



**Town of Seabrook
Planning Board Minutes**
Tuesday, November 5, 2013
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Jason Janvrin, Vice Chair; Dennis Sweeney; Roger Frazee; Francis Chase, Michael Lowry, 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 at 6:33PM.

MINUTES OF OCTOBER 1, 2013

MOTION:	Chase	to accept the Minutes of October 1, 2013 as written.
SECOND:	Lowry	Approved: Unanimous

Hawkins said that the October 15, 2013 meeting would be a Planning Board work session.

SECURITY REDUCTIONS, EXTENSIONS

Case 2008-16 Parkersville Subdivision

Hawkins called attention to the request for the release of security for Case #2008-16 Parkersville Lane, noting that the signed security checklist had been submitted. Garand said the subdivision had been completed, and houses were built.

MOTION:	Hawkins	to approve the return of the balance of security held in connection with Case #2008-16 – Parkersville Lane subdivision, subject to payment of any outstanding invoices.
SECOND:	Khan	Approved: Unanimous

CORRESPONDENCE/ANNOUNCEMENTS

Hawkins called attention to the **Rockingham Planning Commission final meeting of the Sea Level and Adaptation work group for Seabrook, Hampton and Hampton Falls on November 6, 2013 at the Lane Memorial Library in Hampton at 5:30PM.**

Hawkins called attention to the importance of the NH Department of Transportation hearing concerning the widening of Route 1 south of Route 107 on November 12, 2013 at the Seabrook Middle School Library at 7PM.

Hawkins called attention to the Rockingham Planning Commission Legislative Policy Forum at Unital, Liberty Lane in Hampton on November 13, 2013 at 6 PM. This is an opportunity to have a dialog with the legislators.



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REQUEST BY BOARD OF SELECTMEN FOR IMPACT FEE DISCUSSION

Attending: Selectman Edward Hess, Bill Manzi, Town Manager;

Hawkins said that the Board of Selectmen had asked to confer with the Planning Board on the matter of Impact Fees, because the Planning Board would have the responsibility to initiate impact fees. He explained that the Planning Board made use of the exaction methodology. Hess said in looking into several fees, he found that impact fees could be used for equipment, for any department, and buildings etc. He said the Town had lost a lot of money [lacking impact fees]. It would take the proper procedures and could be developed along with exactions. The town needs the money. Khan said when the Planning Board previously looked at impact fees; the horse had already left the barn. They could be used for public safety, schools, roadways, and to preserve the quality of life. He wanted to start to put the stipulations in place; other towns did this. Khan had just come from Portsmouth, and thought that the people supporting the impact fees would win today's election. City Council members were very aggressive about impact fees because of their livelihood, way of life, and how they want to see their town; big developments were taking this away. Khan said the Planning Board needed to take the first initiative, and he wanted to see how voters feel about it.

Hawkins said to come up with an ordinance by the next town meeting, it would have to be done before the end of December. The question was how to get there from this point. The Planning board's agenda would not get smaller over the next month with a lot of big cases. This type of thing could be done in a subcommittee to come up with a proposal. Also impact fees have a lot of accounting issues that the Planning Board, or any appointed subcommittee, would not be in a position to deal with. He understood that for impact fees there had to be targeted type of items to apply the money to, and they could not be related to ongoing maintenance – they were for growth items. For example, an existing fire truck could not be replaced, but a new one to add to the fleet could be done. He asked if that was Manzi's understanding as well.

Manzi said he had not yet gotten through the all the material that Kravitz provided to him. He understood it would be growth related. There would have to be the supporting accounting to show that it was not related to standard operating procedures, but caused by growth. The town would have to help with the accounting requirements. Hawkins thought that Manzi had been having discussions with department heads relative to the type of things they would be looking for. Manzi said his talks were not specifically related to an ordinance, but rather to the Capital Improvement Program. Hawkins said that certain things in the CIP would be growth related and not maintenance. Manzi agreed, and said if it were the will of the Board of Selectmen and the Planning Board they would step that up and try to identify things that were growth related and talk about some other things that could be related to growth. The timeframe was a challenge, but he thought it could be done if that was the policy preference of both Boards. He would offer whatever support that he could.

Khan said when the BOS was reviewing the 2014 Town Budget, he learned from the Town Manager that the Police Department had requested 2 more vehicles. After many meetings, the town Manager did not have enough funding so it did not happen. The Police Chief's request was because of the growth happening so fast, and his department would be overwhelmed next summer. Hawkins asked if an impact fee could cover people. Manzi thought the material indicated that if it were specifically growth related, they might be able to make that case. If impact fees are directed, he would get well up to speed. Wood asked if they were seriously looking to put this on the 2013 March ballot. Manzi said it would be a policy preference, and not for him to say. If everyone wanted him to work towards impact fees, he would do so.



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Wood said if to get done in December, there would have to be public hearings. She asked if Manzi thought it was feasible to get done in December. She was looking at Planning Board and budget sessions, and asked if this was a realistic deadline. Manzi said the calendar was a huge challenge because the type of activity that the Boards and the budget Committee were facing. If everyone wanted him to do this, he would have to spend more time on it. The calendar is a challenge, but it was a policy preference. If he was so instructed by the Boards, he would do it. Chase felt this was too fast – too quick. He did not see enough time to digest how to implement this and get the staff up and running during the short period of time. Hawkins was not sure that anything could be done in a month, assuming that the Board would continue its regular business. There were other zoning items that were closer to completion. Chase said this was an important subject that should be discussed; maybe a subcommittee needed to start working on it. He felt there was not enough time between now and December to get this put together for the voters in March 2014. Janvrin agreed, and asked if there was a possibility of having a special town meeting for that purpose only – perhaps in May or June. Wood said that would be very expensive.

Jeffrey Brown said it was no secret how he felt about impact fees which he had advocated for some time. He said there were procedural issues, and that the Board was in receipt of a report that cost a lot of money that had a sample ordinance. In his opinion, why did they always have to invent the wheel. If it worked for 200 other towns in New Hampshire, why not for Seabrook. The decision for the Board was whether they could see any positive impact or need for the town of Seabrook to have an impact fee ordinance. At least twice before the Planning Board had said no. If the Board said yes, it would be simple to have a special meeting, even though the schedule was packed, to look at one sample ordinance from any other town and get the ordinance on the ballot. If the Board felt it was not necessary, then don't have the meeting. Brown said that specifics, actual rates or accounting methods, would be done after the ordinance was passed. The only thing to decide was to consider whether there would be an ordinance at the start. If it was not felt necessary, it would not be recommended.

Brown thought it at least should be considered, because during the budget process the Board would be asked to approve a CIP. He did not know if the Master Plan was done yet. Department Heads have been asked to guess what the town would look like in 2 or 5 or 7 years, and what they would need for equipment. They have put the town on notice as to what they would need if the town keeps saying yes to things. Hawkins asked if the voters could be asked to vote on an impact fee ordinance without having the details in it. Voters could say to move ahead, and the details and rates could be set up afterwards. Manzi said that would mean that the conceptual would be approved by the voters with the details put in after the fact. He said that would make it easier but would defer to town attorneys to see if that were possible. Hawkins thought that would be more doable than trying to come up with a fee schedule and target investments in a month or two, which seemed impossible to him. Manzi agreed and thought the response would be a better product because everyone would have more time to look at the important details; personally, that would be his preference.

Chase asked if the vote was in March, when would it take effect. Hawkins said that could be in the warrant article or; depending on legal advice, it might be a range of dates. He did not think it should have to wait for a year to revote. If the ordinance was properly written, as soon as the town was ready it could proceed. The Planning Board could adopt it in a regular meeting. Manzi said it could be laid out in the warrant article that the Board would set the fees, if the voters approved. This would give the time to properly deliberate on the fees. Janvrin said that the Town Meeting would vote to administer an impact fee under the appropriate RSA. After the approval,



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the regulations would be used to implement the fee schedule. Manzi said that was what Brown was suggesting. He thought it the only way to work this through in a decent timeframe. Hawkins thought that was the only way to get something done for the March 2014 Town Meeting. Wood liked that process if it was possible. She thought the atmosphere now at the BOS and with some of the members was more favorable than before.

Khan said this was impacting the quality of life every day. Wood said something was needed to avoid putting the burden on the residents of Seabrook when the businesses are growing. Hawkins said this could not take place during Board meetings; there was not enough time or meetings. Hawkins said a subcommittee was needed that would include Planning Board Members, and asked Manzi about a couple of department heads to serve. He thought attorney Brown would be willing to help.

MOTION:	Janvrin	to authorize the Planning Board Chair to appoint a 7 person subcommittee comprised of volunteers willing to study impact fees, and to report back to the Planning Board with a recommendation at its December 3, 2013 Meeting.
SECOND:	Chase	(see below)

Hess agreed with Attorney Brown that it was a good idea to get this started rather than keep going backwards. The subcommittee could be working on it and have everything ready if the voters approve. Alan King thought the voters should vote first and save the trouble of having meeting on it. He thought there would be a lot of negative response in the town. He did not have all the facts, but times were tough. Sometimes the spending had to stop. Hawkins thought the fees were basically paid by developers; there would not necessarily be a fee on individual homeowners, although that would depend on how the fee schedule was structured. King thought the voters would have a lot to say on impact fees.

Hawkins said an ordinance for a vote would be fairly simple, and basically say if the voter was in favor of implementing an impact fee schedule for whatever purpose. Voters would be able to say yes or no. Before that point the subcommittee would be working on it, not putting in a lot of hours. They would be conceptualizing the needs of the town and what the fee schedule might look at. Basically, it would be what is already in the CIP, which had already been done by department heads. The subcommittee would look at which of those items would be suitable to apply an impact fee legally. Not everything would be subject to an impact fee. Kravitz called to needing the proposed warrant article language in place at least 10 days prior to the December 3, 2013 meeting so it could be distributed in the Board packet. Hawkins said at some point there would have to be a public notice and public hearing in the same manner that zoning revisions are processed. Hawkins asked for further discussion; there being none

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SECOND:	Chase	Approved: Unanimous



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PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:45PM.

