



Town of Seabrook Planning Board Minutes

September 12, 2006

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Members Present: Sue Foote, Chair; Paul Himmer; Keith Sanborn; Aboul Khan; Peter Evans; Mike Lowry, Alternate; Robert Moore, Ex-Officio; Tom Morgan, Planner; Barbara Kravitz, Secretary.
Members Absent Mark Preston, Vice Chair; Paul Garand, CEO

Chair Foote called the meeting to order at 6:07 pm .

Sanborn requested the presentation for each side be held to 30 minutes. Foote said the Board could try for that time.

PUBLIC HEARINGS

Case #6-31 continued from August 15, 2006: Proposal by Developers Diversified Realty (DDR) Seabrook LLC for a 4-lot subdivision at 700 Lafayette Road, Tax Map 8, Lot 55;

Case #6-32 continued from August 15, 2006: Proposal by Developers Diversified Realty (DDR) Seabrook LLC to construct a 441,290 square foot shopping center at 700 Lafayette Road, Tax Map 8, Lot 55;

Lowry recused himself from these case deliberations.

Attendees for the Developer: Jim Grafmeyer, Senior Development Director, DDR; Paul Danszczak, DDR Project Director; Stephen Lehmann, Project Director, VHB; Jake Tinus, Wetlands Scientist; Robin Bousa, Traffic Consultant, VHB; Gordon Leady, Landscape Architect, VHB; Bill Wilcox, Wilcox & Barton environmental consultant on the demolition; Frankie Campione, ADP Create, Buildings Architect; Nick Cricendi, Fire Consultant.

Attorney Malcolm R McNeill Jr representing the Applicant

Case 06-31 - The Subdivision

McNeill asked to address both cases at the same time and said DDR could not complete its presentation within 30 minutes but would make every effort to be expeditious. With reference to the August 15, 2006 Planning Board acceptance for deliberation votes, McNeill said the submission materials are substantially complete for consolidating 4 lots into just above 50 acres. The subdivision, comprising three out-parcels and one large development site, dimensionally and as to zoning stands on its own; no waivers or variances are necessary. The submission materials for the site plan review on the 46.29 acre development site are also reasonably complete. DDR will assure inter-connectivity among the development site and the out-parcels as a condition of approval. DDR is not aware of any other issues as to the subdivision. Foote said resolving approval for the proposed subdivision plan needs to be the first item. McNeill agreed this is an essential provision.

Sanborn asked if there is a court case pending. McNeill said that case has nothing to do with the subdivision. Sanborn said it will if the decision goes the other way. He wants to hold off any discussion until the case is done. McNeill said the Zoning Board of Adjustment decision to allow commercial development on the parcel was confirmed by the court and usage has nothing to do with dimensions. Morgan said before the Planning Board votes on the subdivision it needs to study traffic and circulation, and then decide on the traffic flow and easements language. However, the



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Board can proceed with site plan review. Himmer said the subdivision plan looks good but he would follow the Town Planner's advice on easements. Sanborn said the proposal puts new demands on firefighters and police, etc and the Town needs a traffic study as the cars have to go out somewhere. Foote said this is taking place. McNeill said he likes the Town Planner's approach so long as the only issue in re the subdivided parcel is connectivity, and asked if there are any other issues concerning the subdivision. Foote asked if the Board agreed that connectivity is the subdivision issue and a positive response was indicated.

Foote asked for questions from abutters or neighboring properties. Charles Lombardi from the Sonoco Station, said there were no issues so long as he can maintain the cross-access lanes. Allison Field said the Provident Bank is concerned that traffic on Provident Way would impede customer access. McNeill said the request for subdivision approval relates to the consolidation of the four parcels and DDR cannot do anything else without further approvals. Foote indicated a continuation would be in order. McNeill asked if that decision could be held until after the site plan request is heard.

Case #06-32 DDR Site Plan

McNeill introduced the DDR representatives and professionals in attendance.

