seen. Morgan asked the revision date for the revised plans. Morrill said this was 08-27-13.

24. *Section 9.040 of the Site Plan Review Regulations requires no more than 0.1 Foot Candle at locations that are ten feet from the property line. The site plans do not demonstrate compliance.*

Morrill said this requirement has been met at all locations with the exception of lighting driveways and intersections associated with the project. A waiver can be discussed if required by the Board. He asked if a waiver should be requested in re the actual driveway location illuminations. Janvrin said that would be for Route 1 and the two on Provident Way. Hawkins said if they were not complying with the regulations, a waiver request should be submitted. Janvrin suggested citing safety at those intersections. Hawkins said in certain areas it would not be bothersome; in other areas it would bother a lot. Janvrin noted that at the residential areas it was 0, which was important to him. Hawkins noted that the state had taken away street lights at many locations; a little spill over could be ok, but not a big glowing mall. Kravitz noted that in the past the Board had asked for a letter from abutters to ok trespass. Janvrin found light trespass at two entrances on Provident Way, Chevy Chase Road at Route 1. He agreed such a letter should be gotten from Staples. He noted a buffer was between the property and the residential areas.

Khan asked at what point a letter was issued to abutters about this project. Hawkins said it had been issued before the Board had its first meeting. One abutter said a letter had been received before the first meeting. Hawkins said letters are issued for the first meeting only, would be continued to a date. He suggested writing the date down because there would not be a second letter; this case would be continued to September 17. A continuance would not necessarily be to



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

the next meeting, for example, if there were a TRC meeting. Khan noted only one letter would be issues from the town. Janvrin pointed out that the law requires that a case be continued to a certain date, so people know that's when to be here. Hawkins said the Planning Board office can be called to inquire about a date. Minutes are also posted on the website.

25. *Section 9.050 of the Site Plan Review Regulations requires timers to extinguish illuminated signs during non-operational hours. The application includes no sign specifications.*

Morrill said a note has been added to the plans requiring timers on the signs, see Note 10 on plan sheet L2-2. Janvrin asked if it would be redundant to put this on the L-5 Sheets.

Morrill did not discuss #26 & 27 re traffic mitigation and data.

28. *Jones & Beach's parking analysis is incomplete. Note #3 on Sheet C2-1 simply states that 504 parking spaces are proposed. The analysis should address the proposal's compliance with Section 11 of the Site Plan Review Regulations, and specifically call out the square footage proposed for retail use, and that which is proposed for other uses, as Jones & Beach typically does for other applicants.*

Morrill said a Parking Analysis has been added to the revised plans, see Note 3 on plan sheet C2-1, for the total existing footprint. There was one space for every 250 square feet = 655 parking spaces maximum, of which 465 are proposed for retail, and 39 for the restaurant. **Morrill said this came to 524 spaces. [check the addition], and was well within the maximum range.**

Morrill did not discuss Notes 29, 30, or 31 dealing with landscaping.

32. *The site plans are vague as to the proximity of nearby residential uses, particularly in the vicinity of Dwight Avenue. The board should determine whether adequate vegetative screening has been proposed, as required by Section 13.300 of the Site Plan Review Regulations.*

Morrill said that additional landscaping has been added to the plans to buffer the residential uses. Those plantings at the driveway and the long drive were included after comments from the Planning Board and the TRC, so there would be no light trespass. This will also show on the landscape plan.

33. *Section 13.320 of the Site Plan Review Regulations reads as follows: "For non-residential and mixed uses, a minimum ten (10) foot wide landscaped buffer, including shade trees, shall be provided along the full length of the side and rear property lines, excluding driveways and other access ways. The landscaped buffer shall be designed to*



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

accommodate space for public access and use by incorporating elements such as seating, paths and/or walkways." The applicant appears to have made no effort to comply with this requirement (see Sheet L1.0), nor has a written waiver request been submitted as required by Section 4.603 of the Subdivision Regulations.