NEW CASES

Case #2013-18E – Proposal by Wendy Pimentel to establish a pet grooming facility at 11 Railroad Avenue (Unit A), Tax Map 8, Lot 107;
 Attending: Wendy Pimantel;

Hawkins asked Pimantel to describe her proposal. Pimantel wanted to open her pet grooming services in the Simmons Building on Railroad Avenue. Hawkins asked if there would be boarding, or an outside facility, Pimentel said there would not. Hawkins asked how they would deal with pet waste. Pimentel said they had a dumpster on site. Pimentel would be open for business from 8AM to 4PM, Saturday 8AM – 2PM, 4 parking spaces would be used. Hawkins asked about a sign. Pimentel would have a window sign. Janvrin asked if this had been a second hand shop. Hawkins asked if Garand had issues. Garand had talked with Tom Campbell of the Sewer Department. There were no problems at this location as long as they remained compliant.

MOTION:	Janvrin	to accept Case #2013-18E as administratively complete for jurisdiction and deliberation.
SECOND:	Lowry	Approved: Unanimous

Janvrin asked if conditions were needed. Hawkins said no building would be done; he did not see the need for conditions. He asked for further discussion or questions from those in attendance; there being none.

MOTION:	Janvrin	to approve Case #2013-18E – Wendy Pimentel to establish a pet grooming facility at 11 Railroad Avenue (Unit A), Tax Map 8, Lot 107;
SECOND:	Lowry	Approved: Unanimous

Case #2013-20 – Proposal by Aaron & Dorian Small for a 3-lot subdivision at 27 Rocks Road, Tax Map 7, Lot 101;

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

Boyd said the property had 300 feet of frontage; the lot-lines were pretty clean; there was a jog to get around the existing structure; there was plenty of land area and uplands, the topography was shown. No waivers were requested for the boxes, but a waiver is requested for the proposed structures because there is not yet a plan for them. Boys said he showed a proposed sewer service for lot #3; however, the service stub is actually there. There will have to be a water service, and water meters and the permanent wetlands markers installed. The wetlands stamp would be on the final mylar. Boyd said everything was in place and it complied with the subdivision regulations. Janvrin said most of the zoning box for lot #3 was in the wetlands. Boyd



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said most of the box was outside the wetlands; there was no prohibition on the box covering some wetlands.

Janvrin asked if the proposal was only to have the subdivision approved, and not to have the buildings placed. Boys confirmed that. Janvrin asked if this had to return to the Board when they knew the placement of the houses. Boyd said it would not, but would go through the building permit procedures and the department sign-offs. The water would have to be installed. the buildings would have to meet the setbacks. Janvrin asked if the existing barn had water. Boyd said it had water and sewer services. A legal apartment was existing over the garage; Garand had suggested labeling that on the plan. Boyd will do that. The monuments had been set and complied. Janvrin asked about street numbers from the Assessor. Boyd said a letter goes to the Planning Board assigning the map and lot numbers and the street numbers. Janvrin said the numbers would be 23, 37, and 31. Boys said the Assessor makes sure they fit within the system and do not cause a problem. He noted that the industrial zone clipped the corner of lot #3, and commented that a Planning Board subcommittee has recommended a warrant article that would have zoning adjusted by lot; all of lot #3 would then be in zone 2R. Boyd commented that he had said at a ZBA meeting that some residential lots should be outlined. Wood said that would be on the ballot.

MOTION:	Janvrin	to accept Case #2013-20 as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved: Unanimous

Janvrin asked about waivers. Boyd said it was for the supposed structures, only because the Applicant had not selected a home or thought about a building permit; there already was one structure, and it would be a long time before anything was added to Lots #1 or 2. Janvrin said there was a 100' x 200' zoning box in Lot #2, and only 100' x 100' on the other lots, and asked if that was because they wanted 2 dwellings on Lot #2. Boyd said this subdivision could legally be configured to have 2 duplex lots, but it would have required a strange kick to the property line. One of the lots had 24,000 square-feet; 30,000 square-feet was required for a duplex, so they would have had to wrap part of one lot to the other to make 2 duplexes which would result in odd triangular wedges. The Applicant did not want to do that. Hawkins asked for further questions from the Board; there being none. He asked if Garand had issues; Garand said at this point everything looked fine.

MOTION:	Janvrin	to grant the requested waivers from Article 5 (e) (16) and 5 (e) (19) of the Subdivision Regulations for Case #2013-20 based upon evidence provided by the surveyor of record.
SECOND:	Sweeney	Approved: Unanimous

Boyd stated that the water and sewer connections were on plansheet #2 and did not belong elsewhere.



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MOTION:	Janvrin	<p>to approve Case #2013-20 – Aaron & Dorian Small for a 3-lot subdivision at 27 Rocks Road, Tax Map 7, Lot 101, conditioned on</p> <ul style="list-style-type: none"> (i) the wetlands stamp and scientist’s signature on the final plan; (ii) notating the legal dwelling above the barn; (iii) insertion of the case number in the title block; (iv) notating the waivers granted on the revised planset; (v) submission of the mylar suitable for recording; (vi) the revised plans entirely satisfactory to the Town Planner; (vii) the approval to expire in 180 days from the date of approval if the conditions are not met.
SECOND:	Lowry	Approved: Unanimous

Case #2013-19 – Proposal by US Foods to renovate the Poland Springs warehouse at 100 Ledge Road (Tax Map 6, Lot 1), to construct a loading dock on the building’s east side, and to construct a truck maintenance & fueling facility for the maintenance, washing & fueling of the company’s truck fleet;

Attending: Jeffrey Barnes, Senior Director, Corporate Real Estate; John Glynn, President, Boston Market, Kevin Connors, Vice President of Environmental Management, Health Safety and Security, US Foods; Bill Brooks, Nestle Waters;

Appearing for the Applicant: Tim Gibbons, Architect, Dan Frigge, Director of Civil Engineering, ESI Design Services;

Barnes thanked the Board for their courtesy, and delivered an extensive power point presentation describing US Foods operations and their plans for the Poland Springs building.

Barnes said his presentation would be comprised of introducing those present for US Foods, describing the Company, the proposed project and improvements, their proposed investment, the level of employment they would be bringing to Seabrook, and a high-level overview. His colleagues would speak about the construction and renovation details, environmental policies and procedures specifics relating to the proposed maintenance shop and the fueling facility. He introduced Glynn, the US Foods Division President of the existing Boston area location in Peabody, Massachusetts, which they wanted to relocate in Seabrook, and Connors, VP of Workplace Fleet Environmental Safety. Barnes introduced Gibbons and Frigge of ESI Design Services, stating that their sister company ESI Constructors would be doing the construction on the project. ESI was US Foods exclusive design – build company across the country.

Barnes said the Company delivers food to hospitals, schools, hotels, educational institutions, with 24,000 associates nationwide; annual revenues exceed \$21 billion. They hope that Seabrook would be the 38th state in which they have a presence, with more than 68 distribution centers across the country. The proposed facility would receive, store and deliver food and food related products to end-users, including meats, dry goods, and kitchen equipment. Barnes explained that



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this would not be a typical warehouse operation with food going in and out. It would be a self-sufficient facility with a large degree of senior staff. In addition to GylInn and his team, they would have a VP of Sales and Operations with a finance, accounting and HR team, marketing and customer service professionals. The full service sales department would be focused on sales in the [Greater] Boston area. Additionally, there would be warehouse workers, fleet drivers, and maintenance employees. This would be a 6 x 24 week, Sunday night through Saturday afternoon operation.

Barnes said they start receiving inbound freight for storage in the facility beginning approximately at 5 AM, and continues throughout the day until about 3PM. Employees received product at the dock and put this into correct temperature storage. Inbound truckers may be US Foods drivers or outside vendors. They would stop and sign in for verification at the guard shack, and enter the gated facility. Outbound trucks taking product to customers begin about 8 PM; the last outbound truck leaves about 6AM and trucks return periodically to reload. All trucks would be parked and stored onsite. Barnes showed an aerial photograph of the 88 acre, densely wooded site that would essentially not be visible from the surrounding roads. There are very few residents nearby; he thought all but one was on the Massachusetts side of the boundary. US Foods trucks would not be congesting town highways or roads in the middle of the day – during peak traffic times. They would be utilizing the roads mostly during off-hours – mostly between 3 AM and 6 AM. The existing building was a 505,000 square-foot facility, surrounded by trees. The trucks would go to Ledge Road, then Batchelder Road, then onto Route 107 to I-95. A large majority of the trucks would be going south towards Boston. This would be a staggered operation; there would not be a large number lined up to go north taking up space from other motorists.

Barnes said this would be a serious investment and a very important project for US Foods. They would be relocating this division from one of the biggest markets in the country. The project was very important to the Company's senior management and Board. Even though the building is dry, the Company operates in multiple temperature zones, and will be spending more than \$30,000,000 to renovate the existing building for the refrigeration and frozen storage warehouse, as well as \$5,000,000 on equipment. They will be constructing a new perishable foods loading and receiving dock on the west side, a new mezzanine for office space and culinary training center which is a high tech, multiple AV equipment area where they can do food product demonstrations and testing for their vendors and customers to have culinary innovation meetings and training. Barnes understood that of most importance to the Planning Board would be the proposed building of the new light maintenance, washing and fueling facility. Installing the personal property was important for the storage handling, the kitchen equipment, and computer systems.

Barnes noted that the \$35,000,000 renovation cost did not include the significant purchase price that would be paid to the owners for the property. Currently the Company employs about 270 associates in Peabody in well-paying, fully benefited jobs. They expected that going from a 188,000 square-foot facility to an eventual 505,000 square-feet would mean another 75 to 100 associates at this facility. They would be converting the existing dry-storage facility into a multi-temperature facility. They would start out using only 388,000 square feet, which is about 200,000 more square-footage than they occupy in Peabody. They were excited at the prospect of growing US Foods' business in Seabrook. Although 119,000 square-feet would remain unused at this time, it would be easy to push back because one side of the building would be the 84,000 square-foot dock for loading and receiving, the storage in the middle, and the unused portion at the other end. As the needs for dry or frozen storage increase they could easily expand.



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Barnes said the storage temperature zones would be ambient for 105,000 square-feet for dry goods like cooking oils, restaurant equipment and supplies; 36 degrees (varied according to the product needs) for perishables in the 52,000 square-feet of refrigerated area; and a section at 28 degrees for meats; approximately 78,000 square-feet for freezer space at 10 degrees – down to minus 20 degrees for ice cream products. Materials handling equipment such as fork-lifts are parked and recharged adjacent to the freezer area; they plan a small bump-out into the existing parking lot to accommodate their operations and transportation personnel. Barnes explained that currently the building had a maintenance shop that they intended to convert for the compressor room related to the refrigeration system.

