



Members Present: Jason Janvrin, Vice Chair; Francis Chase, Roger Frazee; Michael Lowry, Ivan Eaton III, Aboul Khan, Ex-Officio, Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer; David Saladino, traffic consultant, RSG  
 Members Absent; Sue Foote, Alternate; David Baxter, Alternate, Donald Hawkins, Chair; Paula Wood, Alternate,

Janvrin opened the meeting at 6:40PM.

**MINUTES OF MAY 6, 2014**

Janvrin asked for corrections or omissions re the May 6, 2014 Minutes; there being none.

<b>MOTION:</b>	<b>Lowry</b>	<b>to accept the Minutes of May 6, 2014 as written.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: In favor: Janvrin, Khan, Frazee, Eaton, Lowry;</b> <b>Abstained: Chase</b>

**CORRESPONDENCE/ ANNOUNCEMENTS**

Janvrin said he would have to recuse himself in the Case #2013-28 matter, and asked for a volunteer to act as Chair pro tem for that discussion. Chase agreed. Lowry also recused himself for the discussion re Case #2013-28.

<b>MOTION:</b>	<b>Eaton</b>	<b>to appoint Francis Chase as the Chair pro temp for a discussion in re Case #2013-28.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: In favor: Khan, Frazee, Eaton, Chase;</b> <b>Abstained: Lowry, Janvrin;</b>

Janvrin and Lowry stepped away from the table.

**Case # 2013-28 Marshall Heirs, Rushbrook subdivision proposal to extend water line and reduce cul de sac sidewalk:**

Appearing for the Applicant: Henry Boyd, Millennium Engineering;

Boyd said he had been on vacation when the Planning Board decided to continue sidewalk entirely around the cul de sac, which was not customary. He learned from Michael Green that the Applicant had agreed to extending the sidewalk, but not to extending the water line to the NextEra main to enable the loop which everyone agreed would be beneficial. Boyd understood that the Town Manager was in negotiation with NextEra which looked promising. He suggested to Green that rather than extend the sidewalk (which had not been part of Boyd's design), the Board be asked to reverse that requirement and use the money to extend the water line [to the edge of their property] which would make the town and others happy. They would not have authority to do more unless the easement and the right to tie into the NextEra water line came through. Boyd said that there would be a cap at the cul de sac so that the water department could always blow out the line. At the preconstruction meeting the question was left as to of where the money would come from to tie into the water line if the negotiations with NextEra were successful.

Boyd said they did not intend to speak about this money issue at this meeting, although it was important. He thought the town's position was that it did not want any expense and Green should pay for this. Kravitz said there had been discussions, and understood that if permission was



obtained during the construction period, Green would agree do the tie in for the loop. If permission was delayed beyond the construction period, according to the Town Manager the town would undertake the tie in and related cost. Khan said he had made the cul de sac proposal at the last meeting; everyone believed the loop was a good thing. He asked for someone to explain the conversation with the Town Manager at the earlier [preconstruction] meeting earlier that day. Chase thought that the sidewalk was to be extended all the way around, and the water line would be extended to the property line. Khan said there was a different understanding at a subsequent Planning Board meeting. Boyd explained that there were to be two shutoffs, one on the property, and if approved, one would be located in connection with the link to the NextEra line so that a road cut would not be required. He understood that the town rejected holding \$10,000 for two years toward the cost for a NextEra connection. The alternative was the proposal to reduce the sidewalk, and have Green put in the water pipe extension to the end of their property.

Morgan thought that the Board was inclined to accept the proposal which would require a public hearing and abutter notice. He recommended this be scheduled for June 17, 2014, which would give Green and the town more time to negotiate for approval. Boyd agreed.

#### **Walton Road Bridge – emergency access drive**

Attending: Jim Grafmeyer, Vice President, DDR; Steven Coes, Project Manager NextEra Energy;

Janvrin referenced an email re an emergency access drive. Morgan said that Grafmeyer might shed some light on the status of the emergency access drive. Grafmeyer thought this roadway had been used for emergency access to the DDR project, and that the power plant had denied this now. Coes said they had no such request from the town. Grafmeyer explained that the curb cut had been removed; they had asked to keep the curb cut and replace the pavement. Morgan asked if this had been in the original siteplan. Grafmeyer said it had been on the plan but not marked as emergency access. DDR was prepared to do the work. Coes said NextEra would entertain a request from the town. Khan will speak with the Town Manager.

#### **Case #2008-23 DDR – Governor Weare Apartments Road Agreement**

Janvrin referenced a letter from Grafmeyer re placing a bus stop on the property. Chase had been involved in negotiating this arrangement; the pole appeared to have been moved, so they must be preparing to do the work. He was not sure this was a Planning Board issue as it involved one party doing the work on another property. A concern was that the original proposal was for a concrete pad, and now it was hottop. Grafmeyer referenced Morgan's suggestion that DDR and Governor Weare Apartments come to a resolution. DDR would pay and the Governor Weare Apartments would do the work. Morgan thought the hold-up was re the Governor Weare property, and that DDR had committed to the New Zealand Road work. The Town had no jurisdiction re the private property. Grafmeyer said they wanted to do all of the DDR offsite work before completion. The Governor Weare people thought they could do the work better and at lower cost.

Morgan said the negotiation had been to put the bus stop in a better location. Chase asked if the work was being done according to the DDR plan. Grafmeyer said the Weare people decided how they wanted it. Morgan said that when DDR agreed to a work plan, it was understood that the Governor Weare people were in agreement. Then he was told by Grafmeyer that they disagreed. Morgan said the problem was that the Town had no jurisdiction because the



Governor Weare Apartments had not applied to the Planning Board, so he had suggested that DDR work out something they would be ok with. Janvrin thought the Board had no way to assure that the work was done. Grafmeyer noted that the Governor Weare people had agreed by signing the letter to the Board. Khan asked for the amount that DDR paid for these improvements. Janvrin said the figure in the letter was \$21,000. It was important to establish that this work was done prior to the DDR occupancy.

## PUBLIC HEARINGS

### NEW CASES

Janvrin explained where and how to set up the easel for drawings, now that the new meeting room media equipment required using a lectern.

#### **Case #2014-12 – Proposal by 81 Ledge Road Realty Trust, William Lepito, Trustee, to erect an 18,000 square foot industrial building at 81 Ledge Road, Tax Map 5, Lot 8-60.**

Attending: William and Eric Lopito;

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

Morrill said the plan had received concept approval in 2006 for an 18,000 square foot industrial building on a 2.4 acre site with 57 parking spaces, 55 percent impervious surface, and 200.25 foot frontage. The wetlands scientist had reviewed the site, and the Alteration of Terrain application submitted. The driveway cut is the same as in 2006 with a 50 foot buffer as required. The Applicant asks for acceptance and to be referred to the Technical Review Committee. Janvrin asked Morgan if the application was complete, and if he had provided memorandum. Morgan said he had provided a checklist, and would do a memo after the TRC. Janvrin asked for questions from Board Members; there being none.