Morrill said the landscape plan depicts plantings along the perimeter in the locations disturbed. Janvrin asked in terms of drinking water conservation, if there was a plan to tap surface water to do the irrigation. Morgan said other than town water. Greene said the ponds were plenty deep in the back and could easily be drawn. He thought this a good idea. Janvrin noted that would not be paying the meter. Janvrin asked if the landscape architect could bring color representations.

Morrill did not discuss 34 or 35 relating to landscaping.

36. In light of the large scale of the proposal, the Planning Board should consider a peer review of the landscape plan, as authorized in Section 13.950 of the Site Plan Review Regulations.

Morrill said when the landscape architect goes through the entire plan, the Board could make that decision.

37. As is their custom, Jones & Beach propose snow storage on Sheets C2, C2-1 & C2-4 at locations where the landscapes architect is proposing trees and shrubs.

Morrill said snow storage areas has been modified to allow sufficient space to the proposed landscaping. Janvrin asked if there were a plan to truck excess snow offsite. Morrill said they always notate that. Janvrin commented that it would be against the law to dispose of it at the town pier.

Morrill did not discuss 38 relating to traffic.

39. The site plan depicts a shopping center access and egress way connecting to the privately owned South Access Road. Has Waterstone secured an easement to permit such use?

Morrill said this connection to the South Access Road has been removed. Morrill spoke with the power plant people who were willing to provide an access but could take it away at any time. The Applicant felt it would be better to remove it at this point; it did not make sense to have a driveway that could not be permanent. Morgan noted there were two driveways connecting to Provident Way, and asked if at some point they might actually have three. Morrill said they took the full access off the plan. They might come back with an amended siteplan if they were ever able to obtain an easement. They want to move forward without it. Greene said the NRC had recently put restrictions i.e. that easements could be revoked at any time. Hawkins thought the process would not be quick in any event. Greene had not researched what Hannah Foods had



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

gotten. Khan noted the Town had been given an access. Greene thought it would be easier not to show it. Khan said the access for the Town of Seabrook took four years.

Morgan said, looking at the whole site, if someone were shopping in the east it would make sense to leave the site quickly by going out the South Access road. Greene agreed, but asked how to deal with something that could be taken away; he did not think the Board would like that. Morgan thought it was a short distance to bridge. Janvrin commented this was done between the Library and Shaws. Greene said he could not deliver it right now, although they were still talking. Hawkins asked if they could get a "yes" with the stipulation that they could take it away. Greene had been told that the request would have to go to Florida and Texas; if they ever got to a point of "yes", there was a caveat – it could be revoked at any time per the NRC restrictions. Morgan commented that the submarine birthed in Portsmouth had the same provision. The US Navy said they could take it back, but it didn't stop going forward. Greene would still pursue it, but thought it would not be something that the Planning Board would be comfortable with. Janvrin asked if the future access could be placed on the plans. Khan said that the agreement that the town had with NextEra had the same kind of stipulation that they could take it away at any time.

Morrill did not discuss 40, 41, or 42 as relating to traffic.

43. The aforementioned MoU encourages connections to the Seabrook Rail Trail. The applicant's submittal is silent in this regard.

Morrill said the project was not located anywhere near the Rail Trail. Janvrin pointed out that the Rail Trail would go around the power plant i.e. outside the 3000-foot explosion area. Therefore, it would divers about where Hanna Foods is, and come out close to Route 1. Morrill asked if this meant relocating the trail. Janvrin said they had to because of the NRC rule; he could discuss that outside of the board meeting. Greene had been unaware of this. Morgan said it improves the access between the shopping center and the Rail Trail. Morrill thought it was the rail route. Wood said the trail would not always physically follow the rail bed. Janvrin said that was one location that could handle it. Morgan asked Morrill to give thought to pedestrians and bicyclists going back and forth to the shopping center. Morrill wanted to consult with Janvrin to figure out what could be done. Wood noted the discussion had been about sidewalks and the interior plan. The sidewalks seemed to go in front of the buildings, but from the two large buildings on the right there wasn't an indication of a walkway to get to the other buildings. She asked if the objective is to be pedestrian friendly, how did someone get through the site. Janvrin asked if the islands were to be used for pedestrians. Morrill pointed out the sidewalks, but said the crosswalks were missing. They had not yet figured out how to get to one little building. The crosswalks would be depicted. Morgan suggested creating a separate sheet showing pedestrian activity.

