



Town of Seabrook
Planning Board Minutes
Tuesday, October 7, 2014
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Roger Frazee, Michael Lowry, Francis Chase, Aboul Khan, Ex-Officio; Tom Morgan, Town Planner; David Baxter; Alternate, Barbara Kravitz, Secretary; Steve Zalewski, Building Inspector; Rick Friberg, Peer Review Engineer, TEC;

Members Absent: Ivan Eaton III, Sue Foote, Alternate; Paula Wood, Alternate, Jason Janvrin, Vice Chair;

Hawkins opened the meeting at 6:30PM.

MINUTES OF SEPTEMBER 16, 2014

Hawkins asked for corrections or comments for the Minutes of September 16, 2014; there being none.

MOTION:	Khan	to accept the Minutes of September 16, 2014 as written.
SECOND:	Chase	Approved: Hawkins, Khan, Lowry, Chase, Frazee, Baxter; Abstained: Eaton;

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2002-12, 2010-23, 2011-07 Norman Jutrus, Appliance Warehouse;

Hawkins referenced Morgan's memorandum recommending that the \$5,000 security be returned to Jutrus. Morgan added to get the sign issue under control. Hawkins said that these were temporary signs and sandwich boards that were not legal, and that there had been many requests for their removal. Zalewski asked if this included any of the signs on the building. Hawkins said it did not.

MOTION:	Eaton	to return the balance of security for a case # 2002-12 conditioned on the removal of signs along the northern portion of the property along the roadway.
SECOND:	Khan	Approved: Unanimous

Case #2006-10 Advanced Auto Parts

Hawkins referenced the request from Advanced Auto Parts – Case #2006 - 10 for the return of \$25,000 held in escrow as a partial payment toward the installation of a traffic signal at the intersection of Route 1 and Rocks Road. Morgan said the funds could be kept for 6 years. Kravitz said \$12,500 for this purpose was also collected from each of the Holiday Inn and the Federated Dollar store. Hawkins explained that the NH Department of Transportation has said it will not approve the signal because the traffic volume does not warrant it. As the Town of Seabrook has held the funds for more than 6 years without utilizing the funds, under state law that amount must be returned to the providers. Morgan commented that the funds had actually been held for 8 years. Baxter commented that it would have been good to be able to use the money for the widening of Route 1.

MOTION:	Chase	to return the \$25,000 held in escrow in connection with Case #2006-10 to Advance Auto Parts.
SECOND:	Hawkins	Approved: Unanimous



Baxter noted that there were additional monies escrowed in re the Rocks Road intersection. By consensus, the Board requested that the return of that balance be an Agenda item for the October 21, 2014 meeting.

CORRESPONDENCE AND ANNOUNCEMENTS

Hawkins referenced the **letter from Walmart requesting permission for seasonal storage containers to be allowed near the store during the holiday season**. Eaton asked where the containers would be located expressing concern that many more stores were now open and that 3 lanes of parking would be lost. Hawkins said they would be at the end and on the side of the building. Khan said they would be on the east side of the building in front of the lube center where there were more spaces. Hawkins said there would be plenty of parking space as the site had been approved for 450,000 square feet and only 400,000 square feet was built out. Morgan thought that more and more requests of this nature would emerge, and recommended that the Board should have a policy for quickly processing such requests. Khan wanted a sketch to accompany such requests in the future. Morgan said it was one thing for a business that had been around for a long time to need extra space, but with a new building, it meant that they did not build the building big enough. Chase noted they were asking for 2 trailers.

MOTION:	Hawkins	to approve the request of Walmart 700 Lafayette Road for 3 seasonal temporary storage containers to be removed from the site by December 31, 2014.
SECOND:	Chase	Approved: In favor: Hawkins, Khan, Lowry, Chase, Frazee, Baxter; Opposed: Eaton

Hawkins called attention to the **Seabrook-Hampton Estuary Alliance meeting on October 8, 2014 at 6PM in the Seabrook Library. This program is an opportunity to learn how the Community Rating System and can lower flood insurance costs.** The meeting is open to the public.

Hawkins called attention to the **Keypoint Newsletter with interesting information about the Town of Seabrook.**

Hawkins referenced a **neighbor’s letter of concern about work on Gove Road and Jean Drive**. Kravitz said there had been a number of similar inquiries. By consensus the Board asked that this be placed on the October 21, 2014 Agenda.

Case #2007-11 Beckman Woods, Green & Company

Attending: Richard Green, Michael Green;
 Appearing for the Applicant: Henry Boyd, Jr, Millennium Engineering;

Hawkins said that the Greens had asked to give the Board an update in re the driveway concerns in the Beckman Woods development. Boyd said that the Greens understood the neighbors’ concerns and wanted to proceed with the changes so they can finish the road. They



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had met with the DPW Manager who wanted the Planning Board blessing. Boyd said that vehicles bottom out because of the driveway swale at 41 Halls Way, one of the 51 lots. He asked that the driveway for this one lot be allowed to be different in re the culvert, because the typical swale could not be built as originally approved for this style of house. Boyd said there was no harm in doing so; the proposed swale engineering design was done. The Greens wanted to be allowed to move forward.

Boyd said that in extreme rain events one catch basin had spilled over and that this could be corrected by allowing a double grate. The DPW Manager had authorized it as a field change, but they wanted the Board's ok. Also, some of the problematic parabolic swales would have to be 4 inch rather than 6 inch, and they would function the same for a 50-year storm. The 6 inch swales would continue in other parts of the development. The Greens wanted to get the work done before the winter, and to fix the problem driveway which allows the water to spill into the street. Boyd said the DPW Manager would not move forward unless the Planning Board blessed the changes shown in the drawing.

Boyd acknowledged that some parts have not worked and must be fixed according to the new engineering designs. They just want the ok to move forward. Hawkins said if it was not working in certain places when built according to the approval, it had to be fixed. The Department of Public Works Manager would oppose acceptance as a public road if there was any puddling. The Board was not engineers. He asked for Morgan's view.