McNeill said DDR had been informed that the Planning Board may have input with regard to the demolition. At the last meeting the Planning Board authorized sending the demolition materials to the Town Engineer whose recent memo basically approved the demolition process. McNeill asked if the building can come down, and said the Town Engineer's comments are acceptable and agreed to by DDR. McNeill asked the Planning Board to conclude that it has no further involvement as to the demolition.

Sanborn moved the issue be carried back to the Board of Selectmen for a final determination. McNeill said the Selectmen had referred the issue to Code Enforcement. Moore said the Selectmen have been involved and the only interest is in the concrete grinding which was referred to Code Enforcement. McNeill asked for the Planning Board to determine that its review of the demolition project is concluded. Evans said the demolition is part of the sequence of construction and asked what becomes of materials and dust, and about enforcement of zoning noise and vibration regulations. McNeill said the Conservation Commission requirements are acceptable. Foote read the Conservation Commission's recommendations to apply for this site and for future sites. Evans said the Town Engineer has provided specific expectations for Code Enforcement's operation including start and end dates; noise held under 65 decibels at the property line; and use of water to suppress dust, and he would follow the engineer's advice. McNeill said DDR agrees with the engineer and the conservation commission and will do what the Town requires. Danszczak said demolition is underway under Code Enforcement's parameters. The contractor expects the grinding to take three to four weeks with work hours as set by the Town. Foote said weekday hours are from 7am-7pm and on Saturday only by special exception.

Khan asked for examples of concrete crushing that show the surface water will not harm our own land. Wilcox said the surface water runoff would be diverted. There could be a higher ph factor infiltrating the groundwater in the short term, but it would take 2 years to reach the ocean and



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would be neutralized long before that. Moore asked about lead paint issues. Wilcox described a one inch red stripe and a 4 inch gray stripe from the interior walls, samples of which have been ground with other materials and found to have levels not above the State threshold. Sanborn asked about soil testing and MEK residue. Evans asked about the sub-strate below the slab. Wilcox said two studies had been done: one relating to the slab, and the other drillings to analyze the chemicals. The monitoring wells show levels within the State standard. The State monitors the site as a Brownfield and DDR is in close contact with Mike McClusky of Department of Environmental Services. Wilcox said for Brownfields the State would have on-site monitoring and constant analysis and he will be on site. Wilcox said if there were something "ugly" traces would have been found elsewhere. Evans asked if the Code Enforcement Officer will get the reports and Wilcox said that would be done. Evans asked if the on-site materials will be used as fill and said those materials should not be near the utilities. Foote said recycled materials cannot be used around pipes because of possible corrosion.

Sanborn restated his motion to send this issue back to the Selectmen for final determination before going any further. There being no second, Foote asked if the motion could be rephrased which was not acceptable to Sanborn.

Khan asked if the State is notified. Foote said with Brownfields, the State is actively involved in water quality and site specific testing. Wilcox said McClusky has no problem using good materials on site. Foote said informal responses from three environmental experts termed water quality a "just concern" but given the offsite migration plan this should not be a concern. DDR has indicated the materials will be used 18 inches above the seasonal high water level and under the slab or other impermeable surfaces.

Motion:	Evans	That the Planning Board remove itself from jurisdiction for the demolition provided (i) the concrete crushing is completed within five weeks of commencing, (ii) noise levels are not to exceed 65 decibels, (iii) the soil is tested during the slab removal, (iv) the Code Enforcement Officer receives all test results, (v) the crushed materials used on-site remain 18 inches above the seasonal high water level and under impermeable surfaces, and (vi) the property owner takes full responsibility for any remedial actions that may be required if, at any time in the future, mitigation of substances should result in negative environmental impact.
Second:	Himmer	In Favor: Foote, Himmer, Evans, Khan, Moore Opposed: Sanborn

Sanborn said the Planning Board does not have jurisdiction for this motion. Derek Heap, 60 Rocks Road, said he doesn't want alkalinity in his one/eighth acre pond which he thinks will be collecting the sediment. Foote said the Code Enforcement Officer and the Conservation Commission are also very concerned. In theory, once in place and completed the compacted material stays dry. Heap said a major spring runs through Rocks Road and the water aquifer is only a mile away. [Town wells are southwest.] His concern is when heavy rains saturate the ground, water will seep down. Wilcox said