Barnes said the main reason they were before the Planning Board was the proposed fueling and maintenance facility. He pointed to the drawing for a similar facility. The canopy would extend all the way over the 20,000 gallon diesel storage tank that would be sitting in a very large containment bathtub. He said that the Company had gone to great length to give quadruple layers of protection against any possible contamination of the environment. The maintenance shop was for light maintenance; no engines would be changed out onsite, only offsite. The trained staff repair crew would be working on fluid changes, tires, wipers, brakes and the like. Trucks are outfitted with refers that could be worked on, as well. Also there would be a truck washing facility where the 77 trucks in their fleet drive through for a top-to-bottom washing once weekly. A significant amount of the washing liquid is reclaimed, filtered and reused. Nearly all of the water that would not be reclaimed is simply the water that remains on the top and sides of the truck as it exits the wash bay; there is a blower blows the majority of that water off. The fueling would be adjacent to the maintenance facility, having six fueling dispensers protected by the canopy. Two trucks could be refueled at a time from the 20,000 gallon above ground, doubled walled tank.

Barnes emphasized that everything including the tank and the piping would be above ground so that problems would be seen. The tank would be sitting in a concrete containment structure that holds in excess of 1.1 x the amount of diesel in the tank. Only diesel would be used, as it was much less likely to cause harm to the environment, particularly water sources, because when diesel hits the ground it generally puddles, rather than entering the soil like gasoline or MTV which can quickly move through soil. Barnes said they had committed to the ZBA for the variance two weeks before, that fuel would only be dispensed by trained technicians. Barnes said the facility was completely located within Zone 3 Industrial Area, as is the truck driving route.

Gibbons commented that he and Frigge work very closely together. Using a drawing, he pointed out the existing parking area, guard house, and a trailer storage area that had been pre-approved for further hard pan parking that could double the parking area but would not be touched at this point. He showed the existing multiple detention and retention ponds and drainage pipes that surround the building as well as the wetlands delineation. Gibbons showed the proposed location of the maintenance and fueling area, the settling basin and detention pond where in the event of the rain the water would collect and eventually be filtered out. The perimeter was higher so the water would flow down which plays into the prevention and detention plan to protect the wetlands. He showed the location of the 20,000 gallon tank and containment area, and how trucks are fueled either daily or every other day depending on their range; spills are collected in the containment area. Trucks slowly progress through the washing area; about 85 percent of that, or about 13 gallons of that water would be recycled into a 3-chamber system that filters the heavy silt and muck, oil, and then goes into an ionizing filter process for soaps, salts, chlorine and the like; it then would be reused in the washing system. Gibbons pointed to the offices, bathrooms etc. Janvrin asked if there was a concrete turning system. Gibbons said that was existing.



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Gibbons said that this facility would be built similarly to the Buda]]], Texas installation near Austin which handles the washing, lube, anti-freeze and windshield washer process. Concrete bollards protect the canopy, and have not been touched yet. Chase thought the tank had very small bollards. Gibbons said it did, but was on a raised platform. All the piping and the canopy would be above ground and oil drips would be within the containment area and run through an oil separator. There were some additional safeguards so that ultimately that storm water did not end up in the aquifer. The containment was like a big bathtub with a shroud over it to keep any type of water out of it. The fueling bay would have a drain in the middle, to catch any mishaps that had to go through the oil and water separator. The pump is not in the dispenser itself, but actually on the tank. A 55 gallon drum holding a number of devices that would help in the event of a spill would be on every island and maintained as part of a PSI program.

Gibbons said the building was made of insulated metal panels that match part of the main building. There would be a mezzanine in the building that would also store miscellaneous items like tires on rims. He thought the Seabrook facility would look nicer than at Buta]]]. There would be a valve to keep containment in the event of a rupture. The tank would sit underneath the canopy; any spills would be captured; there would be a fitting to the tank during filling that would catch any spill and send it to the separator. There is a fireguard system for the tank that US Foods installed at several locations. There is double-walled, triple layer protection with an interior layer of fire-safe which monitors any leakage and contain a fire for about 2 hours. Gibbons showed a representative symmetric of a similar system. They put this out to bid. Westmatic was a good manufacturer; there were others. It will apply only as much water and scrubbing as needed, depending on how fast the truck moves through the system. 90 gallons would be used during this process; 85 percent of that is to be reused. The whole system would be computerized. He showed where the sludge comes in and the solids settled out; also where the water enters the system to be recycled.

Frigge said water coming out of the truck wash goes into a three-container containment and recycling tank. Some of that would be bypassed into a sanitary sewer line, as would kitchen and bathroom waste. The intent would be to use a lift pump where the truck maintenance area was lower, to get to the sanitary sewer. A wash-out area would be adjacent to the tank for a wash-out area for the back of the trucks; trailers back in so that any food residue could be hosed out and the truck left clean for reloading. Frigge said Tom Campbell of the Sewer Department did not see that as being a problem to tie into the sanitary sewer and carry to the lift pump. They also talked with John Starkey of the DPW and Curtis Slayton of the Water Department. They want to create an impenetrable]]] process to keep the oil drips and the possibility of anything happening to the absolute bare minimum.

Frigge said currently the drain pipe goes out to the drainage basin. They would create a new inlet to the low spots so that any water that drains between the filling island and the truck maintenance facility would be collected. They would add a new drain line to the outside edges of the structures; 4 new inlets would collect the pavement runoff. There would be about a 1 ½ foot drop to the low point; about a 1 ¼ foot of runoff could be held. If water got higher, it would flow off into the fore bay of the existing containment area. The additional drain pipes would also pick up the roof runoff tying this directly to the storm detention area. Fluids would settle out into the concave concrete, go through an oil separator and a special manhole holding SPI which absorbs oil, but allows water to flow through it. This would be tied to the storm drainage basin. Frigge said with the tank being double-walled and putting the concrete chamber around it, overflow would enter the containment area which would handle 22,000 gallons i.e. the amount in the tank ;plus a little rainwater. Overflow would go through the oil trap and be stopped at the man hole where the media would not allow fluid to go through it if there were the presence of oil. The pavement area



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would become a containment area holding 37,000 gallons of liquid i.e. stormwater and catastrophic failure of the tank would be contained. A pump truck would pump out the area into the oil and water separator for recycling.

Frigge said the drawing was preliminary and would be tweaked after conferring further with the water and sewer departments. The AECOM engineers for the DPW would look at the media they propose to use. Frigge said so far the comments had been positive, and with some minor tweaking would be a good product. The SPI material was a barrier material that absorbs oil while allowing water to flow through without any slowdown in rainwater until the oil is absorbed; it expands and seals itself. SPI, based in Connecticut tested the media package with 4 feet of water and found that as long as the water was clear it would run through. When 5 gallons of oil was added, it slowly took over the media which sealed itself; the seal held for 30 days. When the pipe was cut apart, the oil had filled about 1/3 of the media. After 5 years the media would be replaced; if nothing was going through it would be replaced sooner. Frigge pointed out where the oil and water drops into the separator, and how clear water flows out into the drain system. In addition to the double wall, the concrete would be the third redundancy, and after that the pavement would be the fourth redundancy. If there were 37,000 gallons of fluid on the pavement it would be about 3/4 of a foot deep on top of the storm manhole and filtered out to zero on the edges. To overflow the edge of the pavement itself would take more than 100,000 gallons without damaging the facilities. He did not know where 100,000 gallons of fluid would come from.

Frigge said the truck wash sanitary protection was top of the line, the recycled water would keep as much water as possible in use, and the 77 trucks would be washed once a week; this would be about 1000 gallons that might be lost in the process. Stormwater protection included the double walled tank and concrete containment area, and the whole fueling island containment area, the overhead canopy over all, oil and water separators, the SPI barrier material in all of the structures, as well as the pavement itself. Frigge said that US Foods would have an operations and maintenance manual; all of the departments wanted to give input into it; the manual would be put together when the equipment was in. The Company knows what it had to do on a continuing basis, and that stop gaps were in place and working properly. Also, they would have to submit a Spill Prevention and Control Plan to the state as to what would immediately be done if a spill were detected.

Gibbons said the first floor of the building had been completely developed with administrative offices; the second floor mezzanine level was completely unfinished, although there was access through an elevator shaft and two stairwells. They would develop the first floor level to meet Glynn's needs, and possible put in a mezzanine area that extends over the top of the material handling area to hold areas for support functions for the warehouse personnel e.g. locker rooms, lunchrooms, bathrooms etc. The operations area would stick out about 75 feet to allow the transportation area to control the yard, and also pulls a number of functions out of the building which would make for a smoother operation. Janvrin asked if the trucking office would be relocated to the end. Gibbons said that dumpsters would be completely sealed and directly connected to the building, and typically located off the perishable dock to hold waste foods. Janvrin said no odors. Gibbons said no odors or seepage. The mezzanine would also be for the kitchen and training area, and located off the lobby area. He showed photos and renderings of typical US Foods administrative areas, the training rooms and the kitchen with flexible separators to accommodate different functions, full and half lockers, lunch room, and vending machines, and a smokers' area. They would put a small patio area outside the office area. They intend to turn the truck turning area for Poland Springs into more parking. A number of photos were shown of the storage and operations areas. Barnes said that Connors would speak about the processes



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and procedures in place for keep operations and maintenance in compliance with best management practices.

Connors said he establishes the spill Prevention and Counter Measure Plan required by the EPA for projects having more than 1500 gallon of oil on site. He works with Glynn's staff to train employees and make sure they understand every aspect of that plan, and verify that had been done. The plan included leak and corrosion protection where the tanks cannot be viewed internally. The plan would be certified by engineers; permits would be acquired to install and operate; it would be submitted to the state as required, and the Fire Marshall would be involved.

Connors said US Foods had a number of other policies and procedures in re the environment other than those described for the fueling and truck washing. The environmental management system, called key ingredients in the environment, the approximately 40 page SPCC plan and training, would be available. There is a Stormwater Pollution Prevention Plan setting forth how onsite stormwater would be dealt with e.g. collecting and separating oil and water, testing and discharge monitoring. The stormwater training plan is for training employees to periodic grounds inspections, probably monthly; a risk management plan relates to the refrigeration. Connors said these were the keys of the environmental program for accountability, training, and inspections. He explained that the SPCC plan only deals with oil related issues, while the stormwater management plan cover the entire property. Employees would go through stormwater awareness training. All of the plans would be completed, and training would occur, before the first truck would be washed on the site. The risk management plan, deals with outside of the Company's confines, and is submitted to the EPA and contains the five year history, although this would be a new site. They look at every offsite consequence of if there were a release of any refrigerants, how far that would be to residents – at least about 1700 feet before reaching individuals other than employees; a process safety management plan deals with inside of the confines.