Morgan suggested asking Friberg to look at the situation. Hawkins called attention to the review by the consulting engineer following the project, Jim Kerivan of Altus Engineers. Boyd had seen that review disagreed with Kerivan on culvert designs and thought those comments were for storms that surpass the 50 year criteria. Even after such an event everything drained out, the culvert design. They had 2 feet of culvert at the driveway to get the water to the swales. Hawkins said they should address the issue if Boyd did not like Kerivan's view, and asked why there was a disagreement. Boyd said that 4 inch swales was the solution to shape the driveway differently, and he disagreed with Kerivan that the house was too high; it could not be lowered. The grass swales would be 6 inches elsewhere Hawkins commented that pipes could be buried underneath. A solution was needed. Boyd said there was a redesign, and the headwall had been removed. By using a double grate they did not have to replace the pipes to get the flow right. Morgan wanted advice from one of the engineers.

Hawkins referenced the recommendation from the consulting engineer which Boyd did not want to follow; he wanted to use an alternative. They wanted the Board to decide between 2 engineers. If they wanted a decision from the Board, Boyd would have to explain why he disagreed. Boyd said the solution was to shape the swales differently; they would perform the same function. He thought that Kerivan did not like the option that Boyd chose in the redesign, and said that the house should not have been built that high. At this point that would not be a solution. Hawkins pointed to a comment that the pipe under the driveway would have less than a foot of cover at the headwall, and slightly more than a foot at the left side of the driveway. Boyd said that was a previous letter, and it had been redesigned. The new culvert had 2 ½ feet of cover. The headwall had been eliminated to alleviate the concern.

Hawkins said a solution was needed for the drainage problem; Boyd agreed. Boyd said that Kerivan initially thought they would have to replace the top section of the catch basin; however they can accommodate a double grate on the top section without replacing it. He thought that the DPW Manager was ok with this. Morgan said that no one at the table was an engineer, and suggested asking either Kerivan or Friberg for advice on Boyd's proposal. Hawkins referenced



Boyd's proposal dated October 2, and wanted the DPW Manager's comments. If the DPW Manager was favorable to Boyd's proposal, they should be able to go ahead. If the proposal solved the issue, the Board would not have a problem. He did not want to hear that the Planning Board had said yes to something that would not work. He asked if the board would have a problem letting them go ahead if the DPW Manager gave a positive response. Hawkins thought things could move faster so the work could be done this year, and suggested a meeting at the Town Hall. He wanted a response from the DPW Manager addressing Boyd's proposal. Also he did not want to use old information.

Richard Green said in re proposed driveway swale 4 inch modification it was a new design and there was no way to know about the bottoming out issue. He had walked the driveways with Kerivan; the water should run out of the driveways and flow into the swale so cars would not be bottoming out. They were trying to modify those driveways and the only modification was the 4 inches, and the water would stay in the swale. He wanted to get on with this. Hawkins said if they want to move ahead, it would be at their own risk. If they want the Board's permission they would have to sit down with the engineers and explain what they were asking for and why it would work; if so they should contact the Board.

MOTION:	Khan	to authorize the Planning Board Chair to meet with the Applicant and the DPW Manager for the purpose of reviewing Henry Boyd's proposal for Case #2013-28 as presented on October 7, 2014, and agreeing on a resolution to the driveway issues, if possible.
SECOND:	Eaton	Approved: Unanimous

PUBLIC HEARING

Hawkins opened the Public Hearing at 7:12 PM.

NEW CASES

Case #2014-24 – Robert A. O’Keefe, Lorraine P. O’Keefe, and the R&L Realty Trust propose to re-locate an access drive along Route 1A, and to expand parking and internal drives at O’Keefe’s convenience store at the corner of Routes 1A & 286 (445 Route 286) Tax Map 17, Lot 48-1.

Attending: Robert O’Keefe
 Appearing for the Applicant: Dennis Quintal, Civil Construction Management;
 Appearing for the abutter: Attorney Craig Solamon

Hawkins asked for the Applicant's view. Quintal said he was asked to look at the driveway access on Route 1A in a siteplan of several years ago for the multi-use lot including the gas station at Routes 1A and 286. The Applicant's goal was to relocate the driveway away from the small amount that crosses the abutting family property which is now for sale. Quintal met with Kevin Russell of the New Hampshire Department of Transportation to obtain a permit for the driveway to be all on the Applicant's lot. The design meets the requirements of the state and would be access only for vehicles going south and entering the site from Route 1, and not for an exit. This would minimize the traffic coming in from 1A; there would be a sign prohibiting a left turn into that driveway. The Route 286 driveway had full in-out travel access. Quintal said it was a better traffic pattern for the site and the intersection.



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Quintal said that because the proposed driveway would have to cross a sidewalk, town approval was needed. Therefore, the site plan needed to be reviewed and updated. Quintal said nothing else would change, and pointed out the position of the gas pumps and the Dunkin Donuts, and the related traffic. The queuing would remain on the site with parking in the front and the back. There was parking for people working in the back.

Khan asked if there would be a cross-connect to the northern lot. Quintal said that could not happen because of a fence put in recently. Hawkins asked if the state will extend the sidewalk i.e. continue the curb to the abutting lot. Quintal said that would require the consent of the abutter; he did not know how they would handle that. Hawkins saw the possibility of problems with cars going in different directions on the site, although they won't be crossing over the fence. He thought the state would have continued the curbs to the abutting property, and asked if that was discussed with the state. Quintal was not involved with the abutting site; it would depend on who buys the site and what applications would be submitted for it in the future. He was only involved with the Applicant's site to correct traffic crossing from Route 1A; the entrance only driveway would minimize the traffic conflicts. Russell had said they would deal with that when the abutting site came in for review.

Hawkins said that the Planning Board generally asks for cross-connects to abutting sites so that traffic between them would not be forced out onto Route 1A or Route 286. It looked like any cross-connects with the abutter would be blocked off. Quintal pointed out where the fence closed that off, and said that perhaps something could be worked out when the abutter site came in for review. Chase asked when the fence in the back was installed. Quintal said recently. Eaton asked who put up the fence. O'Keefe's said his sister, who was the trustee of the abutter trust, about 2 months ago. Hawkins asked if O'Keefe would reopen a cross-connect to the next site for a new buyer so people would not have to go out onto Route 1 to get from one site to the other. O'Keefe would be open to a cross-connect. Chase asked why the abutter put up the fence, and if there was a problem. O'Keefe said his sister felt that to sell her property she needed to delineate the lot-line. Chase asked if opening up the cross-connect could be a condition of approval.