<b>MOTION:</b>	<b>Chase</b>	<b>to accept Case #2014-12 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Eaton</b>	<b>Approved: Unanimous</b>

**Janvrin scheduled Case #2014-12 for the Technical Review Committee on June 9, 2014 at 10 AM at Seabrook Town Hall, and continued Case #2014-12 to July 1, 2014 at 6:30PM in Seabrook Town Hall.**

#### **Case 2014-13 – Proposal by M & K Complex and Timothy Johnson for a condominium conversion at 920 Lafayette Road, Tax Map 7, Lots 91-201 thru 91-205.**

Attending: Tim Johnson

Appearing for the Applicant: Henry Boyd, Millennium Engineering;

Appearing for One and Two North Condominium: Bob [B ]]

Boyd said that Johnson proposed to convert the gymnasium building to the South condominium group. They had not received comments from Morgan. He noted the comment letter from [Bob B ], and said a meeting would be arranged. Boyd said this building was in place; the proposal was only as to the form of ownership. Janvrin asked if there was a parking easement. Boyd said there was, but called attention to the [Tocky ] comments. Boyd did not think this warranted going to the Technical Review Committee, and said the parking was legitimate per the previous case that was signed off and closed.



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Garand said this was a commercial site that should, as a courtesy, go to the TRC for water and sewer department review re the conversion even though the gym case had closed. Janvrin asked about sewer and drainage easements. Chase said that the condominium units needed review by the Water and Sewer Departments. Boyd said the front 4 units were existing condominium units. The current town requirements would not be met. Janvrin favored going to the TRC.

Morgan asked that the abutter be allowed to speak. Robert Bialobrzkeski, owner of 2 of the north condominium units, thought that the building of the gym would have changed the condominium needs, and asked why the conversion had not been done 14 years ago. The 38,000 square foot building had changed the site. He had granted a parking and drainage easement; some conditions had been met, and some had not. He wanted the condominium documents to explain the terms and conditions of the easement from One and Two North. He and Johnson had put a parking plan in place in 2011 that was not part of the Case #2014-13 plan submitted; potential buyers should know about this. He and his wife, who is knowledgeable about such matters, were willing to confer with Johnson and/or his attorney. He noted that Johnson owned all of the south condominiums and some of the north condominium units. Frazee asked if Bialobrzkeski was the only other owner in the complex. Bialobrzkeski said Morgan recommended acceptance.

<b>MOTION:</b>	<b>Chase</b>	<b>to accept Case #2014-13 as administratively complete for jurisdiction and deliberation.</b>
<b>SECOND:</b>	<b>Eaton</b>	<b>Approved: Unanimous</b>

**Janvrin scheduled Case #2014-13 for the Technical Review Committee on June 9, 2014 at 10 AM at Seabrook Town Hall, and continued Case #2014-12 to July 1, 2014 at 6:30PM in Seabrook Town Hall.**

#### **REMANDED CASE**

**Case #2012-18 – Latium Management Corporation, Tropic Star Development, LLC, and Scott Mitchell to demolish the Getty North station and replace it with a 1,200 square foot “retail” building and two gasoline dispensing islands at 663 Lafayette Road, Tax Map 7, Lot 87, continued from April 1, 2014, April 15, 2014;**  
Lowry recused himself from Case #2012-18

Attending: Scott and Jim Mitchell, Tropic Star Development;  
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Attorney Richard Uchida, Hinkley Allen Snyder, representing Tropic Star; Jeff Dirk, traffic engineer, Vanesse Associates; Frank Monteiro, petroleum engineers, MMF Design Consultants;

Appearing for the Planning Board, David Saladino, traffic consultant, RSG:

Appearing for 11 New Zealand Road LLC: Attorney Chris Aslin, Bernstein Shur; Robert Woodland, traffic consultant; Woodland Design Group

Janvrin said this case had been remanded by the Superior Court.  
Uchida said the first hearing after the Court sent this case back to the Planning Board was April 15, 2014. The Board was informed of minor changes in the site plan, most notably moving the  
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underground storage tanks out from the area around parking easement, and installing them near the front of the lot, and Uchida had walked through items the Board had reviewed before the case went to the Court, Dirk had provided a report on traffic and traffic circulation for the project, site, as well as trip generation and traffic circulation for the 11 New Zealand Road case. He also explained how the traffic work for the two sites together, both in terms of parking, loading, and overall access to the sites, and the impact of parking cars in the easement area. The Board had a number of questions and the case was sent to the Technical Review Committee. Uchida said that, as requested, Morrill would go through the site plan changes, and they were aware of the RSG comments concerning the Vanesse report on traffic.

Uchida's said the Applicant's understanding was that the Board was limiting its review to the plan changes and their impacts as instructed by the court. All of the changes that the Applicant made were intended to address the errors claimed by the Court issues and their impact as detailed by the Court. Uchida said that the Court did not remand that the Board consider this case in the entirety. It ordered the Board to consider the case in a manner consistent with its ruling and its order. Accordingly, the Applicant was limiting itself to the site circulation issues that the Court alleged were in error, as well as the absence of striping in the parking easement. These issues, and the TRC recommended changes, would be discussed fully

Morrill said a letter dated April 17 had been submitted outlining the revisions to the siteplan. Water conservation would be accomplished by water saving flow fixtures including high efficiency toilets using 1 gallon per flush, the parking spaces were shown in the existing parking easement on the west side; the underground tank remote fill vapor location fill was relocated from the south side to the front area of the building; the concrete pad at the pump island was modified – the canopy stays the same; the underground storage tanks were relocated to the area at the southern pump island; the title block was fixed.

Morrill said the comments made by department heads at the TRC meeting were addressed in a letter dated May 13. The area pavement to be removed on the southern side was modified; a small pavement area would be resurfaced to allow the WB50 truck turning circulation entering from New Zealand Road for deliveries to 11 New Zealand Road - the truck can navigate down the south side and back up to make the delivery; the existing domestic water service lines will be replaced with new pipes; the monitoring wells would be decommissioned per NHDES regulations; all the monitoring wells were removed from the siteplan; the edge of pavement would be modified on the south side for the truck turning motion; contractors are to identify the proposed depth of the sewer lines and be verified before tying into the existing lines per the department regulations with insulation as needed; the catch basin will be leveled to the existing lines; the existing drainage pipe to be replaced if required by the DPW Manager; the canopy shown on the front of the site is a bit over the setback – it will remain with a flat roof; they will go to the ZBA in the future they want a pitched roof; the new canopy will have a pitched roof.