Janvrin said the sidewalk was wonderful for pedestrians, but bicycles could not use them. Chase asked if the islands in between were walkable. Morrill said the islands were taking storm water drainage to the retention areas; a sidewalk could not go on top of that. He would use the islands not being treatment areas. Richardson said that Morrill would update any crosswalks and they would be painted. Wood thought the buildings seemed to be expanded on the outside and in clusters i.e. not a continuous building. Morrill said they were trying to get the flow, but in some areas they did not own the land. They needed to add a sidewalk under a canopy and create a crosswalk. They were trying to get to a happy medium for drainage and pedestrians.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

44. *The site plan includes no provisions for bicycle stands or other bicycle infrastructure.*

Morrill said the site plans do not require bicycle facilities. If it is the wish of the Planning Board, we can discuss with the Planning Board. He thought an area could be found for bike stands. Janvrin commented that one developer to the south had promised bike stands, but was substantially complete without them. About 20-30 people bike daily to that site. He thought they would have a lot more customers on bicycles. Hawkins suggested thinking about this as an opportunity if the Rail Trail came close to the property. Wood commented that in the summer a lot of foreign students were employed, and their main way to get around town was on bikes. If someone came up Centennial Street and hit the Rail Trail, that's a perfect opportunity to encourage them. Chase asked about a bus stop. Morrill said a stand would be located at the front on Lafayette Road. They've been told that [the bus operators] might not like going up the middle of a site. Richardson said that Morrill could add bike stands and they would sign off.

45. *The site plan does not address mass transit, and in particular, suitable locations for bus shelters and bus pullovers that are likely to be implemented in the future.*

Morrill noted they had agreed to bike stands.

46. *The network of pedestrian walkways that connect the proposed six buildings is incomplete. Greater connectivity between the northern and southern buildings, and between the eastern building and the rest of the complex, would enhance pedestrian safety, consistent with Section B9 of the above referenced MoU.*

Morrill referenced the above discussion of improving pedestrian circulation.

Hawkins said this was a good place to stop. He continued Case #2013-14 & 2013-15 to September 17, 2013 at 6:30PM on Town Hall when the discussion would be traffic and, if possible, the Chevy Chase Road issue. Khan asked what comments the businesses on the south side and the north side of Chevy Chase Road had about it potentially becoming a town road. Greene had had conversation with the fireworks people who were very happy about the plan; he has sent the updated plans. He had had no conversation with Bob's people. Melchionda said every time they submit an updated plan to them, they are very happy. Khan requested some kind of documentation from them, so the Board could know their position. Greene agreed. Garand said a rendering of the pylon sign and size was not in the plan. Janvrin asked if the interior road signs were depicted. Morrill thought the stop and yield signs were there. Janvrin wanted the placement of particular signs depicted. Morrill will check on this. Khan asked if there were a proposed cross-connection between the yellow building and the project. said there was not. Greene thought there was a connection with bob's. He did not have a connection with that building.

Garand asked if there were a name for the plaza. Janvrin asked if there were any historic name that might be used. Melchionda said Seabrook Crossing. Wood referenced the restaurant being proposed for out in the front. She commented that this is a much better traffic flow than the



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

McDonald's, primarily because they have an entrance and exit coming off the plaza entrance next to Staples. Someone coming from the north did not have to go around the building twice for take-out. Greene said with this plan, someone could go from Applebee's to the Aspen Dental. Wood commented she would use that route. Raul Desseres asked if there were any comments from abutters. Hawkins said there were letters from two abutters. At the next session devoted to traffic, topics for subsequent sessions could be scheduled. This was such a big project, he would try to compartmentalize the discussions. Desseres said he'd been in the town for 30 years, and would like the chance to speak as an abutter. Hawkins explained the Board was trying to get an understanding of the questions that the engineers and department heads have had about the plans. After that and discussion about landscaping, comments would be taken from abutters. He will schedule a specific meeting for feedback. However, if there is time at the end of any meeting he would take questions so there would be time to think about appropriate answers. In future meetings he would ask for comments to get them as the process goes along.