Solamon said he was representing Brigid Hensley, the abutter. He would represent her position in re the driveway application, commenting that he was new to this case and had replaced Attorney Mary Ganz. Hawkins commented that in the past the traffic flow between the two lots worked well; now that access was closed off. The Planning Board had approved a plan that had a small easement across the abutter lot to get back onto Route 1A which worked well for years before suddenly being closed off. He did not think that added value to either property, and ask why it was done. Solamon said that there were two matters that were issues between the parties, and did not necessarily involve the town. Historically, when the parents were alive, there was access between the two properties and also parking available to his client's restaurant building on the abutting lot to the north. He understood that when an attempt was made to formalize that relationship, O'Keefe was unwilling. The proposed easement was never actually granted, which his client felt was a problem to her marketing the site, so she put up the fence to clearly identify each property. He noted that the proposed easement shown on the approved plan that went to the NHDOT was never actually done. His client maintained that the submission to the NHDOT was as an error by omission by suggesting that both properties were in common ownership when they were not.

Solamon said mostly the issues were civil. His client was not opposed to the proposed driveway. If the Board approved this Application for the driveway relocation, his client asked it be



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conditioned on the current exit to Route 1A from O'Keefe's property being closed immediately with barriers/signage at the Applicant's expense, to prevent cars going over his client's property. This was proposed because it would clear up the confusion as to the parties' relative rights when marketing his client's site; also cars going over the sidewalk was a danger to public safety and welfare and eventually would damage the sidewalk. They did not want an approval after which nothing was built. A condition would preclude the use of an illegal driveway and encourage O'Keefe to build the new driveway. His client had always been interested in the cross-connection was not opposed to the new driveway; she wanted to return to the status quo access and parking that existed when her parents were alive.

Hawkins asked if O'Keefe would be open to a couple of cross-easement that traded parking for a little driveway land, and recorded the original easement. He thought this a preferable solution. O'Keefe did not want that. Quintal said when the driveway was built an easement would not be needed. O'Keefe said he was not deeding any property away; he would be open to traffic flowing back and forth, but not a parking easement. Quintal said they had talked with the state about traffic coming onto O'Keefe's site from the abutting site to exit to Route 286. It was not a problem in the back, but was problematic in the front which is why the state wanted the Route 1A driveway to be access in, only. Chase commented that the purpose of a cross-connect was to allow parking in either lot; O'Keefe did not want this as he did not know the new owner or the property use. Quintal said that O'Keefe would not want to deprive his customers the use of his parking spaces. Morgan understood the need to allow queuing on the site for the Dunkin Donuts, but asked why they needed 44 spaces. Quintal said that O'Keefe could need the spaces for future use and would not want to give them up. He thought that would be for the owners to work out.

Eaton said with an entrance only off Route 1A, cars going south would have to cross Route 286 traffic to continue south. He thought it would be better to allow them to turn south from the new driveway. Quintal said that was what the state wanted. Baxter agreed with Eaton, noting that the same would be true for cars going north. It was difficult getting out of the property into the Route 286 traffic, because traffic can continuously turn onto Route 286 from Route 1A; there's never a gap. Eaton noted that the signal allows traffic to go south without a gap. Hawkins said the fence had been up all summer and the driveway now was only wide enough for one car; it would become wider. Eaton wanted cars to be able to go between the two lots i.e. a cross-connect. Hawkins pointed out that the abutter put up barriers and now a fence, thus separating the properties. Eaton said a building permit would be needed for a fence more than 4 feet high. Hawkins said that in the beach district, historically a permit was not needed for a fence. Zaleski said permits were needed for a fence more than 6 feet tall. Baxter thought that when the sister didn't get an easement, she put up the fence.

Morgan proposed that O'Keefe sign a cross-access agreement, Hawkins said this could not be dictated. The Board could make a condition but the plan could not move ahead, and an abutter could block it indefinitely. Morgan clarified that O'Keefe could sign a cross-connect condition that would not become effective unless the abutter also signed it; this could be resolved in the approval. Hawkins thought that O'Keefe was ok with the entrance, but not for a parking easement. O'Keefe wanted to proceed with the plan for the front as submitted, but would not have a problem taking down the fence in the back. Hawkins said it was not O'Keefe's fence, but the abutter wanted parking. Eaton noted the fence was not O'Keefe's. Hawkins thought the abutter was not willing to take down the fence without a parking easement. Eaton thought a new owner might be cooperative. Morgan thought that this situation was like that of Verizon – eventually they would connect. Hawkins commented that when the [old Walmart] site was sold there might be another opportunity. Baxter said that would depend on how that property would



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be sold. Morgan said the best that the Board could do would be to get a solid commitment from O’Keefe. Once the access was open O’Keefe could put up “no parking subject to towing” signs. Eaton said if O’Keefe would make that commitment a new owner could begin using the cross-connect right away.

Khan said the town encourages cross-connects all over the town. O’Keefe said it made sense not to have to go out onto the highway. Khan thought the Board could ask O’Keefe to agree that he would commit to a reconnection if the abutting owner also agreed in the future. Khan commented that a front connection made more sense. Hawkins disagreed saying that at this time vehicles could not get in and out safely. Without an agreement from an abutter to remove that fence and open up the existing driveway, there would not be a safe condition. The solution is a right-in only with the exit off of Route 286. Sometime in the future when the property was sold, there might be an agreement to go through the back of the property. He favored opening an easement in the front as did Khan, but at least they would know that O’Keefe would be willing to open up the back for movement through that parking area. Quintel asked if that meant when the abutting property was sold, O’Keefe could open up the connection. Eaton said it could be the existing abutter.

Solamon asked for clarification. Hawkins said the fence blocks movement to the back of the lot, and no movement in the front because of the fence. Hawkins wanted one of the previous cross-connections to stay open. He asked if O’Keefe would be willing when the abutting building was sold. O’Keefe confirmed this. Morgan asked if Solamon was agreeing. Solamon said he could not speak for his client; she was happy with the existing fences, but he would put the Board’s concerns to her. If the proposal was approved, he wanted the existing front access section terminated. Hawkins said that would occur when the new driveway was built. The Board understood the safety issue, and also that his client put up the fence. O’Keefe said he would build the driveway as soon as possible. Quintel said if given the permit, O’Keefe would build the driveway access right away. Hawkins thought the proposed directional signage was adequate. The Board was not looking to punish anyone, but rather to find some common ground.