Janvrin asked the location of the fill sites. Morrill pointed out the fill ports at the northerly front side of the building. The trucks would enter from the front, and leave through the exit only driveway. Janvrin asked about access during fueling. Morrill said cars would be able to pass by the truck asked how someone fueling at the pump could enter the building. Morrill did not have a specific answer, but said the fueling would take place at less busy times. Khan noted there were three doors to enter the building. Janvrin said it would be helpful to understand how the entry decisions were made. Monteiro said they were asked to look at alternative locations and access for the tanks and the remote fill. He pointed out that the truck would line up with the island so there was no obstruction. The multiple accesses to the store allow customers to enter in various locations. Fueling would be at noon peak times. Janvrin commented that when he had worked at



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a gas station they were told if the attendant could not see the pump, it should not be on. When a truck is there it can be very difficult for the attendant to see the pump in the event of an emergency, and to shut it off. He thought that a safety and design issue. Montiero said usually that would be addressed with video cameras. even on all the pumps. That situation could occur with a truck that is fueling. Janvrin thought that was not a good situation. Frazee agreed this could be problematic. Janvrin noted striping had been added on the loading zone.

Janvrin asked for abutter comments. Aslin referenced Uchida's remarks that the Court was looking at two issues, and that the Planning Board had had sufficient information on other matters during the initial review. He agreed that the Court had cited two issues, but disagreed that the Board was restricted to reviewing only those two items. Aslin said the Board could review the entire proposal at this time. He said the abutter was concerned about how site circulation would impact 11 New Zealand Road and its parking easement.

Woodland said the Abutter had asked them to look at site circulation and operation on the property with specific reference to capacity and adequacy for the abutting property in the rear (11 New Zealand Road) and its the parking easement and access easement in re the New Zealand Road and Lafayette Road driveways. They had reviewed the applicant and Board traffic consultants' memorandums. Woodman submitted a written memorandum. Janvrin explained the Board's rules were to provide submissions to the Secretary would accept it for provision to the Board at a later date. Woodman explained that the abutter's traffic consultant had just retired, and he had been brought into the case about a month ago; they had done a complete traffic study. Changes to the siteplan had been proposed that Woodman thought should be addressed. The New Zealand Road 32 foot driveway was being narrowed causing encroachment on a sidewalk, as well as potential conflict with vehicles entering from New Zealand Road. Truck turning at the rear of the site would encroach on the parking and narrowing missing the dumpster. They had issues with the proposed loading configuration for deliveries to the Abutter, although this could be addressed. He noted that town staff had concerns about the narrowing of the entrance.

Woodland said they took exception to the design vehicle (WB50) which was a trailer with a day cab, as opposed to the largest vehicle that might enter i.e. a WB62 or WB67. Therefore changes to the access will have significant impact to the rear property. According to the easement they had the unfettered right to access any of the driveways to provide for the loading. To exit the property through the Route 1 driveway, a truck would have to swing into the both lanes. It would be better if it swung into only one lane, and cars would have maneuvering room. The question was whether his design vehicle would preserve the rights the Abutter had prior to the proposal, given the encroachments described above.

Woodman said the poor circulation on the site would cause confusion. He asked the Board to imagine the circulation with a car at each pump. Also there would be one way traffic flow going west, with no definition of the two way traffic when a car passes by the pumps; this results in a very unconventional intersection. Even adjusting the pattern would result in a single car waiting to exit would cut off circulation temporarily. Woodman thought there had been no consideration given to the circulation in the rear of the property. They want to preserve access to all of the driveways. He noted that town staff had discussed possible remedies. Woodman said that it would be extremely helpful if there were pavement arrows to clarify the intended directional flow. He noted that some cars fill their tanks on either the driver or passenger side, and thought that when there was a car at the pump nearest Lafayette Road, another car could not pass by it. Also, a car filling up on the other side of that pump would have no clear direction of how to leave



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the site. A similar situation would occur at the new pump. Further, recirculation would be required for cars in re some of the pump use.

Woodland said there were clearly some issues to be addressed for the site layout. There had been no analysis of the driveway operations or the intersections, and the town staff had called attention to the potential for vehicle queuing cutting-off access on the site or driveways. They also had issues with the trip generation figures. The original plan had six pumps including one diesel, but only five pumps could be used at one time. The existing site had five pumps and a 120 square foot sales kiosk with no auto repair and using the trip generation counts of that time. It was a deteriorating site that did not meet any modern design standards. It would have been on the very low side of land use trip generation for a gas station and he did not think the same trip generation figures could apply with eight pumps. The future site proposal was for eight pumps with a walk-in convenience store. Woodman said they could have used the trip generation code for a convenience store with a gas station, rather than a gas station with a convenience store which would have generated substantially higher trip generation rates. He stated that they had overestimated the rates for the existing sites and underestimated the trip generation for the proposed use, resulting in low figures.

Woodland said his alternative approach would result in significantly higher trip generation. They also looked at the potential use of the adjoining site as a restaurant or other type of development. In his opinion, a proposal analysis would generate higher trip generation than the Applicant was suggesting. When the Abutter's proposed development was coupled with the Applicant's project, there would be a lot of circulation on the site and a need to preserve the access. Woodland said the onsite intersections were unconventional; they did not assign the right of way to the driveway access. Another issue was the amount of space allocated to deliveries to the convenience store. The convenience store would be receiving product from a host of different vendors and vehicles. Certain vehicles are side loading and would exceed the allocated width for delivery space. The analysis should look at the design vehicles, the number coming to the site and the frequency of deliveries. There could be 30 -50 deliveries, and convenience stores did not have much storage space; shelves had to be stocked more often. He thought the size of the loading area was insufficient to accommodate the deliveries.

Woodland man said overall the plan did not provide sufficient circulation flow for the site. With a new pump, convenience store and dumpster, the plan did not provide efficient flow for the Applicant's use, and the Abutter's access to New Zealand Road and Lafayette Road would be altered significantly. Woodland asked the Board and its consultants to review his detailed study, and said the Applicant had been provided with a copy.

Janvrin asked for questions from the Board. Frazee asked if they thought this was just too much for too little space. Woodland said there would be some very confusing circulation patterns, some of this could be addressed, but the pumps had right angles. Frazee commented that there would be wall to wall traffic on Route 1. Woodland said there would be increased demand for the left turn into the site for both projects, and pointed to a potential queuing line of about 100 feet which could spill out into the street, although he did not know if that would happen until there was a traffic study. Eaton called attention to the 96 apartment complex across New Zealand Road. Woodland said none of the studies looked at that intersection, the vehicles entering the site or the driveway functioning, which would be critical to evaluating how the site would work. The signal was in on Route 1; the vehicle queues should be looked at. This plan did not address the opportunities.