Barnes commented that the patience and attention with the long presentation at this meeting was appreciated. Based on that presentation and the discussion to follow, US Foods was asking that the Planning Board grant site plan approval. They wanted to answer any questions and concerns. Hawkins asked for the company's timing for needing a decision. Barnes said they would need a "GO" decision by November 30 based on the agreements with Zurich, the building owner, and Nestle Waters, the current tenant. They had no longer than November 30, including the Planning Board approval so they know that the fueling and maintenance shop would be allowed on the facility site.

Hawkins said that the Planning Board's general process was to accept an application, and then ask department heads to review the applicant's plans resulting in a punch list of things they think need to be done, recognizing that there isn't always the needed expertise in the town. He emphasized that this is the town's aquifer for getting water forever, not just for 30 years. The next step would be to say if there was enough expertise in house to review the spill prevention plan appropriately. The Planning Board did not have the engineers to do it. He loved the presentation, but could not say if it was good or not. Hawkins noted that other cases take a lot longer to get through - sometimes maybe too long. Typically, one month was like lightening; for a big process it would be really fast. Hawkins asked if the process could be different - i.e. if all the peer review could not be done in a month would US Foods just walk away.

Barnes thought that management would not make the recommendation to spend the purchase price for the building without knowing that they had the right to go forward. His understanding of the process was something more of a technical review so they could leave this meeting with the Planning Board saying it agreed and approved the maintenance and fueling facility subject to



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working out the fine details with the head of each department who might want specifics, i.e. that the Planning Board in general approved of the plan conceptually with details to be worked out with various outside experts. Hawkins said that essentially reversed the normal process. Normally the Board would be reviewing the plans including from an engineering standpoint; not approving after it was built; the Board likes to see what it's asked to approve first. Hawkins was looking for what it would take to reverse the process, similar to what US Foods described. That would be to do as much as possible before the end of the month and then give a go ahead with certain things that need to be completed, and what kind of peer review that would take.

Hawkins commented that US Foods clearly had expertise and had done filling stations in many more places. However, this was the town's water and it couldn't take too many chances with it. . He noted that in the presentation there was a parking area that could hold 100,000 gallons, and asked if that could be in a hurricane (Sandy). US foods may have already looked at these things, but the Board wanted to know that had been looked at and how that system would behave in a catastrophic event – it would only take one event to contaminate the water. Describing all the levels of protection was great, but the Board would want an engineer to do a peer review and agree that's how to do it and/or create a list of items to be done. Also the building Department should that all the things in the plan are done satisfactorily. That's the only way to follow up in the future. Barnes understood, but said he understood in a conversation with Starkey that the conditions would be for an occupancy permit. Hawkins said that was not how the Planning Board proceeded; this discussion was about finding alternatives to the way the Board generally operates.

Janvrin asked if the timing was do or die, was there a possibility of putting this plan out to department heads and convening them to get their list, give a conditional approval of conditions, and return to work out the final approval details. This would at least give a nod at this time. Hawkins wanted to follow the Board's process as much as possible until the end of the month when a decision had to be made – yes or no. The department heads had already gone through the plan, but they had not seen the detailed drawings that normally come with a site plan. The presentation had essentially been schematics; that was not what the Board usually worked with. Janvrin reminded that the SWPP was needed on a recordable mylar submitted and approved before the final vote. Hawkins said those could be conditions of approval; he liked the statement of not pumping one drop of oil until all of the systems and training were in place. The question had to be answered as to what happens in a hurricane; even if it is thought not likely to happen, the Board needed to know that the question had been asked. There might be a need for a game plan to deal with that in the future. Hawkins said this could not be done in 30 days, but it did not need to just be in 30 days.

Baxter, a commercial real estate broker, commented that he had done amendments to purchase and sale agreements; it happens all the time. His concern was that if the process was reversed for this applicant, why not for the next applicant. He did not think the precedent should be set every time. Barnes assured the Board that they did not have more time; it had been extended as far as they could. He understood [amendments] and had done that himself. They were dealing with two big entities; to their credit they stuck with US foods so far. Nestle Waters was bleeding a lot of rent every month; they need a final decision. They have other things they could do with this real estate, but the contract will be up. To those companies it seems that the process has been at a snail's pace. Both entities have said there would be no more time after November 30; it was not an idle threat. If US Foods did not have sufficient comfort by the town of Seabrook that they were able to have this fueling and maintenance shop onsite, he did not think the project would happen. It did not make sense for them to spending \$62,000,000 on an inferior project. Janvrin asked what they needed from the Board, which could motion to support the project and then go through



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the general process. The Board did not want to hold up the purchase agreement, but did not want to throw the whole procedure out the window.

Gibbons said they were presenting conceptual plans and would be hiring an engineering firm to produce a full set of documents that would ultimately be submitted for the building and stormwater permits. He thought US Foods was looking for assurance that although things might not be as presented at this meeting, but in the end they would do what had to be done including intervention by an independent third party i.e. an engineering firm to be hired. The Company would have its own review process. Typically municipalities would have their own engineering firm do the review, and there would be give and take. Hawkins said that was the Board's process; the applicant generates the product, and there is a peer review at whatever level the Board thinks is warranted for the process. Normally the Board gets the engineered package before giving the go ahead; now it would be go ahead and with the engineered package to come later for review. Gibbons said US Foods was looking for the Board to say that in concept their plan worked; that they had the go ahead for a truck fueling facility on the conditions set by the Board's third party review. Connors said the stormwater pollution and risk management plan were mandated at the state and federal levels; it is clear what had to be followed. Janvrin said that had to be on file prior to occupancy.

Chase sensed that US Foods feared that the Board would not approve the facility for the vehicles. Barnes and Glynn confirmed this. Chase asked if the fear was that they could not meet the criteria of all the engineer's specifications. Glynn indicated not at all. Hawkins said the real issue was that this was not allowed in the aquifer protection zone, but the ZBA had given the go ahead. It's the Planning Board's job to assure that whatever gets put in actually does what the Company says it was going to do, which is the reason for this process. If it had been just building a warehouse, it would get the go ahead to bring the plans back. Here, it was the town's water supply which warrants a little more detailed review than there is time to do. If there was a go ahead now, Hawkins asked how to accomplish that site plan review process with the real drawings. Janvrin asked if the Board had a level of comfort to approve the concept. He commented that he had hazmatt history in the army reserve; what US Foods had already presented was above the level for a refueling facility in Portsmouth. Hawkins asked if that had been in an aquifer protection zone, which is this issue. Hawkins did not want to find an accident in 20 years so that the town had to buy all of its water.

Khan said one of the main permits would be from the NH Department of Environmental Services for the fuel station set up, and the state standards were very high and being adopted by many other states. Those would cover a lot of the issues being raised; the review will be to a high standard and be very satisfactory to the Planning Board. Janvrin thought US Foods and the Board were both saying to have an engineering and peer review, but US Foods was saying they cannot get to that point without an approval indicating that the Planning Board was comfortable with the concept so the Company could close on the purchase. He had no problem at this point in saying he liked the concept so they can close the purchase. However, it needed a full siteplan review. He did not want the perception that they cannot do the project because the Board needs three months to review the full siteplan. Wood's had the same concern, noting that a previous applicant had wanted to something that they said was a hardship, but it really was not a hardship. She thought it a good idea to go through the process; she was not an expert. What she saw was wonderful; as an Alternate, her commitment was to the town. Unless there was a peer review that said everything was going to be the way it was presented, she did not see how the process could be reversed. It was forcing the Board's had to do something it would not normally do.



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Wood asked if the Board had ever done this before. Hawkins thought this was an opportunity for the town to create some jobs. The question was whether it was important enough to say it should or should not modify the process. He thought it might be done in 30 days if there was a technical review this week with minutes and a list to do. The engineered plans were not submitted. For example, the contours of the property today weren't known. It would be a total reversal of how the process was done in the past. He would not mind going through that process to see, but he wants to ask the questions e.g. how many gallons did the parking area hold and how many inches of rain did that equal. He thought 100,000 gallons would not be a lot in a big storm. The questions needed to be asked and answered. If it was decided to reverse that process, there would be no reason not to go ahead.

Wood noted that several department heads were present, and it had been discussed with Starkey. Hawkins said they would be asked for comments. Wood wanted to know if they would feel comfortable with what they had seen so far. Hawkins said they would be asked for their comfort level if the process were reversed. Chase was hesitant to back down on the process. He wanted to know that the requirements would be met, or were they so outlandish that they could not be accomplished. It seemed to him that the engineering community could design something agreeable to everyone. The question was what would happen before November 30. Connors asked if the trucks could be fueled above the aquifer if it were done properly. Hawkins asked the definition of "properly". For example, they would say that putting a roof over the whole area would be too expensive and would not make sense. They needed to say how they would engineer a solution; that's why it was a process. He thought this was conceptual and the engineering had not been done, and asked at what point the Board would be reviewing the engineered plans, and the peer review would say that would work., and the Board would be comfortable to vote for it. He asked what would happen if the peer review was not comfortable; they would own a place they did not want. Barnes said that was a risk he was loath to take; he was getting uncomfortable.

Hawkins said they would get a yes or no. From what was presented there were multiple stages of protection which seemed pretty good. The Board had to decide about choosing to approve one project in the aquifer protection zone; what would be done with the next. Would this generate a standard for the future. Janvrin said the ZBA had ruled that they were allowed to place a fueling station and truck wash on that location, with certain conditions that he thought were reasonable. The Planning Board could not say they could not, but had to give a process. to assure that the engineering would be done to the industry standard that was sustainable. The Board members were not engineers. Hawkins said it was like wanting to build a mall and the road system could not handle it. Janvrin said the spill and stormwater plans had to meet industry standards; that was what the Board was looking for. If all they want was a yes or no that they could build, it was already decided they could have it by the ZBA. The Planning Board could not say that they could not.