Salomon asked if O’Keefe would loam and grass over the removed driveway area. O’Keefe confirmed this. Hawkins noted that some pavement would be removed. Baxter asked about a granite curb which he thought would prevent people from going over the grass. O’Keefe agreed to this. Eaton noted that cars would not cross the sidewalk if a driveway was there. Hawkins asked if internal granite curbing would be necessary. Eaton did not see anyone cutting across the sidewalk if there were a driveway entrance. Morgan recalled the Demoulas south curbed entrance driveway that discouraged left turns in. Quintel said there would be signage for no exit. Morgan said that for the Route 1 situation, they found that designing a curved entrance discouraged people to use it for exiting. Eaton liked designing a curb turn to be more prominent forcing people to make an almost impossible sweep to turn out. Quintel commented that he went by what the NHDOT asked. Hawkins noted the entrance would be close to the signal, and lefts would go out to the Route 286 driveway.

MOTION:	Chase	to accept Case # 2014-24 as administratively complete for jurisdiction and deliberation.
SECOND:	Eaton	Approved: Unanimous



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documentation was in. Hawkins said an NHDOT driveway permit would be a condition, noting that the NHDOT does not give final approval to curb cuts without agreement from the Planning Board. Kravitz had informed Kevin Russell of the NHDOT that this proposal would be on the Agenda. Russell asked for the Minutes when ready. Eaton asked if O’Keefe would be willing to provide the usual security. Chase noted this was state property. Hawkins said this was a driveway cut across state property; the town did not have exposure. Solamon understood the condition that O’Keefe would sign a cross-access agreement which would become effective when the owner of the abutting lot agreed. As it would not be recorded, he asked for a note on the plan so that any buyer of the O’Keefe property would know the condition was there. Hawkins said the conditions of approval were required on the plan. Chase asked if the state required landscaping. Quintel said they talked with the state about that. There was already landscaping that the access would go in front of, and there was already vegetation in planting areas that O’Keefe maintains. Once the driveway access was finished and the signage in, they would look at possible additional landscaping, but not anything that would hide the signage.

Solamon asked for security for the landscaping. Eaton said security could not be forced on O’Keefe’s property. Hawkins explained that the Board generally asks for security when the town could be exposed. This was state property and a state road; he did not see what security would cover. He was not interested in making it difficult. The Applicant wanted to do the new driveway very quickly. The fence was still there. Hopefully, the driveway would be done quickly and grass would be there. He did not see people wanting to drive in on the grass. Solamon hoped for the same.

MOTION:	Chase	<p>to approve Case #2014-24 – Robert A. O’Keefe, Lorraine P. O’Keefe, and the R&L Realty Trust to relocate an access drive along Route 1A, and to expand parking and internal drives at O’Keefe’s convenience store at the corner of Routes 1A & 286 (445 Route 286) Tax Map 17, Lot 48-1; conditioned on</p> <ul style="list-style-type: none"> (i) the Applicant signing a cross-access easement from the northerly portion of Map 17 Lot 48-1 to the northerly portion of the abutting lot to the north; (ii) providing the NHDOT driveway permit to the Planning Board Office when issued; (iii) the conditions of approval listed on the final plan; (vi) the final plan being entirely acceptable to the Town Planner; and (v) all outstanding Invoices paid prior to the Chair signing the plan.
SECOND:	Hawkins	Approved: Unanimous

Hawkins said that O’Keefe’s attorney could draw up the easement.



ONGOING CASES

Baxter recused himself from Case #2013-15;

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, May 20, 2014, July 15, 2014. August 5, 2014; August 19, 2014; [[September 16, 2014]] topics -- site security, letter from NHDOT, Route 1 work schedule; letters from DDR and NextEra; certificate of occupancy in 2 phases;, with the Provident Way roadway work completed in Phase 1.

Attending: Anton Melchionda; Waterstone, Doug Richardson; Arleigh Greene,
Appearing for the Applicant: Wayne Morrill, Jones & Beach engineers; Steve Boudreau, traffic engineer; VAI;

Melchionda said that at the time that certificates of occupancy are issued for the 2 stores in Phase 1, Waterstone would provide its \$830,920 as its donation in lieu of an exaction fee. A letter from RBS Citizens Bank acknowledging that that amount was on deposit was submitted. Melchionda showed the Phase 1 off-site drawing, and asked for a vote to allow 2 stores (Hobby Lobby and Goodwill) to received certificates of occupancy in January 2015 so they could meet their lease obligations.

Melchionda pointed to the drawing showing the offsite construction design that included the Route 1 and Route 107 intersection and signal work, and the Provident Way improvements including the traffic signal at the rear entrance opposite the DDR entrance roadway. Melchionda said they would not be asking for certificates of occupancy for the other buildings until the completion of all of the work according to the Board's approval. They were requesting a vote that would allow them to request the certificates of occupancy for the first two stores.

Hawkins reported that on Friday, October 3, 2014 he met with Melchionda, the Town Manager, Khan, Greene, the town planner, and the DPW Manager to assess the project status. The problem was that the security had to be in place for the Chair to sign the plan. The Bank was prepared to provide the security, but had problems with the letter of credit language. The Planning Board's attorney had reviewed the documents and made a couple of recommendations for the wording. Hawkins said if the Board approved the Applicant's request, it should be clear that nothing would move ahead without the security in place.

Hawkins said the roadway plans were in the Planning Board office, and the DPW Manager wanted the Planning Board to approve them, because that was the roadwork for Provident Way and Route 107. The Planning Board's traffic consultant recommended he do so. The Town Planner needed to look at those plans, and the DPW Manager to state that he was satisfied with the Phase 1 NHDOT traffic design plan. He commented that the certificates of occupancy for opening the 2 stores was tied to provision of the exaction as a donation of \$830,920.

Hawkins asked about the letter expected from NextEra. Richardson said emails had been going back and forth – 4 of 5 items were agreed. The remaining minor issue with DDR was in re truck turning onto Provident Way. Hawkins asked if that would affect the plan he was being asked to sign. Boudreau said it only involved the turning out of the DDR site, and the median would be



pushed back. Hawkins had been asked to sign a sidewalk and asked if that had come from Waterstone. Richardson said it came from the state. Hawkins said since the Selectmen would be the signatories, a vote from the Planning Board recommending the signing was needed.

Hawkins thought that the Board could approve the Applicant's request to create 2 building phases, provided that the security needed to be in place with the Town before he would sign the plan. Morgan said that both the onsite and offsite plans were consistent with the prior approval, and recommended that the Chair sign them, contingent on receiving the security. Hawkins asked for further comments; there being none.