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Chase asked if one could park on Route 1; Janvrin said that would be unlawful as all four wheels had to be off the paved street. Chase said parking does occur on New Zealand Road. Janvrin said the Board sent a letter to the police about that some time ago.

Janvrin asked if Saladino would comment. Saladino said he had looked at the site previously, but had not seen the new information. Morgan thought the most efficient way was for the Applicant to review the comments made at this meeting and return with their response. Uchida said that the Applicant would address Woodman's comments, noting that some of the comments were based on old information that had already been addressed. Janvrin asked that the rebuttal be submitted in time for the next Board packet; the deadline was the next Tuesday at noon.

Janvrin said he had previously commented on the truck swing and the stop bar was moved. The narrowed driveway for New Zealand Road was compliant at 30 feet, but he wondered whether the wider driveway would be better traffic pattern for the truck access. He asked the Applicant to address this. He was a little concerned about the truck delivery of the petroleum products, and the line of sight if there are cars parked while the delivery is made.

Janvrin suggested a solution could be to put the fill for the tanks as close to the tanks as possible under the other side of the canopy, have the truck under the canopy during the fuel transfer, and require the attendant to shut off the pumps so refueling could occur during business hours. He was curious if this could be done and said to reassess the turning radius which would be the same as making a delivery to the rear lot, except that the trucks would be turning south instead of north. Also the line of sight should be addressed. Janvrin thought the Abutter had a valid concern about queuing heading east on New Zealand Road. Also, he wanted to know the plan for multiple deliveries at the same time egg morning deliveries for milk, bread, soda etc.

Janvrin said if the information was available, the case would be heard at the next meeting. **Case #2012-18 was continued to June 3, 2014 at 6:30PM in Seabrook Town Hall. The Abutter's Case #2013-26 would also be continued to the same date.**

#### ONGOING CASES

**Case #2013-26 11 New Zealand Road LLC and Charles Mabardy to establish a convenience store and restaurant at 11 New Zealand Road, Tax Map 7, Lot 87, continued from January 7, 2014, January 21, 2014; March 4, 2014, April 1, 2014, April 15, 2014;**

Janvrin said at the Applicant's request **Case #2013-26 would be continued to June 3, 2014 at 6:30PM in Seabrook Town Hall.**

Lowry resumed is seat:



**Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives,** continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013, October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014; continued from March 4, 2014; April 1, 2014; April 15, 2014. Discussion topics are exaction, security, offsite configuration and traffic reports, Provident Way signal.

Attending: Anton Melchionda, Doug Richardson, Waterstone Retail Development; Arleigh Greene, GRA  
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jeff Dirk, Vanesse Associates;  
Appearing for the Planning Board: David Saladino, traffic consultant, RSG

Janvrin said the discussion would be about exaction fees, security, offsite configuration traffic reports and the Provident Way the traffic light issue;

Morrill said a 5/5/14 planset with some adjustments had been submitted. The Applicant would ask that, after the testimony, some of the conditions to the conditional approval be removed from the siteplan for the final approval as having been met.

Dirk displayed the revised offsite improvements with changes requested by the NH Department of Transportation and NextEra Energy. The NHDOT was concerned about the Route 1 access configuration at the Staples and Fantasy Fireworks driveway. The original plan called for a right in and out driveway at the Staples. The NHDOT was concerned that the right-out at times would create substantial queuing because of the Perkins light. The request was to keep the right turn into Staples, remove the right turn out, and redirect that flow through the site to the Perkins light. Dirk said the siteplan and the traffic analysis had been revised to reflect that change. The NHDOT was also concerned about the Fantasy Fireworks driveway [on the west side of Route 1]. Currently there is a full access driveway. The original plan had shown that to be an entrance only driveway so that there would not be traffic flow interference; a northbound traveler could access through a left turn arrow at the Perkins light. The NHDOT said there would be awkward movement, preferred no Route 1 driveway at Fantasy Fireworks, and wanted all traffic from the side street to enter Route 1 at the signalized intersection. [Fantasy Fireworks would retain its side entrance]. The Applicant proposed to work with that landowner and the town to close that driveway and redirect that business' traffic through the Perkins intersection, which would be a benefit for the neighborhood area as well as the shopping center. That change had been made.

Dirk reminded that the Provident Way original roadway planning had been for a round-about lining up with the DDR entrance, which would have required some construction within the NextEra property. NextEra's concern was about their ability to have unimpeded access to their site for refueling activity. The large center area would impede the traffic flow, which is one of the reasons for having a round-about. It would slow down the traffic by creating gaps in the vehicle flow and processing a greater amount of traffic. It would also mean that tractor trucks larger than needed for the shopping center would have to maneuver around the circle to access or leave the power plant. The other issue was that during an emergency, the circle would not be capable of processing a large volume of trucks arriving at the same time; there would be difficult. Dirk said the round-about did not function well enough for all of the users to access the road and traverse the intersection. The design had to accommodate all users.



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Dirk said, accordingly, the plan was back to the original signal on Provident Way. In the event of an emergency the signal could accommodate any large vehicles leaving the power plant. There will be full accommodation for pedestrians, bicyclists, and cross traffic between the DDR and Waterstone shopping centers. The detail had been provided to the Board's traffic consultant and DDR. Morgan recalled that the first proposal submitted was for a signal. This was revised for a round-about, which Dirk had said would increase efficiency; logic says the proposal was back to square one and losing efficiency. Dirk confirmed this. Dirk said with a round-about there was continuous flow; there would be stops with a signal. Morgan's concern was that Seabrook traffic was about to get more problematic, and the Board did not know how this would look. He thought the traffic people said this would not look good. Dirk felt the concern was more about Route 1. Their analysis showed that the two signals create issues or cause backup, even for the 2024 build-out. He pointed out that the NextEra would have low traffic volume at the Provident Way intersection most of the time.

Morgan noted that Dirk had raised the potential for emergency evacuation; if that occurred, everyone in the shopping centers would want to exit at the same time. Traffic would be going north and south. Morgan asked how a signal would help that situation. Dirk said in that event the signals would probably be flashing; there would be nothing impeding the flow at a roundabout. Morgan thought a roundabout would be more orderly.