Desseres and said they represent other people. The town bought their wetlands. The proposal would be good for everyone but they are the ones nearby. Hawkins said the board wanted their feedback; they have to live there and have certain expectations about what it would be like. The Board would take that into consideration. It tried to work with abutters on projects as best it can. There are certain limits, but also have some flexibility. Desseres said it would be perfectly workable.

OTHER BUSINESS

DDR Sidewalk Issue

Hawkins said no progress had been made. The letter from the Planning Board did not get a positive reception. He would take the responsibility to start talking with the Applicant to see where there was a middle ground for a resolution. At present, they were nowhere. Janvrin thought it might be a conversation between the Applicant and the NHDOT that the Board was not aware of. Hawkins said a few days before the NHDOT said flatly they did not do sidewalk maintenance. If the town wanted sidewalks it would have to sign the agreement. There had to be some middle ground to agree and get the Applicant to agree. It needed a different path than all the letters back and forth with lawyers, to solve this issue. Janvrin asked if there ever were a legal opinion from the Board's Attorney. Hawkins said a written opinion was not asked for, but counsel was aware of every step the Board had taken. Hawkins said he wanted to sue the state right away. Counsel said to take this in steps. The objective was to solve the problem; not to "win". Sidewalks are needed. He will take a more informal approach.

North Village Challenge Grant

Hawkins said that the subcommittee has been looking at the zoning, and was focused on what was to be accomplished. One objective was to keep the traffic from getting any worse. If building size were limited it would automatically slow down the development process. In this regard, the discussion was about using the rules of the Smithtown Village 6M Village District i.e. 7500 square feet as the maximum building size, on the west side of Route 1. At the same time the subcommittee wanted to acknowledge what existed on the east side of Route 1 by making the allowable building footprint up to 20,000 square feet, which would still be a pretty good size building, but not a "big box". He noted that the biggest building in Arleigh Greene's proposed retail development was 50,000 square feet. The subcommittee felt that these sizes fit what existed, and would also allow mixed use so that the property owner gets something for what they give up.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

However, to acknowledge that some lots might be combined, the Planning Board could allow a larger building for light industrial use,

Hawkins wanted the Board to be up to date, so that the process could be accelerated to target the March 2014 Town Meeting. The subcommittee had received input from residential neighborhoods; this had been a very good experience. On September 19 business people in the area would be invited to meet with the subcommittee to talk about what they like or do not like. On September 26, the subcommittee would again talk with the neighborhood people about what the recommendations would be, so they have another chance for input. On October 3 the subcommittee would discuss their final recommendations to be presented to the Planning Board at the October 15 meeting when the Board could begin its discussion. Hawkins noted that the Board would have its hands full with some big cases. Hawkins wanted to target December 17 for the public hearing. The expectation would be to be done and have a warrant article ready. Janvrin said that as was done at the Beach, an effort was made to go along property lines in the North Village for the most part.

Hawkins invited anyone with interest to attend any of the meetings, noting there had been good input from people not on the Board. He also reminded that there is a grant relating to Route 107, noting that Sweeney had expressed interest in working on that subcommittee. The first meeting would be announced; anyone with interest or input in that area would be welcome. The wells have to be protected, there was the possibility of retail going in that area and at the dog track. The Board needed to get working on this, or development might beat it to the punch. Wood commented that there was a lot of interest lately in that area. Hawkins said this work had to be done before the grant runs out in June 2014. The issues are what should be protected, and what did the town want to see happen. Garand asked if it would be more productive to have a hearing dedicated to proposed zoning changes. Hawkins thought December might be the time for that. Garand suggested plotting that meeting now. Hawkins said the target date would be December 17, 2013 for a public hearing. The Board would have to agree on October 15 that it wanted to go to a public hearing. Garand said that Kravitz had been collecting zoning items that need to be attended to. Hawkins said some of the smaller things that he and Morgan also would like to address. These need to be prioritized, noting that the Board can do regulation items, but not the zoning. Janvrin commented there could be a special town meeting.