MOTION:	Hawkins	<p>to modify the conditions of approval for Case #2013-15 – 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, to allow the occupancy of Hobby Lobby and Goodwill upon the completion of Phase 1 offsite improvements. All other occupancy permits will only be issued with the completion of all offsite improvements including Route 1 to the Staples Driveway conditioned on;</p> <p>(i) the Site Plan Security Agreement approved by the RBS Citizens Bank, and the Letter of Credit issued by Bank in the amount of \$1,117,500 have been delivered to the Planning Board Office; (ii) the Planning Board consulting traffic peer review engineer having approved the final siteplan; (iii) the Town Planner having approved the final site plan; (iv) a letter from NHDOT District 6 or a copy of the construction permit has been received in the Planning Board Office; (v) the donation in the amount of \$830,920 in lieu of the exaction fee is provided to the Town before the issuance of any certificate of occupancy for the Phase 1 buildings; and (vi) the Seabrook Board of Selectmen sign the NHDOT sidewalk agreement.</p> <p>The Chair is authorized to sign the Site Plan with the revision date of July 28, 2014, when items (i) (ii) (iii) (iv) have been completed.</p>
SECOND:	Khan	Approved: Unanimous



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being more specific as to the purpose of the funds. Hawkins did not think the Bank would have a problem with that. Further, most of the Board's letters of credit were usually for 2 years that renewed automatically, while the state references 5 years. The Board's attorney recommended that the dates in re security should match. Renewal should be automatic unless the Bank gives 60 days notice to at least 3 town officials that it will not renew. Hawkins thought that 5 years might be impractical, and if the term were 2 years, in the future construction should be complete within 24 months. If the Bank will not renew the letter of credit, they must notify the town 60 days in advance. If the construction was not complete, and the Applicant was unable to provide another bank to replace the letter of credit, the town could call the l/c and hold the cash. This would eliminate the prospect of having a security expire without being renewed, leaving the town with not enough funding if it needed to finish a project; this had happened in the past.

Hawkins said the letter of credit for the Case \$2013-15 project had to be issued for this project to go forward, and asked for Morgan's view.

MOTION:	Hawkins	to allow the Planning Board Chair to work with the Town Treasurer on new language with the recommendations proposed by the Planning Board Attorney for the letter of credit in the amount of \$1,117,500.00 provided as security for Case #2013-15.
SECOND:	Khan	Approved: Unanimous

Hawkins said that the state wanted no liability for the maintenance of sidewalks, and insisted on a new sidewalk agreement for each installation along Route 1, even though the Selectman had signed an overall agreement.

MOTION:	Chase	to recommend that the Board of Selectmen sign the Sidewalk Agreement as with respect to Case # 2013-15 as proposed by the Applicant and required by the NHDOT.
SECOND:	Hawkins	Approved: Unanimous

Hawkins asked if Morgan thought there was more to do for this case at this time. Morgan said the Board's accomplishment was good.

Case #2013-26 – Proposal by 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, continued from January 7, 2014, March 4, 2014, April 1, 2014, April 15, 2014, May 20, 2014, June 3, 2014; June 17, 2014; July 15, 2014, August 5, 2014 continued from August 19, 2013.

Hawkins referenced the request to again continue Case #2013-26 to the next meeting. This case had been before the Board for a long time – clearly past the 65 day limit. The Applicant should be asked to execute an extension waiver.

At the request of the Applicant Hawkins continued Case #2013-24 to October 21, 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 Realty Trust, Tax Map 7, Lots 91-201 thru 91-205, continued from May 20, 2014; July 15, 2014; August 19, 2013; September 16, 2014;

Attending: Timothy Johnson

Appearing for the Applicant: Henry Boyd Jr, Millennium Engineering;
Appearing for One, Two 920 Lafayette Road Condominiums: Robert and Anne (Tocky) Bialobrzewski;

Hawkins said that the Board was waiting for updated plans showing the parking table and the conditions of approval. Boyd said it had taken a long time to pull together the revised plansheets dated 09-01-14, and apologized for not submitting them in advance of this meeting. He had been asked to look at the condominium regulations to assure that the plan complied with the regulations. The only item to address was that the town required separate shutoffs for each unit which would have been an expensive repair. After meeting with the Water Superintendent, Johnson had built a shutoff closet inside of unit #3, with access to the shutoffs on the outside. As the town wanted an easement granting access, Attorney Deschais had written an easement document which Boyd also submitted. Boyd thought it appropriate to provide a written waiver request in re the appropriate provision of the siteplan regulations, which he also submitted.

Because the Bialobrzewski's north condominiums were also involved, Boyd pointed out that the parking table had been added to the plan with several parking spaces specifically designated for their units and notated on the plan. He commented that it had taken some time for Johnson to work out an agreement with the Water Superintendent on the shutoff locations. Morgan pointed out the September revision date on the planset submitted at this meeting, Boyd said he had earlier made some of the revisions and left that date. Morgan asked if the final plan would have an October 2014 date; Boyd said it would. Kravitz noted that Tocky had called several times asking for the revised plans, and had made that request that day in person at the Planning Board office; she was told no revised plan had been submitted.

Hawkins recalled that the open items were submitting revised plans and updated condominium documents. Boyd handed in a revision to the Declaration of Condominiums. Hawkins said resolving the water shutoff issue was also a requirement. Further, the Applicant would work with the north condominium owners to resolve the parking and the condominium document issues. He asked Tocky for the status. Tocky said that in a recent email Attorney Deschais said he had made the document change, but he had not seen parking on the plan and thought they would be discussing that. Tocky said she had responded that if the parking allocation table was not on the plan, they would object. Subsequently, Johnson brought over a plan that had some things but not others. Tocky said that the plan before the Board addressed their parking concerns, but did not know if that satisfied the Board. Hawkins said the Board did not want to be in the middle of a parking dispute. Some spaces had to be shared and others designated. It would be ok if the parties were satisfied, and condominium documents were appropriately revised.

Tocky would be satisfied if the spaces allocated to the north units were properly depicted, but asked that their prior agreement with Johnson be included with the Case #2014-13 file. Hawkins asked about the condominium documents. Tocky said she had not seen them, and was not ready to say everything was as they would like it. Hawkins said the Board had asked them to come to agreement with Johnson on revisions to the condominium documents, if needed, and



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that they come to agreement on the parking listed on the plan. Tocky said they had not seen the revised condominium documents, although they had said what they wanted to see several times. Hawkins did not want to proceed if she had not seen the documents, and there was not yet a final plan. No one had seen the documents, and the Town Planner had not had the chance to review the plan submitted at this meeting.