Khan thought that flashing yellow and green lights would do the job, as had been discussed at many emergency planning meetings that he attended. NextEra would have the right of way and traffic would flow better. Chase asked why a roundabout couldn't be installed with brick pavers that a truck could go over in an emergency; many intersections in Maine are constructed like that. Dirk said that NextEra had stated that the roundabout did not work for their trucks, adding that a portion of the roundabout had to be raised; it could not be flat. He commented that the hatched edging was meant to be driven over. Chase said some Maine roundabouts were just hot top. Dirk said that was not good for markings. Dirk said with snow in the Northeast it would be a wide open intersection. The power plant said that with the roundabout design, their trucks cannot get through. That meant that the roundabout did not work for one of the users. Morgan asked if there was a design that those trucks could get through. Dirk thought they might come up with a design, but he would need to know much more about the trucks. Janvrin had observed that the power plant trucks going to the dry fuel area moved at 5 mph on 1 ½ lanes, and had police cars along each side.

Eaton asked why they could not use the straight North Access Road as an option. Dirk said the issues presented by the power plant were that they could not get their trucks through the raised roundabout, issues with emergency access, and having work done on their property. The only way to fix that was with a light. Eaton thought the signal was the wrong way to go.

Janvrin asked Saladino to summarize the RSG memorandum. Saladino said that there had been several communications with Dirk during the last couple of weeks. Because of the light, they estimated there might be about a 200 foot queuing in the shopping center leading to the Provident Way light, RSG suggested a 200 foot storage lane. Although RSG felt that the light would accommodate the traffic flow in 2024, they submitted alternative sketches for signage and striping efficiencies for use if there were congestion, including two left lanes into DDR to process twice as many vehicles. As the Applicant had acknowledged its responsibility for the overall retiming of signals on Route 1, RSG had suggested language for the condition of approval. RSG's final comment related to the exaction fee, which he had now been told would be agreed. Janvrin asked about the RSG diagram showing egress heading north from the development with the right lane going forward only, and the left lane for turning south. Saladino said that was the



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current way now. Janvrin asked if the one lane going west on Provident Way would be interfere with the development traffic. Saladino said there would be green arrows and a yield requirement, before turning on a red arrow. Janvrin asked if the one lane exiting from the power plant would be adequate in 2024; Saladino said it would unless there were a substantial change.

Chase asked if Saladino agreed that the roundabout was impossible. Saladino had not been privy to all of the conversation, but liked the roundabout for the traffic flow for the site. Chase thought the Board would be giving away too much, given all of the discussion with the traffic consultants. The light was taking two steps backwards, and was not helping the town. Saladino said the light would work well; the roundabout would work a little better. Chase thought the roundabout design was the solution; there had to be another method for getting a big truck through. Morgan asked if the loss of the roundabout would affect the service at the Route 1 and 107 intersection. Saladino said it might slightly because the roundabout would process traffic more smoothly, but nothing significantly. Khan said the power plant was an existing Seabrook business, if not the biggest business in the town. If they had an objection, the Board should listen to it. Janvrin asked if a NextEra representative would comment.

Attorney Mark Beleveau representing NextEra had met with the developer and expressed the concerns about getting large trucks through and in the event of a mass evacuation.. this would be a very small risk, but something for which they need to be mindful. The flashing light would work very effectively; they talked with Dirk about how the light would be maintained and the flashing triggered. The 4-way intersection was very important to NextEra. In a different setting a roundabout might work e.g. for retail, but not when it did not work for one of the users. Beliveau thought roundabouts were overrated and would not work as well as described. Janvrin asked if DDR would comment as it was an abutter. Grafmeyer said they had not had the chance to review the analysis, and therefore would not comment at this time. Janvrin asked if this was an open issue for DDR; Grafmeyer said it was. Morgan asked how Grafmeyer viewed roundabouts. Grafmeyer did not think that roundabouts would concern DDR's traffic engineer indicated concurrence. Originally, they had proposed a traffic light.

Janvrin said that he, the Chair, and Morgan had met with the Applicants in re site security and the exactions, and opened the discussion with the Board. Janvrin referenced the Waterstone letter that went into detail about the scope of all of the offsite improvements, and requested certain credits against the exaction amount for work would perform on their own. He referenced a Kravitz memo of even date that outlined how the final exaction figure was calculated. Melchionda said the applicant was in complete agreement with the Kravitz memorandum. Janvrin said the first request was for a \$250,000 credit on re certain commercial land to be provided by the Applicant; the regulations provide for a credit of 50 percent of the market [retail] value, so that credit request would be adjusted to \$130,000. A second credit of \$305,000 was asked in re work relating to the Perkins Avenue traffic signal which the Applicant was doing at the Board's request. A third credit of \$165,000 was requested for the work that the Applicant would do on Route 1 preliminary to the NHDOT widening of that roadway; they will coordinate with NHDOT.

Janvrin said he and the Chair thought the above requests were reasonable. They recommend disallowing requests relating to the proposed roundabout and the signal work at the intersection of Routes 1 and 107, because those locations were the "front door" roadway of the property that had to be mitigated as part of the project. Janvrin said that in accordance with the Kravitz memorandum, the total exaction fee would be \$922,800. Melchionda confirmed this amount. Chase questioned the roundabout. Janvrin said he and the Chair agreed that nothing was warranted for the roundabout. The same would be true if the design was now for a traffic signal



Janvrin asked for other questions about the exaction calculation; there being none.

Janvrin said the security requirement was based on a letter from engineer Michael Fowler dated August 1, 2013 explaining in detail the infrastructure upgrades that needed to be done for the project, and what the town's interest would be. The security amount (should the town have to do any of the work) recommended by Fowler was \$1,117,500. Melchionda agreed with the amount.

<b>MOTION:</b>	<b>Khan</b>	<b>to set the amount of security for Case #2013-15 at \$1,117,500.</b>
<b>SECOND:</b>	<b>Eaton</b>	<b>Approved: Unanimous</b>

<b>MOTION:</b>	<b>Eaton</b>	<b>to set the exaction amount for Case #2013-15 at \$922,800 or, at the Applicant's request, to apply a ten percent discount if the security is provided as a nonrefundable contribution.</b>
<b>SECOND:</b>	<b>Khan</b>	<b>Approved: Unanimous</b>

Kravitz had been informed that the Applicant intended to take advantage of the discounted amount which would bring the exaction amount to \$830,520. Melchionda confirmed this.

Melchionda said when the proposal was first submitted, no mitigation at the Provident Way intersection was proposed. He stated that the roundabout would still be the Applicant's preference. However, it became clear during the meetings with NextEra that there was no way they could satisfy NextEra's requirements for operating the power plant facility with a roundabout or any variation. Additionally, a portion of the work to line up the roundabout with the DDR property across the way would have to be done on NextEra property. If the Applicant had the choice they would construct the roundabout, but there was no way to satisfy all of the users of the intersection. The traffic light is not their choice, but is the result of NextEra's position when the Applicant talked with all of the abutters. The light is to accommodate their abutter, and is not their choice.