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the ground water ranges from 2 -6 feet below the ground surface. The crushed material will be 18 inches above the seasonal high water level. The majority of the flow goes into the storm water system and through the detention ponds. Lehman said the material is only used for specific structural fill not for over-excavating and adding fill. Water doesn't pop out of the ground now. The materials will be more than 100 feet from the wetlands boundaries and will go down with adequate safeguards.

Sanborn resigned effective immediately. He said the Town is selling out to big business. The Conservation Commission shouldn't have accepted a \$100,000 contribution from a company before the Planning Board. For the record, Foote noted that Sanborn had verbally submitted his resignation.

Foote said the demolition is behind us. Morgan said he has full confidence in Code Enforcement and the Town Engineer to handle the demolition.

Case # 06-32 DDR Site Plan

Mc Neill reviewed the August 15, 2006 hearing material and enumerated reports of department heads and experts. [see above]. The lighting report received at the meeting is acceptable and DDR will cooperate with Steve Pernaw, the traffic consultant, whose report has not yet been received. The Murray building is to be demolished. The shopping center is a single 441,290 square foot building on 46.29 acres with store space ranging from 10,000 square feet to 129,800 square feet for Target, the anchor facility. The configuration is solely according to Town law. The Zoning Board of Adjustment denied a variance for multiple buildings on one lot. The only waiver requested relates to the lighting. The building is one story with a height of up to 29.25 feet; the highest point is 34 feet at the roof edge. The primary access is through Provident Way, a public way, with right-in/out at Route 1. The Zoning Board of Adjustment approved retail use for the site. The estimated value after development is \$101,000,000 yielding a real estate tax of approximately \$1,316,000. The current value is \$13,500,000. The proposed development represents an 87 percent increase in value and an increase in tax revenue in year one of \$1,100,000 from the current \$215,000. There will be more services and no children.

McNeill said DDR has suggested Seabrook consider a Tax Incentive Financing District (TIF) for bonded infrastructure improvements of approximately \$9,000,000. DDR wants to address what is reasonable in the public interest and expects its obligations for off-site improvements to be made fair and consistent with those of other developers recently approved. DDR is waiting for the Pernaw report and Department of Transportation response and noted the presence of the Rockingham Planning Commission representative.

Lehmann said Unitil has decommissioned a sub-station and DDR is negotiation how to relocate the utility easement along the property bound. Concerns raised during the Planning Board process are being addressed including cross-access for neighboring businesses, pedestrian access, buffering loading dock noise, a soundwall for noise affecting Rocks Road abutters, circulation, storm water flow and infiltration, water volume to wetlands not more than with the previous owner, moving some utilities to the back of the property, and pushing the drainage ditch toward the back. Khan asked to



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hear about traffic, fire, and police issues. Lehmann continued that water, sewer, lighting, and truck stops were mostly addressed. Evans asked if the electrical wires were overhead or underground. Lehmann said they are overhead to the back of the property and out to Route 1 with the balance underground, per Unitil. Evans said the lines are running closer to abutters in the back. Lehmann said this is Unitil's only access. Evans said removing the vegetation under the pole lines per Unitil needs to be part of the easements. Lehmann agreed, but said those lines are for the Town and not for the site and cannot go through the wetlands. Evans said the wetlands are already compromised by FPL and he is less inclined to worry about power lines where there are no residents. Lehmann said the tie-in circuit can't be moved. Unitil's concern is if a pole were to be hit.

Campione said the shopping center is one, type 2B non-combustible building of 441,000 square feet with Target as the largest tenant. About half the space will be used by Target and another big box. Morgan asked about the other tenants. Grafmeyer said tenants other than Target are not yet firmly identified. Campione said the building depths are not larger than other big box retailers in Seabrook and the other spaces are much shorter. The building has one continuous view, is no taller than 34 feet (50 is allowed) - averaging 29 and one-half feet. It is fully sprinklered; each store building has its own fire suppression system and manual pull station.