Hawkins asked for Morgan's interpretation of the Planning Board role vs the ZBA role. Morgan commented that if the ZBA had declined the variance, they would not be at the Planning Board. The Applicant was required to satisfy both Boards. Khan asked Morgan to speak to what the NHDES would do in re this project. Morgan said the presentation had listed the spill prevention and stormwater management plans that had to be submitted for NHDES approval. Frigge said they met with the NHDES above ground storage person in charge, who said they were well and above what they would require; their standards were being exceeded. Hawkins asked if that person said that knowing that this was in the aquifer protection area, or was he referring to their normal standard for a 20,000 gallon tank. Frigge said they were very familiar with the area and that they were working with that issue. Barnes clarified that the NHDES person said the conditions were the same; they were not adding another layer. It was not specific as to the aquifer



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protection zone. Hawkins said the focus on the redundancy was appreciated, because that would be what ultimately would make the Board comfortable.

Hawkins said that Slayton had seen the plans a couple of times and asked for his view. Slayton had looked at plans twice and spent hours in meetings with US Foods. The conceptual plans in re the fuel station and tanks, and the piping to the canopy say the right things. He would now concentrate with Starkey on the stormwater; he thought there were minor things to work through. He understood the desire to see the engineered plans as they have not yet had the opportunity. He understood the choice to have the department and engineering firm look at this, but also the need to give them the go ahead that it could be done. US foods should understand that some tweaking would be done during the process. Slayton said the SPI barrier was a new concept, so he talked with the AECOM representative who agreed to do some research on the product to see that the manufacturer's claims were upheld; the town needed to accept or not accept this. It might be a great product, but show that the manufacturer's claims are warranted. If there were a substantial fuel spill, would the product sop it up, plug up the drain, and hold the fuel back. He wanted to know that the product would do what was said it would do. Given the size of the project, if a different option was needed, the Applicant should be aware that it might be more expensive.

Hawkins asked for Slayton's level of comfort. Slayton said it was good. There was a two-walled tank inside the containment area; usually there would be one or the other. They did a good job thinking this through and needed to sustain that. He did not want to hear in a year that they had an army surplus tank. Wood said that was a valid point. Glynn said with \$63,000,000 in a project it would not be army surplus. Hawkins said that Garand had been in on the process, and asked for his view. Garand thought this was a good project. With the property under control of one person, it would be a benefit to the town. It was a good quality project for the town. Originally, the site was built by Trammel Crowe to a high quality, including the drainage, and was one of the better cleaned up sites. If they looked at that approved plan, and noted that they would clean up the detention ponds and the area around the building. Basically, the only change was the fueling station. He noted that there was a 2-bay maintenance area currently on the site, and he thought they would be providing additional detention. Garand said there was a level of comfort; the Planning Board had to determine what level of comfort they want to move the project forward. There could be a special meeting or review. The quality of every project in the town was important. He said there should be a give and take; the Board should discuss that.

Hawkins said the problem was that there was no engineering to look at. Garand said that the engineering from the original project was very thorough and was in the archived file. It was already approved once. The only issue was the containment for the fueling station and the car wash for which the ZBA gave the variance. The facility and the infrastructure were already designed. The building, parking and infrastructure with the roadway was taken into account when the original application was submitted. Janvrin said the mitigation for the traffic had already been taken care of. Garand said the Board should have a level of comfort with what was already on the site. The fuel and truck wash, which were self-contained systems, needed to be reviewed. Recovering all the water from the car wash and cleaning up the site would be a benefit to the aquifer. If they could prove the secondary containment with the fueling station, the drains, the roof facility, and the double walled tank it would be above and beyond. He thought it was a great project for the town. Slayton commented that if this project did not go through, there would be a good chance the building would be divided up and leased out to many organizations with no idea of what was going on. If the project went through it would put the whole complex under one umbrella with safety and plans for emergency response.



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Hawkins asked Slayton what would worry him for the future. Slayton said losing control of the site if the huge building were divided up. Garand added that the building had not been used to its full potential. There was some storage and items for the Nestle Corporation, also a food company. He asked what else would be desirable in that zone. It was not a public facility, he could not think of a better use. Slayton added it would be operated 24 hours daily for six days a week. Hawkins liked about not having drivers refuel their own trucks, and said that should be included in their standard operating procedures. Janvrin commented that that was a ZBA requirement.

Janvrin asked for the items that Starkey had wanted. Hawkins said they were fairly easy specific things, including the operations manual. Slayton recited the Starkey comments, including that the operations and maintenance manual update be sent to the DPW annually. Annual sampling of the he SOP's for stormwater systems should be set forth, and a report issued annually; the detention ponds needed annual sampling. Hawkins commented that that stipulation should be put into all applications. Slayton favored that a sampling schedule in re stormwater drainage would be worked out with the town. Starkey had also wanted verification of the effectiveness of the SPI barrier. Slayton wanted the company to work out some kind of floor drain system with the Sewer Department for the fueling and maintenance area in re tire residue and oil drops. That area should be kept clean. They should have the ability to wash that area down periodically, with the water contained. He cautioned that if the area got a little too cruddy, employees might decide to wash it down. They need some kind of drains and a holding tank or the like to keep that area clean. He thought that as a food processor they would want that area looking sharp for visitors. Glynn clarified that US Foods did not process any foods in the building; they only receive and ship cases.

Barnes asked for a conditional approval at this meeting subject to third party review. Hawkins said that Morgan had heard the proposal and reversing the Board's process, and asked for his reaction, and what could go wrong. Morgan thought the only downside would be that others would come to the Board later on and want the same expedited process. That could be a quandary, but that the Board could argue that this particular project would bring benefits to the town. If he were a Board member, he would be comfortable giving an approval subject to full satisfaction by the Technical Review Committee and the Planning Board. Janvrin said it would require a final approval at some point. Hawkins was uncomfortable not having written out what the approval should say, nor having conferred with the Town Planner about what the approval should say, and capturing what the Water Department needs. He noted there was the potential for two more meetings - which he did not favor. He asked if US Foods would agree to be invited to the November 19 meeting, Barnes said they would return to the Board as many times as requested. Janvrin noted that Morgan had spoken to the justification for doing this. And that parcel was in the Economic Revitalization Zone, which the town had already identified for redevelopment and to be utilized. Based on that, as a Board Member he felt the justification for [going ahead].

Hawkins thought that given what had been expressed at this meeting, it was possible to reverse the process. Also various town officials have made clear that the town was interested in having the project. He thought it was the Board's responsibility to do it right, the best that it could to ensure the town water supply which was in that area. He proposed to take the time between this meeting and November 19 to consolidate thoughts on how to word the approval so that there would be no surprises in terms of what was being asked in coming up with the final engineered plans for the normal review process. Khan asked for the Sewer Department comments. Maltais strongly supported the project, but had concerns similar to Slayton's. Just as the town had a process, the Sewer Department also had an adopted sewer ordinance which regulated and prevents sources of contamination discharging through the system or the biosolids that are



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available to individuals for composting and to other consumers through New England. That would be a strong concern as to regulating what goes into the collection system.

Maltais explained that there was a model pretreatment program which the state recognizes as one of the best. Campbell is meticulous in working with commercial establishments to permit and regulate them based on what the sewer ordinance requires. Legal discharge is monitored; the responsibility was on the business owner to maintain compliance with that permit. The department did inspections, and the owner submits monitoring reports routinely. There were industries right next door on Batchelder Road who were in violation and were fined by the EPA for violating their discharge permit; they were on a monitoring schedule of weekly and monthly reports. The town was very strict as to what and how they control what was in the system. Maltais said having one responsible party rather than a multiple number of individuals would be much harder to regulate. They have had difficulty on London Lane with one condominium owner but multiple tenants who conduct activity that sometimes was very difficult to regulate. Maltais thought the proposed plans showed a lot of detail and thought for preventing contamination or undesirable material from getting away in an uncontrolled manner. The detail report should be easy to review. They talked with Campbell about what they would like included. They could work with US Foods in the next few weeks and come to a general consensus as the requirements.

Hawkins asked if Maltais had any reservations about contaminants getting into the system given the presentation. Maltais thought that UD Foods would take all the required steps for maintenance and report activities in re the filters, containment tanks, oil separators which they regulate; the department would do inspections. If found out of compliance a notice of violation would be issued; sometimes an outside party would have to be hired to do the maintenance. Janvrin noted the testimony of department heads. He recommended convening a special meeting of the Technical Review Committee. Noting that many were at this meeting as well as the Town Manager, he thought a meeting could be scheduled so that the TRC could report back at the next Board meeting. That would give an idea about the needed conditions, and would be a good path forward.

Attorney Mary Ganz, representing the only residential abutter, Sandra [[[]], Folly Mill Road who had lived there for many years, and said this was only one of two town properties that was not hooked up to town water and sewer. She was very concerned about her well. Ganz showed a location drawing as well as a 1997 easement plan. The well is in the front of the home, and the septic in the back. They had spoken at the ZBA meeting and to the Town Manager looking for a comfort level during the last two weeks; she thought nothing had been done. Hawkins said the Board would try to build the discussion into the technical review for a recommendation. Hawkins asked why the property owner had not been hooked up. Ganz said they had not been able to get an easement over private property; half of her property was in Salisbury, but the home was in Seabrook. Janvrin asked if this was more than 400 feet from the main. Ganz confirmed this. The other issue was the truck noise during the middle of the night. Hawkins understood that, but also that this was an industrial zone in which businesses had to be allowed. Warehousing was a 24 hour business. During site plan review, The Board tried to protect the neighbors, sometimes with walls, fences, trees and bushes. Generally, the Board tried to protect neighbors from noise; whatever the noise was it could not cross the property lines. Abutters had the same right to peace and quiet. This would be talked about.

Barnes was not clear on the connection as to how this related to this Application. He said they had spoken, and indicated that the Company was sorry that Ganz' client did not have water and sewer, Ganz said they did not want their well to become contaminated. Barnes said according to the location, they could show that it would not be. Hawkins said the review process would take



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into account the concerns of the neighbors, and hoped the neighbors would do the same for this project. If someone asks the Board to look at something, the Board could do that. Hawkins asked Slayton if the town knew where the water goes in the aquifer, and if this situation was not a concern. Slayton said according to hydrologists, the flow is generally toward the ocean. Hawkins asked if this meant it was going away from the wells. Slayton said the aquifer as a whole travels toward the ocean. Hawkins asked if there was a mapping for this. Slayton said they had some idea. Janvrin asked if Ganz' client's property could be hooked up to water and sewer. Maltais said with permission from an abutting landowner. Janvrin asked if the client would have to pay for the infrastructure.