Melchionda said they had worked on the design for more than a year and went through multiple iterations. As the traffic consultants have said, the signal works and does what it needs to do at the Provident Way intersection as well as the Route 1 and 107 intersection. They were open to suggestions; the Board had heard NextEra's position earlier in the meeting. He understood that Janvrin was leaving this as an open item, but there was nothing left for them to do.

Khan asked to hear from the NHDOT representative, Kevin Russell said Dirk did a good job explaining the NHDOT's issues at two access points. He referenced their project to get the Route 1 widening project done, and wanted the Board to know that the Applicant had agreed to work with the NHDOT engineering firm to coordinate with its design. Melchionda said that the Waterstone plan as provided to the NHDOT had been conditionally approved; Russell confirmed this.

Janvrin called attention to the incorrect address in the Title Block; it should be 570 Lafayette Road for recording and/or archive purposes. Should the Chair be absent, Janvrin could do the signing. Morgan asked if Chevy Chase was a private road; Melchionda said it was. Janvrin said the Board of Selectmen had begun the process of accepting the change proposed by the Applicant; this would require 30 days notice before the BOS hearing and visiting the site. He was



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not sure if this would affect the application to the Planning Board. Khan said the Town Manager had arranged the site visit for June 2. Morgan said the Town Manager had asked him if the Planning Board agreed with the change, and suggested that the Board go on the record to that effect. Janvrin said that was inferred in the conditionally approved siteplan. He thought the Board should make this clear by a vote.

<b>MOTION:</b>	<b>Eaton</b>	<b>to notify Town Manager that the Planning Board is in agreement with the relocation of Chevy Chase Road as proposed in the siteplan revised as of March 24, 2014 submitted for the Waterstone Retail Shopping center.</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

Khan said the BOS would move forward with the public hearing after being notified of this vote.

Janvrin mentioned a waiver request in re the back of buildings 5 & 6 which had already been approved. He also wanted to be sure that the Applicant had committed in writing to coordinating the Route 1 Perkins signal timing with the lights at the Demoulas Plaza and New Zealand Road. Chase said to include the cameras. Janvrin wondered if the cameras at the Route 107 intersection would also cover the Perkins light area. Melchionda agreed. Janvrin said this would be a condition of the final plan.

Morgan asked Morrill for the status on the state permits. Morrill said all of the state permits had been submitted [and?] approved, noting there was conditional approval from the NHDOT. Melchionda asked if there were any other open items. Janvrin added the Provident Way intersection, and noted that the Applicant had asked that some items already satisfied be removed from the final siteplan. Morrill thought about 7 items were met, and the security and exaction amounts were established. He wanted to work with Morgan on this. Janvrin thought the open issues would be resolved in writing before the next meeting Melchionda said they will confer with DDR, and asked what other information and data they needed to provide to enable the Board to make the decision. Kravitz added that the DDR approval in writing would be needed. Melchionda said they would make sure that the traffic consultants were in contact and that DDR and Waterstone were in common. He understood that the Board needed to digest the changes, but he did not want to be in the same place in two weeks i.e. that NextEra's trucks could not pass through the roundabout and they had no other options than the revised plan. If they had their way, they would construct the roundabout.

Russell asked for information on the requested cameras. The NHDOT did not typically allow such equipment in their boxes, so they wanted to review it for approval. Melchionda said they do everything to satisfy the requests. Grafmeyer clarified that DDR was conceptually ok with a roundabout, but they had not seen the design drawings and could not comment.. He did not know the potential impacts to the driveway or drainage. Janvrin asked Belevue]] if he would provide a letter stating clearly that, as an abutter, NextEra would support a traffic light on Provident Way. Melchionda commented that NextEra told them they could not use the North Access Road for truck access, because there was a security barrier. Janvrin asked if board members had other comments; there being none. He thought a decision could be made on June 3. **Janvrin continued Case #2013-15 to June 3, 2014 at 6:30PM in Seabrook Town Hall.**



**Case #2013-24 – Proposal by GRA Real Estate Holdings, LLC to re-locate the Seabrook Truck Center and construct a 23,600 sf building (service, office & retail) and a fueling station (diesel & CNG) at 27 & 39 Stard Road, Tax Map 4, Lots 9 & 11, continued from January 7, 2014; March 4, 2014; April 1, 2014; April 15, 2014; May 6**

Attending: Arleigh Greene;

Janvrin noted that the Greene proposal would be considered next week for a variance by the Zoning Board of Adjustment. Greene stated they had dropped the fueling station and the request now was for auto repair, and asked that the case description be so adjusted. Janvrin asked how this changed the plan. Greene said there were quite a few changes, but nothing significant. There would be a fenced in yard with access to Stard Road. Greene asked that Case #2013-24 be continued to June 3, 2014, stating that he expected the ZBA to have voted Janvrin thought a new planset was needed together with a letter of the intent to change the use. Kravitz said the revised plans should be submitted by May 27..

**Janvrin continued Case #2013-24 to June 3, 2014 at 6:30PM at Seabrook Town Hall.**

**Case #2013-27 Adams Subdivision Case #2013-27 – Proposal by Edwin Adams for a 4-lot subdivision at 97 – 111 Folly Mill Road, Tax Map 9, Lot 205, continued from January 21, 2014, March 4, 2014; April 1, 2014; April 15, 2014; may 6 ??**

Appearing for the Applicant: Wayne Morrill;

Morrill said the waiver request for eliminating proposed contours had been withdrawn. The grading is away from the road, so it won't be going from the house lots onto Folly Mill Road. The foundation slabs were set and the elevations shown. A copy of the well decommission plan was submitted; the well is clean and will be filled with vetonite per the NHDES recommendations. In re Mike Fowler's comments, they worked with the water and sewer departments so there would be no cuts in the road. All new water connection would be on the south side tying into the 12 inch Folly Mill main; the existing 3 water lines would remain on the 6 inch line. They would add a "Y" to each of the 4 sewer services so that all buildings would be connected to the existing lines under the road, and there would be no cuts or utility connections on Folly Mill. They did not want to follow Fowler's pavement overlays because there would be no trenches or pavement changes on the roadway. The driveway is now 10 feet from the lot-line. Prior to any building they will work with the neighbors to develop a vegetative buffer plan. Chase asked if they would have to dig up the road for the water service. Morrill said the new connections would be to the existing line along Folly Mill; shutoffs would be on grass, not paved areas.