2014 BUDGET

Hawkins distributed a proposed budget with spending and receipts expectations, which he wanted the Board to address because he needed to meet with the Town Manager. Janvrin wanted to know the major changes from last year. Hawkins said the employee line increased by a few hundred dollars as a result of the Selectmen's vote last March. The billable services are increased by \$1,000, but over \$50,000 would be spent this year to be collected from the Applicants. These include traffic studies, engineering, Altus inspections, Morgan's plan reviews, legal costs (other than for litigation) that are subsequently billed to the Applicants. The amount was hard to predict. A few more restaurants were expected to come in; the amount could keep going up. He was not too concerned about those increases. There was a request from the IT person to replace the office computer which is quite old and is on the replacement schedule for this year. Hawkins included \$800 for that purpose. Otherwise the appending is about the same; he included the first 7 months of 2013.



Town of Seabrook Planning Board Minutes

Tuesday, September 3, 2013

NOT OFFICIAL UNTIL APPROVED

Hawkins called attention to the comparison of expenses and what was collected, which varied from year to year. \$5,500 more than was spent was collected in 2010; \$42,000 less than spent was collected in 2011; some of the money spent in 2012 would be collected this year. In 2013 collection is ahead \$37,000 after the first 7 Months, and there was a balance to be collected. He budgeted \$35,000 and hoped it would be a lot higher. Collection was presently at 104,700. For next year he budgeted \$63,000 because there was no way to know. It takes big projects, which was hard to predict what would come in. One reason receipts were doing well was because of application fees for a couple of big projects. It had been trending downward, but this year it looked like \$90,000. He budgeted \$40,000 for next year. The studies lines are mostly for traffic studies and engineering, which are very expensive. The town planner review has been relatively steady. Hawkins noted that the important line for this year was the \$104,700 in receipts, although more than that had been billed. Invoicing for accumulated billings was an ongoing process. If everything kept at this pace, collection could be nearly \$200,000 which would be spectacular if all bills were paid by year end. Kravitz noted there would be a couple of refunds for cases that withdrew. Hawkins said there would be enough collection to hit the forecasts. He wanted to switch from a cash system to an accrual system to recognize open invoices.

MOTION:	Janvrin	to approve the Chair’s budget for 2014, as presented on September 3, 2013, and submit it to the Town Manager.
SECOND:	Sweeney.	Approved: Unanimous

LITIGATION

Hawkins reported that the Planning Board decision in re Case #2012-18 – Latium, Tropic Star gas station had been challenged in Superior Court. This had been turned over to the Planning Board counsel. He noted that the ZBA administrative decision was also being challenged. The two cases would probably be combined at some point. All of the Board’s records relating to that case would have to be provided; it went on for a long time. Hawkins said the town Manager and counsel would have to come up with a strategy. Janvrin asked if there had been telephone conversations with the Board’s attorney. Hawkins said there had been telephone conversations, There had to be the initial response with documentations. Counsel and the Town Manager would have to decide on the strategy. He thought there would be interveners. The details would have to be worked out. Janvrin asked if the Planning Board might be going into an RSA 91A session with counsel. Hawkins did not know if that would be required. Khan said it would drain some taxpayer dollars. Hawkins’ recommendation was to keep that to a minimum. This was a fight between two abutters; the town was being dragged into it. Chase asked if this affected the Case. Janvrin thought they could proceed unless there was a cease and desist from the Court. Hawkins said the court could require any action. The Board had been notified, and had to put the material together.

Hawkins adjourned the meeting at 10:05PM.
Respectfully submitted,

Barbara Kravitz, Secretary
Seabrook Planning Board