Barnes said the easement was not through the Applicant's property; they could not do everything. Hawkins said it was another private property. Janvrin asked if the hook up could come through the project property. Figge said it would have to go all the way out to Ledge Road, about 1400 feet, which would be the closest sewer. Janvrin asked Ganz if her client had access off Folly Mill Road. [[Maltais]] said that would be in Salisbury which did not have sewer in that area. Hawkins said this matter would be on the discussion list for the possibilities. Hawkins asked Morgan if there were other points to discuss at this meeting, given they would have a technical review and be back for the next meeting. He noted the TRC meeting would focus on what the department heads were concerned about and wanted solutions. Morgan thought the TRC was an excellent idea. Janvrin thought it would be important for the Application could be accepted, and asked Morgan if there was a reason this could not be done. Morgan said there was precedent for acceptance, and that the Board had accepted many kinds of applications e.g. expedited reviews for smaller projects, or items still to be submitted. The Applicant had provided a lot of good information at this meeting; Janvrin agreed.

Baxter noted they would return in 2 weeks and asked if it would be possible to get the full engineering for just the new maintenance and fueling area which was the real concern. Gibbons said it wouldn't be possible because they would have to take about 3 days to get the property surveyed, and then have a civil engineer get the data computerized. Hawkins asked if the TRC could be convened this week; the minutes could be typed to give time to put together a proposal for wording the approval. Khan asked the Town Manager if the department heads could be available. Manzi said they would attend. Hawkins asked if this could be on Friday, November 22; there would not be more to review. The purpose was to detail what the depart heads wanted in the approval, and to be up front with the Applicant with what they worried about or wanted looked at. Kravitz asked if there was anything the department heads wanted to see that might already be in the file. Maltais wanted the technical drawings of the fueling station. Hawkins said to bring the file, recognizing that the engineering was not yet done. Barnes asked if US Foods needed to attend that meeting. Hawkins said absolutely yes. Connors said he could send the draft SWPP and Spill documents in advance of the TRC. Hawkins said to bring whatever they had for the persons who would be making recommendations. He commented that most of the factors had already been talked about at least once; he wanted this in writing. Gibbons said they would bring other drawings as well.

Chase thought Garand had said there were very few things to be done at the site, other than the fuel facility. Garand said that currently they had a 2 bay repair facility within the building, which would be moved. The only addition on the site would be the fueling facility and the truck wash. Chase added there would be a small extension on the outside of the building. Garand said that was minimal and not an issue. Chase wanted to be sure that something else would not pop up afterwards. Angeljean [[Chiramida]] of the Newburyport News assumed that if it were not for the fueling bay and truck wash they would not need to be at the Planning Board because it had been



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pre-approved. Hawkins said if they were making modifications they would be. Chiramida]] said it was an existing use previously approved as a warehouse. Garand added it had been approved and was allowed. It had been for water before, and would be for food and have refrigeration. [[Chiramida[[said the only thing was the fueling and truck wash.

MOTION:	Janvrin	to accept Case #2013-19 as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved: Unanimous

Hawkins scheduled the Case #2013-19 Technical Review Committee Meeting for November 8, 2013 at the Seabrook Groundwater Treatment Center, 550 Route 107 at 10 AM. Hawkins continued Case #2013-19 to November 19, 2013 at 6:30PM in Seabrook Town Hall.

Case #2013-21 – Proposal by RMD, Inc., and Delta & Delta Realty Trust for a 2,414 square-foot restaurant, and also a 1755 square-foot restaurant at 380 Lafayette Road, Tax Map 9, Lot 1.

Attending: Jim Lamp, J & Company;
 Appearing for the Applicant: Earle Blatchford, Hayner Swanson;

Blatchford said that this change of use request for about 4200 square feet of tenant space in retail Building #2, which was currently under construction, to include a 5-Guys restaurant (1500 square feet) and a Zinga Yogurt Shop (1000 square feet). To support those uses there would be a few changes. Using a drawing, he showed where a 1500 gallon grease trap and a dumpster pad were added at the end of the building, and two parking spaces would be eliminated. The dumpster pad in the back of the building would go to 52 feet long from 32 feet. He referenced a letter from the Water Department re the relocation of water service; the gas line would be relocated. Additionally, the sidewalk would be widened to 12 feet from 10 feet. The handicap spaces had been shifted to relocate the ramps between the columns. Adding a tower on the corner, and some gables, were architectural changes. Janvrin asked for the location of the units. Blatchford pointed them out. Kravitz said that Tom Campbell, the Industrial Pretreatment Manager in the Sewer Department had supplied an approved grease trap schematic which would need to be inserted on the revised plan, noting that that change was not on the distributed plan. Blatchford said Campbell wanted the access to be in the drive aisle, rather than in a parking space, and there were also a couple of standard detail changes to come into compliance. He submitted a letter from the Water Department.

Hawkins asked for Morgan’s comments or issues. Morgan asked about the traffic. Blatchford said the traffic study used the ITE 820 shopping center standard which assumes mixed use i.e. certain amounts of office and retail. Morgan’ recollection was that during the original approval, they talked only about stores. Blatchford said at the time of the approval this building was spec space. Hawkins said this is the exact scenario that the Board just went through with Panera Bread. The entire property was included under 820; he had challenged VHB to produce the documentation which was done. Regardless of whether the Board thought it should be able to deal with the individual buildings separately, the way it was written and the way the traffic study was done, these were allowed uses in a shopping center. There was confirmation from RSG, the Board’s traffic consultant, that that was correct. While the Board might want to recount the traffic for the change of use, there was not much basis to do that because of the original assumption of using 820. Janvrin asked if the parking requirement was met for the units on that site. Hawkins said the requirements for the restaurants was 37 for customers and 19 for employees. The



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remaining square footage of 9,331 divided by the maximum would be 54 spaces, for a total of 110. There were 75 spaces around the building and the employee area had 42. Hawkins noted that this was all one lot; all of the spaces were shared.

Hawkins said this issue kept coming up in mixed use because of the maximum on retail, and retail was still the biggest use in that building. Ideally, the amount of hot-top would be reduced. Janvrin recalled that a waiver was given for landscaping south of the access drive, and for Building #2 they had met the requirement for a separate lot. Hawkins thought the approved landscape plan was for the whole site. Lamp thought the only place they needed the waiver was in the front of the main building. Janvrin thought they had met several elements for the greenway, and the sidewalk was on their property. Hawkins asked how Morgan viewed the parking. Morgan said this was not a typical situation because the bulk of the parking lot had been grandfathered; the Board accepted that. This means that cars could also park on that grandfathered part. Given this dilemma, Morgan said to figure out if the parking needs would increase because of the restaurants. If so, do they have space on the property to accommodate it. It would not be practical to apply the parking formula in re the new and existing lots. Janvrin thought that combined they would meet that requirement. Morgan said they probably would, and that the focus should be on whether they had enough parking for Building #2.

Lamp said the question essentially gets answered by the tenants who know each others' parking needs, to get their patrons in. There were several ways to do the parking based on the grandfathering, and the maximum on retail but no maximum on restaurants. They felt comfortable that they would meet the regulations no matter which way the parking was figured. Hawkins said when the Planning Board changed the regulations from a minimum to a maximum, the intent was to reduce the amount of parking spaces that were never filled; they wanted to reduce the empty hot-top. However, he thought they had not considered the mixed-use calculation factor. If the traffic were backing up into the street and patrons could not get in because of a restaurant, it might have been a mistake. At this point that was not the case. Morgan said the Board had been successful avoiding a repetition of the Lowe's lot, and since the regulation change everything that came in met the amendment reasonably. Chase asked if the sidewalks affected the parking. Hawkins said it did not. Blatchford said the only thing affected was they removed two spaces. Chase meant as to the truck turning. Lamp said they did not decrease the pavement area in the parking at all; they shrunk the side aisle a little bit. Blatchford said the building was shifted by two feet to give the sidewalk space; it did not affect anything in the front.

Janvrin asked about the 50-foot pad in the rear. Lamp said that was for multi-tenant dumpster(s); the north end was for recycling and food dumpsters. Chase asked if they would put up a wall. Lamp said it would be fully enclosed and solid. Janvrin referenced the West Marine dumpster pad adjacent to Lafayette Road. They allowed that wall to be of a concrete style, the color of the building. Lamp proposed a three-foot concrete barrier with fencing on top for the dumpster area.

Wood commented that she shopped daily at the Market Basket and found the employee lot and in front of the store without extra spaces. She asked where the overflow [from building #2] park. Lamp said they would have to come back for waivers if the needed more spaces than the current maximum. They think what they have on site now is adequate. Employee parking could be moved if necessary. Parking was not distributed evenly; it depended on who the tenants were. They felt the parking was adequate. However, if they had a very successful retailer tenant, they might need more spaces. If there was a problem, they would have to come to the Board to discuss how they could adjust the parking spaces.



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Blatchford noted that the row nearest Lafayette was underutilized and could be for employees. Hawkins said it would be the owner's responsibility to get people into the stores. Blatchford said that employees were usually the first ones on the site and could be told to park on the other side.

Khan asked what would happen if the north building were to have more food establishments, and how many tenants they were looking for. Lamp said they did not know. They thought that typically retail would include something like a pizza parlor. In Seabrook that's not so because of the parking table. They would talk with potential tenants that could meet the code; if the regulations or the site plan were affected, they would have to return to the Board. It was tough to come back to the Board; they had to catch a tenant when they could. Khan commented that he also frequents Market Basked, and said there was a design problem at the main entrance when cars going south tried to immediately make a left turn which was a safety problem. Blatchford said it was striped. Janvrin agreed with Khan indicating that he was almost swiped. That was the biggest problem; otherwise Khan did not have issues. Lamp said they would think about that; perhaps signage would help. Blatchford said some adjustments had been made; Lamp said they were not working. Janvrin suggested a rumble strip. Khan said the problem was crossing two lanes. Chase said the building looked very nice.

Janvrin commented that the signage asked for had been put in. He had heard no complaints. Hawkins asked Morgan if anything had been missed. Morgan asked about changes to the utilities. Blatchford said just the second utility plan that corresponded to that part of the site, and the detail sheet requested by the Sewer Department; water was already on the plan. Lamp said it just affected the grease-trap locations. Khan wanted this detailed for the adjacent properties. Hawkins asked for other comments or questions; there being none.

MOTION:	Janvrin	to accept Case #2013-21 as administratively complete for jurisdiction and deliberation.
SECOND:	Sweeney	Approved: Unanimous

Blatchford said the contractor was waiting for this process and was anxious to proceed to the Building Department. Hawkins said there would be no need for technical review, and asked for Garand's view. Garand wanted the Board to be happy with the parking..