Chase asked why they would not do all new lines and cap off the 3 existing lines to the trailers. Morrill said at this point the trailers would remain. If later on someone wanted a change, the line could be replaced. Chase said then the road would have to be dug up. Khan asked for a better explanation of the vegetative buffer for abutters. Morrill said the note said that the developer will install 6 tall evergreens at the time of construction intermittent with existing trees to create a multi-level buffer. Garand and Morgan were ok with the notation. Janvrin asked for other comments. Morgan said that Fowler called for \$5,000 security in the trenches on Folly Mill, but he understood there would be no trenches. Morrill read from his letter to the Board indicating connections to existing water and sewer lines, and therefore no trenches. Janvrin asked if the town would look for other security items. Morgan said nothing came to mind. Chase asked if the Water Superintendent was in agreement. Morrill said he was. Janvrin asked for other



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<b>MOTION:</b>	<b>Chase</b>	<b>to approve Case #2013-27 Adams Subdivision Case #2013-27 – Proposal by Edwin Adams for a 4-lot subdivision at 97 – 111 Folly Mill Road, Tax Map 9, Lot 205,</b>
<b>SECOND:</b>	<b>Lowry</b>	<b>Approved: Unanimous</b>

**Case #2014-09 – Proposal by DDR to erect a 8,580 square foot mixed use building (retail space and a 57-seat restaurant) at 5 Provident Way, Tax Map 8, Lot 55-30** continued from April 1, 2014, April 15, 2014;

**Case #2014-10 – Proposal by DDR Seabrook LLC to erect a 5,633 square foot Outback Steakhouse at 712 Lafayette Road, Tax Map 8, Lot 55-10,** continued from April 15, 2014. Lowry recused himself from Cases #2014-09 and #2014-10.

Attending: Jim Grafmeyer, Vice President, DDR;  
Appearing for the Applicant: Mark Verostick, project engineer, Gordon Leedy, landscape architect, and Robin Bousa, transportation director, VHB; Attorney Morgan Hollis  
Appearing for the Planning Board: David Saladino, traffic consultant, RSG;

Janvrin noted the late hour and asked if DDR would be willing to continue Case #2014-09 or #2014-10 Grafmeyer asked that at least Case 2014-10 be heard as representatives of Outback and the transportation consultants were attending. Janvrin agreed.

Verostick said at the last meeting the biggest issues were landscaping and parking. They have submitted 2 landscape waiver requests. Two parking spaces were removed for landscaping for a net onsite parking of 76 spaces; the crossover parking would increase to 20 spaces. They added another liberty elm and both are closer to Route 1. They also intend to save a 16 inch caliper maple tree by moving the drain pipe and a part of the sidewalk. Morgan asked about the waiver requests. Verostick said one request was to allow 13 percent open space in the parking lot, rather than the regulation 20 percent, and the other related to a smaller island size. Chase asked if they could not meet the requirement or they just did not want to. Verostick said they could not for this development. Outback requires parking in close proximity to the building; the 20 cross-parking spaces would mostly be used for employees. Morgan asked if that was being driven by Outback. Verostick said it was. Morgan asked if there was any flexibility. Miller said the minimum on the site was 76, so they obtained 20 spaces from Walmart. A key factor was the perception – they did not want customers leaving thinking there was no place to park. Also, for safety purposes they wanted to keep customers in close proximity to the restaurant.

Morgan related that several years ago an Outback chose to use only a small part of a large building with plenty of space for more seats. The response was they wanted people to wait in line. Miller thought that a long wait period or travel distance to park would start to lose the customer base. Chase wanted to see what the design showing the full number of required spaces on the site i.e. an overlay of what compliance would look like. Verostick said it would take from 14 to 16 additional spaces on the lot, which would be unsustainable. Morgan asked what the walking distance was from the cross-over spaces. Verostick said between 70 to 100 feet; he thought that people would want to park closer and not have to walk across a drive aisle. Sokul said that the Applicant had been flexible; they'd agreed to put two ore spaces offsite. It was not a matter of the distance; it was having to cross a street to get to a different place not connected to the restaurant. Janvrin asked if it looked like a different place because the cross-connect lot was not landscaped. Sokul said it was having to cross the road.



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Sokul said the original landscape requirement was 20 percent. The overall landscaping was 35 percent. They were asking for a waiver because the parking in the rear did not meet the town standard. The overall landscaping more than meets the town standards, and he thought it was infinitely superior to most of what was around it. He would think the town would like this. There also would be outside seating facing Route 1 which would give a vibrancy to that area that presently exists with some of the other uses. He thought they would have more offsite seating that Outback would like. Sokul commented that there was additional landscaping proposed for the parcel to the north; there would be additional shrubs and trees. He called attention to the above and below ground utility lines which prevented landscaping in certain areas. In Sokul's opinion the proposed site would be pretty well landscaped and balanced. The landscape architect could speak to that.

Janvrin said the Board had had this conversation with many other developers that want to come to Seabrook. He thought this was wonderful, although some of his native friends might disagree. For example, during the rezoning for the Smithtown Village there was a hypothetical discussion about what would happen if McDonald's wanted to locate there with a bright orange roof. In that event, they would have to comply with the Board's requirements. Janvrin said he did not want to appear as an obstructionist. He asked if the size of the building was standard, of a smaller size might be available, acknowledging that Miller was not a decision maker. Miller said there is only one prototype at this time with approximately 200 interior seats plus those used for the seasonal patio. Janvrin said if a building with required setbacks was too large for a site, the Board would ask if the building could be scaled back to a smaller size to meet the landscaping and parking requirements. The Board was trying to plan for the future. The developers approach seems to start with the building size, and then fill in everything around it.

Miller said when they first were designing this site they thought they could get about 100 parking spaces. Then they found about the landscaping etc, so the submitted plan was for 76 spaces. That is one of the lowest number of spaces for an Outback site; they could not go below 70. Morgan asked Verostick what it would take to meet the stormwater standards. Verostick said methodologies used to meet the NHDES 50 percent standard included gravel wetlands, wet ponds, and filtration basins; no open air basin would be feasible on this site. Janvrin asked if Verostick was familiar with the West Marine stormwater design for underground tanks. Verostick was not. Grafmeyer understood the Board's intent, but said that DDR had spent a great deal of money designing the stormwater detention systems which were approved including the outparcels as being handled by the shopping center. DDR feels very strongly that they were grandfather for piping into the outparcels. To say that they had to comply with other standards after they had been twice approved by the Board, did not make sense.

Morgan was mostly in agreement with Grafmeyer, but had the recollection that DDR's attorney had said that the outparcels would be treated separately and would have to comply with whatever regulations were in place at the time. Grafmeyer said that was correct in re the buildings which were not in place at that time. The stormwater had always been in DDR's plans, and they had stated that the stormwater system did accommodate the outparcels, and were shown on their May 2009 and April 2013 plans approved by the Board. for example, DDR's pylon sign would not comply today, but that is what was approved. They had to move forward based on approvals. Janvrin reminded that the shopping center was never approved by the Planning Board. Grafmeyer referenced the Settlement Agreement. Janvrin said that was with the Board of Selectmen. Grafmeyer said they had moved forward based on that agreement. Chase said if that meant they would not have to comply, what was the purpose of a waiver. Grafmeyer



thought the Board would be more satisfied with the waiver, but DDR's position was they were grandfathered.