Johnson said the condominium documents affected only the south side. R. Bialobrzkeski said there were agreements between his Trust and Johnson that affected the property and future south condominium owners must see them. Otherwise new buyers could say no such agreements existed. He wanted the parking easement with the north condominium owners listed on the plan or in the condominium documents. He was satisfied with the parking arrangement, but had not seen the documents. Hawkins said they should check the condominium documents as amended and let the Board know if they are in agreement, so that the Planning Board could take a vote. He asked for the plan sheets delivered at this meeting to be given to the Secretary to be marked in.

Hawkins continued Case #2014-13 to October 21, 2014 at 6:30PM at Seabrook Town Hall.

Henry Boyd called attention to his letter submitted on October 6, 2014 in re concern about certain deeds that were to be drafted for land at the end of Moore's Lane. Hawkins said this item was not on the Agenda or in the packet. Boyd said this had to be on the next Selectmen's Agenda. Hawkins asked for a description of the request. Boyd said that the Planning Board approval of a subdivision at the end of Moore's Lane which included creating a hammerhead which involved two small sections to be deeded to the Town. Apparently the deeds were not provided to the Selectmen for acceptance or were never delivered, so a closing on a sale had been delayed. Boyd said he had reviewed the deeds which were in good order, and all the Planning Board had to do was to recommend their acceptance to the Board of Selectmen for a vote on October 20, 2014. Morgan asked Boyd to provide the deeds and the plan pdf to him. Boyd said they were at Town Hall. Boyd will provide them to Morgan.

MOTION:	Khan	to authorize the Town Planner and the Planning Board Chair to view the Case #2009-21 Moore's Lane deeds in re the subdivision to be provided by Henry Boyd, after which they can be forwarded to the Board of Selectmen for action.
SECOND:	Eaton	Approved: Unanimous



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Case #2014-17 – Proposal by Istar Seabrook LLC to construct a 5,640 square foot retail facility at 652 Lafayette Road, Tax Map 8, Lot 49; continued from June 17, 2014, August 5, 2014 continued from August 19, 2013.

Attending: Scott and Jim Mitchell, IStar;
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers;

Morrill said at the last hearing they had addressed the TRC comments in re the lot line adjustment (Case # 2014-16). They also had received and addressed the TEC comments including (i) a waiver for the flat roof, (ii) correcting a note, (iii) modifying the detention system with 2 foot separators. They requested a waiver on the architectural style to allow the flat roof. TEC had also stated that a copy of the underground detention system design must be submitted to the Town prior to the construction of the system; a note to that effect had been added to the plan. Morrill said that the exaction fee was not yet set, referring to the August 17, 2014 memorandum from RSG, the Planning Board peer review traffic consultant, outlining the trip generation. He said the above represented the status of the review.

Hawkins said the TRC recommendations had been discussed and asked if a couple of engineering change recommendations had been built into the planset now in the Planning board office. Morrill said they were. Hawkins said the waiver for the flat roof was needed. the trip generation was addressed, but the exaction fee amount was still open. Additionally, the lot-line adjustment for Case #2014-16 needed a vote. Morrill commented that everyone agreed that without the siteplan approval, the lot-line adjustment did not make sense.

Hawkins had had discussions with Saladino to try and understand his calculations for both Phase 1 and Phase 2, as well as the calculations made by the Applicant's traffic consultant. It was clear that the recommendations were all over the board. He felt defeated because the [formula] objective was to take the project size, determine the appropriate ITE Code, and come up with a simple fee calculation. However, it was still very complicated. Hawkins handed out his memorandum to guide a discussion of what was appropriate to move forward.

Hawkins said the code used for the shopping center was 820, although the ITE Book offered several code possibilities. The averages in the shopping center studies in re Code 820 were 458,000 square feet, and 4.82 trips per thousand square feet; this was the methodology used for DDR. Another calculation method draws a curve equation to arrive at the best statistical fit. Hawkins asked Saladino to look at now the calculations were done for Phase 1 of Sea City Crossing. The medical office building Saturday peak hour number of trips was 13 under a different code. The general retail was 84 trips, and the restaurant was 35 trips for a total of 132 total trips. Applying the allowable 50 trip deduction brought the total to 82 net trips. At \$1,200 per trip the exaction for Phase 1 equaled \$98,400; the Applicant chose the donation in lieu of exaction option amount of \$88,560. For Phase 2 the Applicant combined Phase 1 and Phase 2 figures, coming up with a total of 74 trips for both Phases -- less than the previous 132 trip calculation for Phase 1 alone. This was the primary source of the confusion, noting that the base figures had come from the Applicant.

Hawkins said there was a total methodology change from Phase 1 to Phase 2. For Phase 2 the Applicant included their total square footage of 14,560 plus the DDR square footage to come up with 464,560 square feet to make one calculation, and then ratably deducted the DDR calculation to arrive at a combined 74 peak hour trips. The Applicant then deducted 50 trips and

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came up with 24 trips -- equaling an exaction fee of \$28,800. As \$88,560 had been paid for Phase 1, a refund was expected. Hawkins asked Saladino to look at the calculation situation; Saladino reviewed the Phase 1 calculation and came up with 114 peak hour trips (less 50) also resulting in a fee calculation less than the donation amount that had been paid. [Hawkins thought that night have been because the building size had changed, but the figures used for the fee calculation had not been adjusted]. Hawkins said that did not make sense either.

Hawkins said there was a standard application for 5640 square feet, and asked for Saladino's view. Saladino said that clearly the Phase 2 calculations were not done the same way as those in Phase 1. Hawkins then asked him to refigure Phase 2 the same way that Phase 1 had been figured -- i.e. using the fitted curved method. Morgan noted that both Phases were on the same parcel. Saladino's result using 5,640 square feet gave 135 trips, less 50 for a total of 85 trips; that exaction calculation x \$1,200 per trip would be \$102,000 in addition to Phase 1.

Hawkins offered the above examples, which came from the information provided, as the basis for discussion. Initially, he saw this as one plat entitled to only one 50 trip deduction and one project. He thought it would still be possible to come up with a dozen different traffic calculation methodologies. That was problematic because the intent of the exaction formula was to easily come up with a calculation. He said the Board would have to decide what was fair. Hawkins said in his own mathematical calculation he came up with an overall fee in excess of \$200,000. The Board had to evaluate the methodologies and decide what would make sense. It was important to understand what changed for the Phase 1 to Phase 2 calculations.