MOTION:	Janvrin	to approve Case #2013-21 – Case #2013-21 – RMD, Inc., and Delta & Delta Realty Trust for a 2,414 square-foot restaurant, and also a 1755 square-foot restaurant at 380 Lafayette Road, Tax Map 9, Lot 1. conditioned on (i) an enclosure for the Lafayette Road side of the dumpster which is essentially the same color as the building; (ii) insert the sewer depiction approved by the sewer department on the plan; (iii) add the Case number in the title page; and (iv) the final revised plan to be entirely satisfactory to the Town Planner;
SECOND:	Sweeney	Approved: Unanimous



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Hawkins said the meeting would end at 10:30PM, with any case not heard having the option to be heard first at the next meeting.

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, September 3, 2013; September 17, 2013; October 1, 2013; The topic is traffic configuration and exactions.

Attending: Jim Mitchell, IStar Seabrook;

Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jeff Dirk, Vanesse & Associates;

Morrill said they had requested the waiver for the landscaped island; two parking spaces had been removed for the widening as asked by the Board. In a letter, Pizza Hut had signed off on the sidewalk to the site, the landscaping, the lighting, and a crosswalk. Morrill said RSG had signed off on the truck turning. They would add a “do not block driveway sign” going out to the intersection. Janvrin preferred a W11.2 sign rather than an S1.1 sign at the DDR entrance, and wanted an R5-2 sign directing deliveries to the next entrance. Janvrin wanted an R10-15 sign at the second entrance – turning vehicles must yield to pedestrians. Dirk agreed with the signage changes.

Khan referenced Morgan’s memorandum indicating that the sidewalks issue at this point had not been decided by the NH Department of Transportation and DDR. He thought it might possible work better if sidewalks were inside the property. Morrill recalled that they had said at the last meeting if there were a problem they would construct the sidewalk onsite as a condition of approval. Morgan said there was a possibility that this could not be resolved with the NHDOT right away. Janvrin asked if there were a drainage swale in the front. Morrill said there was a small drainage swale in the front. Janvrin asked if the sidewalk would interfere with that. Morrill said it would not. Morgan asked how a pedestrian walking northbound on that sidewalk would get across the DDR driveway. Morrill asked if DDR was doing something there. Morgan said this was up in the air, and asked that the Applicant do what they could to make the sidewalk seamless. Morrill said they thought to wind over to the other side.

Morgan wanted pedestrians to cross in a safe place. Hawkins noted that was not the Applicant’s property. Morrill said they could not go on the state right-of-way. Morgan did not want to have the sidewalk end in a place that was not safe for pedestrians to cross. Mitchell thought the sidewalks could come back through the DDR development. Morgan said there used to be sidewalks all along Lafayette Road; he wanted to assure that pedestrians could continue on. Morrill had no control over something that was on other private property. He assumed that DDR would put a cross-walk. Dirk said pedestrians could push the buttons at the signal. Janvrin noted the signal had already been installed, although not yet operational, and that they were measuring for the cross lines. Hawkins said there was not yet an answer. A meeting with the state and DDR was scheduled for November 13. He did not know where this would end up, and appreciated that the Applicant was willing to change the location if necessary. He thought no sidewalks should not be the ultimate solution; at this point DDR was not in a negotiating mood. Hopefully something would come of the meeting. Morrill said they would move the sidewalk if they had to.

Chase asked if the letter from Pizza Hut was for the crosswalk. Morrill said it was for the crosswalk, light trespass, adding shrubs, - the items that the Board wanted. Wood expressed appreciation, asked about the correct spot for the back entrance. Morrill said the best spot was



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reflected in the writings between Vanesse Associates and RSG. Signage not to block intersections made this work. Lowry asked about the speed for going across the back if the site, which he thought would become a raceway. Janvrin asked about traffic calming measures. Dirk said none were done, but they could be added to the plan. Chase asked if both traffic consultants agreed the truck backing out would not create a hazard. Morrill said deliveries would have to be in off hours to avoid blocking. Hawkins asked about the turning radius. Morrill said it had been sent to RSG and the Planning Board. Kravitz thought there had been a question about backing out. Morrill said RSG wanted trucks to be able to enter the loading area from either direction. Chase asked about the size of trucks. Janvrin said a 28 to 30-foot box truck.

Garand asked whether there were two driveways off the DDR entrance road. Hawkins one was approved; it was up to the Board whether to approve the second. Garand thought that was a decision to be made now because it could change the whole design of the site. Hawkins said the traffic consultants were asked to do an evaluation of the two possibilities. Dirk had done that; the key was the queuing in relation to the driveway. This was submitted to the Board's traffic peer reviewer. Dirk said the analysis was that the queuing would come close to the driveway, possibly one car beyond in extreme instances. The conclusions were to add the signs and pavement markings which were felt to be effective. It would be a rare occurrence to be blocked. Dirk said it was determined this was a good location for a full access driveway giving enough separation from Route 1 as well as from the internal DDR intersection. Janvrin asked if the markings would be for a zebra box with verbiage not to block the box. Dirk confirmed this. Garand was concerned that someone wanting to take a left turn when cars were coming from the DDR Plaza would be crossing that land. Janvrin said they would start to move and wait for an opening.

Garand said the Planning Board could extend the median down so the left turn could not be made; traffic could be forced out to Provident Way. He thought impacting the main entrance would be detrimental to the plan. Janvrin said when DDR was not fully built out, it might not be noticeable. Garand noted that when the Planning Board had approved the DDR design, the main entrance was on Provident Way; the traffic study was based on that. The Planning Board gave a curb-cut on Lafayette Road and gave an easement to satisfy Mitchell's requirement. That was why there was lone curb-cut for access. Garand said a second curb-cut with free access was going beyond the scope of approval, Hawkins said there had been an empty lot. Garand said this was going beyond the DDR approval for the curb-cut, and the driveway access; one curb-cut was allowed to satisfy Mitchell. Now they were asking for two curb-cuts, one with full access. Garand said the Planning Board had to make a decision.

Hawkins said the Board's decision was to go out the back, or allow them to come out into the DDR drive. Garand wanted a median with a right in-out. Chase thought that people coming out of DDR would cut through this site to Pizza Hut or CVS; there would be a back up to that intersection to turn into this site. Janvrin said there would be traffic coming from Provident Bank. Garand noted there was a right in-out at Market Basket with no left turn that was not adhered to. Garand said the only way to avoid that was a raised median so a left turn could not be made. The Board had to make a decision in re very busy roadways. Wood commented that the other place right in-out did not work was at the Dollar Store because the right going north was wider for the hotel entrance; people assume they can cut across Route 1. Garand said that box trucks going in for deliveries would block up the driveways. There were no restrictions in the planning for the site. Wood asked if it were feasible to extend the median. Garand said that might be a solution because cars would go out to the DDR Mall and come out to Provident Way, or make a U-turn. Garand called attention to how confusing the McDonald's driveways were. Wood said to learn from that. Garand said the design had to be looked at, and decision made about one or two curb-cuts and right in-out.



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Chase asked if the Board was in a position to extend the median. Hawkins thought it would be difficult to do an extension in the DDR driveway. Chase did not think that could be done. Hawkins said the Board's option was to have a right out that emptied knot the DDR plaza in the back. The reason the traffic peer reviewer was hired was to tell the Board if this would work or not. The peer review said it would work. Board Members could talk about what they might or might not like, or listen to the professionals that were hired. Chase asked who would pay the consequences; Lowry thought about right ins and outs that would not work. Hawkins said the state allows those things to exist. The question was asked if this configuration would work, or would the turning right into the DDR complex work better. The problem with that was there was no place for queuing at the top; it would lonely take two cars to back up the queuing. The peer reviewer pointed out that there would be a lot more queuing area coming down the driveway itself, than going out the back.

Wood did not have a problem going out vs going out the back, but said to make it feasible. Everyone looked at things on paper; Garand had brought up the traffic pattern at the McDonald's which might look on paper; people still go in and take a sharp right to go in the exit, or have to go around the building twice. It may have worked on paper, but she thought that kin reality it did not work. Garand noted that people went out of the Governor Weare apartments on the wrong side of the island; Wood noted there was no signage, so it was tough. Garand said it might be tough now, but would be tougher with the new traffic. Janvrin said that needed to be signage now for coming out of McDonald's and Governor Weare. Khan commented that there was a similar situation at the existing Walmart site and the Bank intersection, although the DDR intersection was much bigger. He asked for comments. Garand said it was poor design, although it worked well on paper. That plaza was much smaller. The professionals said the design will work, and also said the New Zealand Road intersection would work. He wanted to know if the design would work well, and thought eventually it would jam up.

Hawkins asked what the Board wanted to see – if it wanted the exit out the back. Chase had not seen this, noting that the discussion had been in re the DDR plan. Morrill said the plan had been shown in July. Hawkins said the two issues were in the parking lot. Wood asked how smooth it would be for people to use to go to CVS i.e. if someone missed the turn into CVS, would they have to go into DDR. Chase said they would come across from the first turn at the front of this site, not out to the back. Janvrin saw the parking lot as traffic calming. Khan said it was like at the McDonalds. Given the traffic flow going in and out, Khan asked Dirk to explain how long the cars would wait to make the left turn going west. Dirk said there would not be queuing in the site because there was a traffic signal controlling the traffic flow into the site. During a majority of the time, the traffic would flow on Lafayette Road with only a right turn northbound; the traffic would not back up. The queue did not back up on a regular basis. Even when the left turn signal is on, there would be a gap in the flow. Dirk said that was why he and the Board's consultant said this would work. Khan noted that the Bank, CVS, Pizza Hut and the coming restaurant would be using the back road. Dirk said cars would come out of those sites before the intersection.

Khan asked about the new [Waterstone] project with a roundabout. Dirk said that would be off of Provident Way. Khan thought some traffic would come from that direction. Dirk said that traffic would go out to Route 1. Lowry said a lot of traffic going across Provident Way and behind CVS. Dirk said that that type of traffic would be impeded with the new Waterstone design. Khan said he was better satisfied with that explanation. Morrill said there would be a right in-out so that traffic would not go straight through. Janvrin thought that Lowry meant that when people go out of DDR, they would go down toward Provident Way and turn into CVS to avoid sitting at the signal at the Routes 1 and 107 intersection. Mitchell said he'd lived in the area and the easiest and safest movement was to go to the light. Dirk said there were improvements in the [Waterstone] design



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that would help as well. Khan said he now had a better idea of how it might be working. Chase asked if anyone wanted to have a right in-out restriction. Hawkins said if he was a property owner it would not work at all because traffic would just be dumped into DDR, which would not be convenient. It would take a U-turn to get out, which would not work. Khan said that would confuse drivers more.