Chase asked if the drainage would be better with less parking. Verostick said the amount of parking did not affect the percent of pollutant removal. The original DDR drainage report included this parcel, the Provident Way parcel, and the McDonald's in the stormwater coverage. [[[At the time the maximum impervious was 75 percent; so they planned on that as the worst case. This parcel is 65 percent impervious. Chase said it the designed for 75 percent, why did they not meet compliance. Verostick said the 75 percent was for a percent pollutant removal. ]]]

Morgan said they cannot get everything on the lot. Janvrin noted that only a couple of months ago, the Planning Board allowed a lot-line adjustment for the lot to the north, which made this lot smaller. He thought if that lot-line adjustment had not been made, this parcel might have been compliant for parking and landscaping. Verostick said that would depend on how that got incorporated. Grafmeyer said the overall site had 35 percent open space; it was a great deal of landscaping for the size of the parcel. .

Janvrin said Seabrook was now an MS-4 town, so the Board asks the impervious percent be notated on the parking calculation sheet. Verostick said that the percentage and the square footage were already on the plan. Janvrin thought the waiver requests had to be addressed. Khan commented that the offsite parking was situated near another restaurant; people parking there might go to the other establishment. Janvrin said if the lot were full, he might park at McDonald's or SUNOCO and walk across. Khan noted that this was his eighth year with DDR, and made the following motion: Janvrin said he would vote no; if necessary, the item could come up again at the next meeting.

<b>MOTION:</b>	<b>Khan</b>	<b>to grant the landscaping waiver requested by Case #Case #2014- 10.</b>
<b>SECOND:</b>	<b>Frazee</b>	<b>Approved: In favor: Khan, Frazee, Chase Opposed: Janvrin</b>

Janvrin said it was difficult to make informed decisions at this late hour, and asked if the Applicant would be ok with continuing to the next meeting due to the lateness of the hour. Sokul said they had hoped for at least the landscaping waiver at this meeting, and did not want to waste time. Janvrin apologized for the late hour, and said that this case could be heard first at the next meeting, noting that he was one of 7 board members. Sokul asked if there might be anything happening between this and the next meeting. Janvrin did not think so. Sokul asked what was so troublesome about the parking or the plan that was so troublesome. Janvrin said that he was not prepared to state his reasons, and commented that according to a Supreme Court case he was not required to give the reasons for his vote. Sokul said if they would be reconvening they would like to have more time to think about the reasons. For himself, Janvrin thought that a smaller footprint and less parking requirement would make it easy to meet the landscape requirement, although he understood the Applicant's position. The requirements were in the regulations for a reason. He thought the Applicant could make a greater effort to be compliant.

Janvrin commented that although the landscaping requirement had been in the regulations for a few years, he had yet to see full compliance in developer plans, except for West Marine who struggled with the Board to comply. Janvrin suggested that the Applicant make a greater effort to meet the landscaping requirements. He also wanted the Board's Attorney to review Attorney Hollis' letter.



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Sokul said the Applicant would agree to defer the final vote on the landscaping to the June 3 meeting. Grafmeyer asked if Bousa could be heard on the traffic. Bousa said that since the last meeting they had shared the traffic memos with Saladino, who could probably give the latest status. Bousa said her February 25<sup>th</sup> memorandum would be the best way to accommodate both the Case #2014-09 and #2014-10 parcels in re retail space. She thought it had not been well communicated that DDR was willing to have that applied; she thought that was the right way to go. Bousa suggested that the Board hear from Saladino.

Saladino referenced his latest memorandum to the Board, noting that there had been two rounds of traffic calculations. One methodology was to consider the DDR site and the outparcels as one site. The second methodology looked at both outparcels in isolation. Saladino's understanding was that DDR wanted to reserve 50,000 square feet for future development, as well as building out the two parcels before the Board. To Saladino, this meant the two parcels would be treated individually. Subsequently, he was informed that DDR was willing to consider the two parcels as part of the overall shopping center so the traffic calculations would be applied as a whole. Saladino said the final figures would depend on whether DDR would reduce its original 450,000 square foot approval by reserving the 50,000 square feet. Saladino said if DDR agreed to the reduction then the two parcels could be included in the internal traffic calculations, and Bousa's first memorandum would apply. In that event the original figures would apply, and there would be no change in the traffic calculation.

Janvrin thought the Board might see things differently, referring to earlier discussion about applying ITE Cods 820. He thought the Board wanted to see how the calculation would work out if each parcel were figured according to the code for its specific use. He thought that if DDR would commit to reserving the 50,000 square feet forever, the Board might consider the context described above by Saladino. However, if DDR's position was that it could still develop the 50,000 square feet, it could sign with a new tenant tomorrow. If the outparcels were to be treated separately, then the trip generation should be addressed as if they were unrelated under different ownership. He recalled that for one multi use building, trips in re a restaurant were looked at separately from retail space. In this regard those uses would be treated separately to capture the trips for the exaction calculation. Saladino would agree, unless DDR was willing to give up some of the reserve amount. Grafmeyer said they would be willing to amend the siteplan to cap the square-footage at 415,000 square feet.

Morgan thought this could be legal, but cautioned about making such changes so late in the meeting. Grafmeyer said DDR spent millions of dollars mitigating 450,000 square feet. They would be willing to cap the build out at 415,000 square feet, although there was some unspoken for space. The outparcels (Case #2014-09 and Case #2014-10) would be added to that figure. Grafmeyer submitted a letter to that effect. Janvrin asked that the letter be sent to the Planning Board attorney for his review to be sure there would be no legal issue. Grafmeyer said this would mean there would be no impact requiring exaction fees because DDR had reduced the overall shopping center square footage. Janvrin said this was a welcome surprise; it was a good solution and made the trip generation issues moot. Grafmeyer said they had given this a lot of thought and felt it was best for all parties. Saladino cautioned the Board to assure that a second floor or the like didn't pop up to impact the square footage. Grafmeyer said that this solution supposes the approval of the Outback, or it would not work.



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Janvrin asked if there were any way a lot line adjustment could provide more land for the Outback parcel, Grafmeyer it was too late to change the lots and the commitments to Walmart.

**Janvrin continued Case #2014-09 and #2014-10 to June 3, 2014 at 6:30 PM at Seabrook Town Hall.** these two cases would be taken up first.

Janvrin adjourned the meeting at 10:25 PM.

Respectfully Submitted

Barbara Kravitz, Secretary  
Seabrook Planning Board

DRAFT