Scott Mitchell asked how many square feet the Waterstone project had, and what the impact fee would be. Hawkins responded the size was 168,000 square feet. The exaction fee methodology resulted in \$1,500,000; the actual fee amount was reduced by an allowance for certain money spent offsite and for half of the valuation of donated property, so the amount to be paid was different. Mitchell said for 14,000 square feet the amount was ridiculous. He would take it to court to get it thrown out. Mitchell referenced a high intensive use like McDonald's and Dunkin Donuts. For 14,000 square feet he was being asked for in excess of \$300,000 and would not accept this. He did not even have a curb cut on Route 1. His traffic engineers say their numbers were correct and the Town owes him a credit of \$21,000 on both projects. Mitchell said that Saladino agreed with him. Hawkins said that Saladino used a different method again. Mitchell said that Saladino had sent a letter with an amount. It was so confusing. Hawkins said that was why they could take the number he came up with last week or let the Board try to understand the differences that came about using a different methodology for this case than was used in Phase 1. All that was done was to use the figures that the Applicant submitted to the Board.

Mitchell said that for 14,000 square feet it did not make sense. Khan felt it was wrong to blame the Board because the Applicant had never told the Board there would be a Phase 2. It was not the Board's fault if they changed the plan. Mitchell said they did not know at the time that they would do more on the property. He was not blaming the Board. But to spend that kind of money did not make sense for 14,000 square feet. He said his traffic engineers were the best in the state, and they told him that this is wrong; he is owed a credit of \$21,000 on both projects. They emailed to see if there were any updates and were told none, so they thought that Saladino's memorandum indicating \$76,000 remained. Mitchell said he'd talked to his attorney; the Board had to look at this again; it was not fair and made no sense.

Hawkins wanted to take the square footage on the plan so it would be easy to figure the exaction amount. He emphasized that the Board members were laymen. This was given to traffic experts, and even the Board's expert; they came up with several different approaches and different



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figures. There is confusion on how the traffic numbers were calculated. He did not think it appropriate to tell the Board they did it all wrong, and not get the traffic people to come up with a consistent answer of how many cars would go in and out of these properties. Mitchell said his traffic person sent a memo to the Board with the \$76,000 calculation for both projects, and that Saladino agreed until called by Hawkins. Hawkins asked how for 8,700 square feet the initial traffic calculation came out to be 132 trips, and now on Phase 2 with 5,700 square feet, the figure is 74. Mitchell said he was not a traffic person either. He asked his traffic engineer to interpret the formula. gave this to his traffic engineer, who said Hawkins was wrong and they should pay \$76,000 for both phases. Hawkins asked why the disparity in the calculations. Mitchell did not know.

Mitchell said the Board had to think about impact fees of \$200,000 or \$300,000. A lot of his traffic would come off the DDR entrance; he thought they were being double counted. Morgan said this was an exaction, not an impact fee. Mitchell thought it was the same. Morgan commented that the exaction formula had been in effect for about 8 years, and he could not remember any other developer pushing back as Mitchell was doing. Mitchell was relying on his traffic expert. Hawkins said there were letters showing that the calculations [for Phase 1 and Phase 2 were not done the same way. Mitchell said the two traffic engineers came up with very close figures. Hawkins asked if Mitchell wanted to know how the figures were composed.

Hawkins said when the Phase 1 figures submitted by Mitchell's traffic expert were analyzed, they were calculated by the fitted curve method and understandable. The Phase 2 figures were truncated, and did not go into the same level of detail as those in Phase 1. They also involved DDR figures which he thought were irrelevant and not right. He wanted to get the traffic people to explain where the figures came from. Mitchell asked why this was not done two weeks ago. Hawkins said he thought this would be easy to understand. Mitchell said 30 days ago he would have been happy to get the traffic individuals together. Hawkins thought that was the only route forward because the number of trips were so far apart, and determining how many trips to use was wildly different. Mitchell said a lot of the trips were going to DDR, so this was double dipping. Hawkins disagreed, saying the through trips would have to be subtracted out which was not done in the original formula. Mitchell would recommend having the two traffic engineers examine the methodology and come up with the methodology and figures without the Board being involved. Hawkins said the Board would not be out of this.

Morgan said it was clear that this issue would not be resolved at this meeting. Jim Mitchell said Scott Mitchell was not at the meeting when there was a dispute about the calculation; it was not cut and dry. Hawkins recalled a meeting attended by Scott and Jim Mitchell when they went through how the formula was originally developed out of in and out trips, not in and out less the through trips. If it were the latter, the \$1200 figure would have been higher. Morgan said the same methodology had to be used for both Phases. Baxter noted that for Phase 1 the medical office code, the 820 code and the restaurant code were used respectively to come up with the numbers. The impact on small projects was important. He asked what should be used for the 5,640 in Phase 2. Scott Mitchell said if they'd gotten something from the Board's traffic engineer, they could have responded. Hawkins said that a meeting to resolve the exaction amount should be held separately from this meeting. He did not see a reason to hold up the decision with the exaction amount as a condition of approval, as had been done for security in other cases.

Hawkins asked if there were other issues with this plan, and if the Board was prepared to move toward a vote, even if the exaction amount was not settled. Khan asked Friberg for the history of this type of detention system. Friberg said that typically the civil engineers do the design for the volume and size of the units. The manufacturer will make small modifications because they



know the systems. Friberg wanted to review their design prior to the installation. Hawkins recommended the conditions for the approval would include security of \$270,000 paid before the plans are signed, (ii) exaction amount to be determined in a meeting with the traffic engineers, the Board Chair, the Town Planner, and the Applicant. Morgan asked who would be making the determination. Hawkins thought that decision would be made without one party dictating to the other. The Applicant did not think \$207,000 was a fair figure; those were the things to talk through. They needed to look at the traffic counts for previously approved projects to see if the square foot numbers were similar. Does what already done make sense, and why the traffic engineers show different approaches. The purpose of a meeting would be to come to an agreement on what made sense.