Chase asked if there would be striping at that point. Dirk said the recommendation was to remove striping and use the do not block box. They would have to work with DDR on that. Khan had seen the box design in New York, but asked if this had been used in this area. Wood said the striping could not be used if there was only a right in-out. Dirk said such striping would be illegal. Dirk thought it would be wrapped on either side of the driveway. Janvrin thought there was already a regulation yellow line. Dirk said they would break that line with permission from DDR; otherwise it could not be a full access driveway. Hawkins asked if it would be preferable to go out then back, rather than a right in-out. Garand said the town and DDR approved one curb-cut; to change it DDR would also have to approve. At one meeting it was stated that two driveways had been approved, but going through the minutes showed only one curb-cut was approved at least 80 feet from the Lafayette Road intersection. Mitchell said that was right in-out; but the same approval had a full access toward the rear. Garand said that DDR only approved a right in-out. Janvrin thought that DDR had been present during the discussion. Khan said the NHDOT also attended. Hawkins said the NHDOT did not have a problem with this plan.

Hawkins said the decision would be whether to use the don't block the box striping at this access, or go out the back. Frazee said to keep as much traffic off the DDR entrance as possible, because in the future it would be needed. Janvrin said he was no traffic expert. Both the Applicant's and the Board's experts concurred that this configuration was acceptable even with the traffic flow from the DDR site being fully built-out. He would go with the experts. Sweeney agreed. Chase thought it might not work, but also would decide to go with the expert that the Board hired to do the job. Lowry asked what would happen if DDR did not go along. Hawkins said they would have to come back to the Board. Chase asked if an alternative would be for the Applicant to be asked to get DDR's permission and come back. Wood agreed, because if DDR would not allow this do not block the box, the Board's discussion would be moot. She was becoming more concerned with the first entrance which could become a fast cut-through. Hawkins noted it could not become too fast because of the turns. Khan was satisfied with the explanation from Dirk that cars would have the time to go west. Baxter said it ok with DDR's permission. Janvrin said the Board could not fix everything, even something stupid; there always could be human error or driver ignorance. Hawkins said the Board could eliminate something.

Hawkins thought the Board wanted to make sure that DDR would approve the block the box painting at that entrance. The Applicant should also reread the ordinance and do the exaction fee calculation again. He pointed out that the definitions in the ordinance defining that "...each vehicle that enters the property shall be considered one trip; when the vehicle exits the property it shall be considered a second trip..." There is no directional adjustment, or whether the vehicle was already on the site. Based on the traffic trip generation in the traffic study, the figures would be 13, plus retail of 184, and the restaurant for 35, equaling 132, less 50 equals a total of 82 x \$1200. Dirk asked about internal trips. Hawkins said if they drive onto the building property that was a trip. The DDR calculation was done the same way and the Board wanted every applicant to use the same formula. Under the old calculation, DDR was less than \$1200, Market Basket was less and Kohl's was much more. The range went from about \$1600 to \$800. The Board chose to use \$1200 for cars in and cars out.



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Hawkins explained that the Board could not make the calculation on where cars came from or were going to, because that meant the Applicant had the discretion. The Board looked at what was needed over a 10 to 15 year period to do the needed build-out on Route 1, and every calculation would be done the same way with a \$1200 factor. Dirk thought the internal trips were being double counted. Hawkins said if internal trips were eliminated the factor would be between \$1500 and \$1600. The traffic need had to be mitigated. This method was easy and understandable. The formula was built on trips in and trips out. Dirk said if ITE 820 was used, then internal trips would not be counted, rather it would be on a per user basis. Hawkins said that was not how the formula was done. If internal trips had been calculated, Dirks would be right – but the number would not be \$1200. The formula was kept simple – trip is and out for each piece of property. That was to be calculated not based on where it came from, but by the size of the building and its use. Under the old formula, it was impossible to come up with a defensible number.

Morgan said the objective was to eliminate the ambiguity. Dirk had never seen it done this way. From the Applicant's perspective, the correct trip generation had to be done accounting for the ITE 820, or the applicant would be at a disadvantage. Generally, he could have run the calculation at 820 and explained the reason why. From a professional perspective that would not be the correct way to run the trip generation, nor would it be for the next project. Technically he could have said that outparcel uses were included in the 820 but that would not be the correct way with drive through windows. The interim trips would be used to accomplish the interaction between those uses. Those trips come into the site once, and leave the site once. Dirk said the internal trips should not be counted. If he said it was 820 for everything, that Applicant would be paying more money. The difficulty was they wanted to do the calculation the right way. He understood the Board wanted to say that any Applicant could come in and use different internal trips. For the Applicant's perspective, and for himself as the professional, he wanted make sure the correct land use codes were used and applied.

Hawkins said it would be up to the Planning Board to way that it agreed with the codes Dirk chose, which was the reason for peer reviews. The Board was not made up of experts, and depend on the professional using the right codes. It was not clear what the right amount of money was needed; the speed of development and where development takes place on Route 1 had as much to do with everything in terms of exacting a percentage. The Board was not trying to exact one hundred percent, because the state also had a responsibility but did not seem to accept that these days.

Mitchell asked if a conditional approval would be possible subject to getting the sign-off from DDR on the site plan that represented the modification discussed. Hawkins asked the Board if it were ready to make an approval with that condition. Khan asked if that was the last item, noting that if the condition were not met there would be no approval and they would have to return to the Board. Hawkins asked for Morgan's view. Morgan said other stipulations would be a recordable stormwater maintenance plan, and revising the traffic mitigation assessment previously discussed. Hawkins preferred to wait for the clarification, because if DDR did not approve they would be talking about going out the back of the site. Mitchell was confident, based on discussions he had had with his company's President Scott Mitchell, and discussions about the access plan.

Hawkins noted it was nearly 11 PM; the members were tired. Baxter suggested letting the case be first on the next agenda. Hawkins agreed and said the access and the exaction were the remaining open items. **Hawkins continued Case #2013-13 to November 19, 2013 at 6:30PM in Seabrook Town Hall.**



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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, September 3, 2013; September 17, 2013; October 1, 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, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013.

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

Chevy Chase Road Relocation Request

Attending: Arleigh Greene, GRA Real Estate Holdings; Anton Melchionda, Waterstone Retail Development;
Appearing for the Applicant: Wayne Morrill, Jones & Beach; Jeffrey Dirk, traffic engineer, Vanesse Associates;

Hawkins said this Applicant would have the choice to be among the first at the next meeting. Greene asked permission for Dirk to quickly describe the new traffic concept. Hawkins said to introduce the concept. Hawkins reminded that they had not wanted to deal with the siteplan until they had looked again at entering and leaving the site.

Dirk commented that he Board had given good feedback. They redesigned the siteplan; more importantly they redesigned the access configuration for the project. Accordingly, the Route 1 traffic signal was moved from the Staples driveway to Perkins Avenue to avoid the left turn problems and maintain access to the neighborhood. The primary access would come out a little bit offset to Perkins Avenue and operate as one signalized intersection. The Staples driveway would be right in-out with an island this would allow long access lanes and the left turn into Perkins Avenue. Dirk said this would be more efficient and better accommodate the turn lanes.

The second major change was that Provident Way would become a major entrance into the shopping center. The new plan had only two curb-cuts on Provident Way – the first as a right in-out driveway from Chevy Chase. The entrance opposite the DDR driveway would have a round-about further to the east opposite the DDR entrance. The configuration would allow large tractor-trailer trucks to make the turn and continue on to the power plant or turn into Walmart. That intersection would operate a very efficient level of service. Most of the exiting traffic would be a right turn which would work well with the round-about. Hawkins asked Kravitz to comment the power plant's request to look at plans. Kravitz said the request was to do a sensitivity study in re the shopping centers on either side of Provident Way by engineers hired by NextEra. Hawkins said the concern was they might say that was too much on their entrance road. He asked Morgan if he'd heard anything. Morgan had had a call a few months ago when he wanted to gather as much information as they could. He noted that Provident Way was classified as a town road. Hawkins asked if they would not be able to exert rights on it. Morgan said not that he was aware of. Greene thought that NextEra was very thorough. He had not shown them the new concept,



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although they had stopped speaking about a curb cut until they had feedback from the Board on the new plan. Greene will present the revised traffic plan to Next Era prior to the next meeting. Hawkins asked if the NHDOT had seen the new concept. Dirk said it had been sent NHDOT via email and hard copy. Janvrin asked if they were aware of the upcoming public hearing regarding the widening of Route 1. Dirk said they were; that was why they sent the full concept and analysis. Chase thought this a good plan. Hawkins said that David Saladino of RSG would be invited to the next meeting on traffic; the focus would be on how to get in and out of the shopping center. He asked if Dirk had talked to Saladino along the way. Janvrin asked if Case 2013-15 could be heard first. Hawkins said he would leave that up to Greene. Greene thought to take the next meeting to talk about landscaping and architecture, and asked that clearing up the traffic issues be scheduled for the meeting after that. Abutters also needed to be heard. Greene thought they were in agreement on the exaction fee. There were questions about the light at Perkins and the left turns from route 1 south onto Provident Way.

Hawkins asked if the round-about would affect building placements. Dirk said the site and capacity of each of the intersections had been redesigned to accommodate the round-about and the shifting. Hawkins said the issue would still be whether the intersections were big enough to handle the amount of expected traffic. He asked for the capacity rating of the Route 1 and 107 intersection. Dirk said they would operate fine, but he and Saladino had noted that some of the volume to capacity ratios would be slightly above 1 during peak season at the Route 107 intersection and New Zealand Road, even with the improvements. Hawkins asked if they would near 1.7. Dirk said they would not. Dirk said the cross section to get the 107 intersection below 1 would be massive i.e. 7 to 8 lanes which would not be realistic. Hawkins wanted to understand the capacity at each intersection; the state would have to agree. He noted that the traffic impact should be based from where DDR finished i.e. built-out. Dirk said that had been all redone.

Janvrin commented on the large amount of reading for this meeting, which had been very productive.

Hawkins continued Cases #2013-14 and #2013-15 to November 19, 2013 at 6:30PM in Seabrook Town Hall. The topics will be landscaping and architecture; traffic would be reheard on December 3, 2013.

Hawkins adjourned the meeting at 11:05PM.
Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board