Chase asked what would happen if there was no agreement on the exaction amount. Hawkins thought they would return to the Board with a recommendation. The Applicant could accept the amount or not accept by not going forward with the building. He saw no reason not to discuss what would make sense and be defensible

He could not see how there could be 3 different methodologies; they needed to agree on the appropriate method. Chase thought to use the "50" trip credit on only one lot. Hawkins said the issue needed to be discussed. Having 2 applications for one lot created conflicts that were not addressed in the ordinance; one application was done, and the other was in process. They could decide together on the calculation that made sense. He asked if the Board had strong feelings about this. Two applications were submitted in a close time period. He did not want to double count in the second application – only to add in the square footage for the business causing an increase in traffic. They needed to talk about the 50 trip allowance; in some cases the projects would be combined; in others they would be considered separate. That had to be decided for this case. Those businesses that cause the traffic increase would be paying for the mitigation, even if it were not done immediately; the Route 1 traffic volume was higher than expected. The process was meant to collect the funding so that the state could do the widening in a timely manner.

Hawkins asked for further conditions. Khan requested that the stop sign at the CVS pharmacy drive-through be reinstalled for safety purposes in viewing traffic moving down the roadway. There being no further conditions:

MOTION:	Hawkins	<p>to approve Case #2014-17 – Istar Seabrook LLC to construct a 5,640 square foot retail facility at 652 Lafayette Road, Tax Map 8, Lot 49 conditioned on</p> <p>(i) providing security of \$207,000 as agreed, prior to the signing of the final plans;</p> <p>(ii) providing the final exaction amount as determined by the traffic engineers, the Planning Board Chair, the Applicant and the Town Planner prior to the issuance of a certificate of occupancy [The amount was determined to be \$63,608];</p> <p>(iii) providing written easements with the reasons to the Planning Board and listed on the plan;</p> <p>(iv) the Stormwater Operations and Management Plan stated on the siteplan;</p> <p>(v) the conditions of approval stated on the siteplan;</p> <p>(vi) payment of all outstanding Invoices prior to the chair signing the plan;</p>
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		<p>(vii) the Applicant providing a letter 10 days before the Chair signs the siteplan confirming and providing the evidence that all of the conditions of approval have been met;</p> <p>(viii) the final siteplan being satisfactory to the Town Planner and the peer review consulting engineer. The Case #2014-17 approval will expire 180 days from the date of approval (April 7, 2015) if the conditions of approval have not been met, and</p> <p>(ix) reinstalling the stop sign at the CVS Pharmacy drive-through exit.</p>
SECOND:	Khan	Approved: Unanimous

MOTION:	Hawkins	to grant the requested waiver to allow a flat roof for the Case #2014-17 building in Zone 6M.
SECOND:	Chase	Approved: Unanimous

Hawkins asked Morgan for other items in re Case #2014-17; Morgan had none.

Case #2014-16- Proposal by Istar LLC, Soraghan Realty Trust, Provident Holdings, and DDR Seabrook LLC for a lot line adjustment at 652 Lafayette Road, Tax Map 8, Lots 49, 50, 51-1, and 55-30; continued from June 17, 2014, August 5, 2014, August 19, 2013, October 7, 2014;.

Attending: Scott and Jim Mitchell;

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

Hawkins asked Morgan if there were open issues in re the Case #2014-16 lot line adjustment with a planset date of 07-28-14; there being none. Morgan said there was no need for conditions

MOTION:	Chase	to approve Case #2014-16 - Istar LLC, Soraghan Realty Trust, Provident Holdings, and DDR Seabrook LLC for a lot line adjustment at 652 Lafayette Road, Tax Map 8, Lots 49, 50, 51-1, and 55-30 in connection with the Case #2014-17 building in Zone 6M as presented in the planset dated July 28, 2014.
SECOND:	Eaton	Approved: Unanimous

Hawkins said a date had to be set for a meeting. Scott Mitchell said to let him know; he would bring his traffic engineer. Hawkins will suggest the date after speaking with Saladino.



OTHER BUSINESS

Impact Fee Update

Hawkins said that the Town Manager had arranged to engage Bruce Mayberry to write an impact fee ordinance for a fee of \$2,600 and recommend applying it to be used for water and sewer rates. The ordinance would need to be ready for review at the December 2014 Planning Board meeting(s) and forwarded to the board of Selectmen for the Town Meeting. Khan said it would be on the March 2015 Ballot. Hawkins said Mayberry would be asked to do the ratable calculations only after Town Meeting approval to see the extent to which the voters would support impact fees.

Zoning Map

Hawkins reported that the final review of the proposed zoning map would be held on October 16, 2014 at 8 AM in Seabrook Town Hall. The Aquifer Protection Overlay would be reviewed on November 6, 2014 with the Water Superintendent and the Town Planner.

Plowing Jean Drive

Khan called attention to the DPW Manager's request to plow Jean Drive straight through to Gove Road. The Selectmen asked for the Planning Board view. Hawkins said this roadway was not ready for a town road which the Planning Board would not recommend until the road was finished. He thought that plowing now made sense. Morgan commented that would give emergency access. Chase thought a waiver would be needed.

MOTION:	Khan	that the Planning Board agreed with the DPW Manager to plow Jean Drive provided the Selectmen address the liability issues with the owner.
SECOND:	Chase	Approved: In favor: Hawkins, Khan, Chase, Frazee; Abstained: Eaton

Case #2014-09 DDR - Provident Way outparcel

Kravitz said that DDR was ready with the sign for the Provident Way building and wanted to know if they needed to bring this to the board. Morgan asked if the Board had made that request or was done with this matter. Hawkins thought this matter should be waived to the Code Enforcement Officer. By consensus, the Board agreed.

PROPOSED REVISIONS TO THE SUBDIVISION AND THE SITE PLAN REVIEW REGULATIONS REGARDING APPLICATIONS FEES AND PARKING REQUIREMENTS.

Hawkins noted that the Board had discussed changes to the application fees and parking at previous meetings.

MOTION:	Hawkins	to approve changing the application fees for abutter notices to \$10.48 for owner/applicant/engineer and \$7.78 for abutters, and to set the fee for expedited applications at \$300.
SECOND:	Chase	Approved: Unanimous



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MOTION:	Chase	to approve the number of off-street parking spaces for retail businesses at a minimum of 1 space per 250 square feet of floor area and a maximum of 1 space per 300 square feet of floor area.
SECOND:	Eaton	Approved: Unanimous

Hawkins adjourned the meeting at 9:45 PM

Respectfully Submitted

Barbara Kravitz, Secretary
Seabrook Planning Board