McNeill read a portion of Fire Chief Brown's remarks from the Planning Board's minutes of August 15, 2006 concerning DDR's plans and (i) the adequacy of compliance with fire codes that meet State and Town requirements, (ii) tractor-trailer access that is also satisfactory for fire trucks to maneuver, and (iii) sprinkler systems in every building. "...The impact will be on service as this is the most significant construction project the Town has seen since the construction of Seabrook Station" ... Brown estimates at least 150-200 new calls annually to this site ..."but that is not enough to say no". ...Given current capabilities, the fire department cannot respond to this proposal ...because of an equipment issue. McNeill said this issue relates to the current seventy-five foot ladder capability. DDR's consultant has assessed the applicable fire codes, the alarm and sprinkler systems that would be required for calls in similar shopping centers, and the ability of Seabrook's existing facilities to respond to a fire at this location within the context of recently approved shopping center buildings.

Croscondi said as a fire protection engineer licensed in New Hampshire, and a firefighter for twenty-eight years, he looks at both code and fire department operational views. The way the building is divided up makes for a series of smaller challenges rather than one 441,000 square foot fire which no one wants to see. In such retail facilities the big boxes (ie Target) don't want anyone else to touch their building or portion of the shopping center. The bearing on their wall is only for inside that store. DDR's walls are all full height, masonry, solid, fireproof walls and fire will not go through them. All have separate electrical and water entrances so there is no reason to go through the walls. Although one large building, stores behave as independent, separate fire areas with several fire separation walls. [References plans]. The largest fire area is Target's 129,000 square feet with other progressively smaller areas. The relatively smaller areas may not be independent - more like other strip developments. Sprinklers put a "firefighter" at every 10-12 feet 24/7. Ninety-nine percent of all fires in sprinklered buildings are put out by one sprinkler head or less. Sprinklered buildings don't burn and are very safe. The probability of having this building burn to



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the ground is very remote which eliminates the need to spend a lot of extra money on fire suppression activities. The insurance service organization setting rates doesn't count properly sprinklered buildings against the Town.

Morgan asked if Croscendi met with Chief Brown. Croscendi indicated yes. Morgan said the presentation would be more helpful if Croscendi focused on the areas of agreement or disagreement with Chief Brown. Croscendi said he disagrees with Chief Brown saying if one part of the building is on fire the whole place is on fire. That is not the case -it is subdivided into smaller fire areas thereby limiting the amount of possible fire even without regard to the sprinklers. Morgan asked if Croscendi disagrees with the Chief on any other issues. Croscendi referenced the Chief's estimate of [the shopping center] generating 150-200 call per year. In Concord's Target store about 3-4 years old and about the same size, calendar year 2005 showed six calls of which five were medical calls and one a false alarm. In the 500,000 square foot covered Steeplegate Mall in Concord, the probability for calls is higher than for DDR's development because people also go there for social purposes rather than a specific store destination. In 2005 Steeplegate had twenty-eight calls of which 13 were medical calls.

Foote said the Planning Board received the Police Chief's report in re calls responded to at one Seabrook big box location showing that within a three to four month period the Seabrook police responded to over 360 calls. Further ambulances also respond to parking-lot fender-benders for potential injury. Croscendi said the Steeplegate Mall statistics he has presented included motor vehicle accidents with and without injury. He has no knowledge of police departments but fire department services are not in huge demand for these kinds of stores. Croscendi said the Chief doesn't gain much fire fighting ability from a 100 foot aerial platform that he doesn't already have with the 75 foot ladder. Elevation is useful to get above big fires to get down to apply water to the fire location through the roof. These stores are not so deep that the 75 foot aerial can't give that ability.

Evans said he understands the Chief is concerned that if the number of calls were anywhere near that of the previously mentioned Seabrook store he would not have enough people to respond and we would go deeper into the mutual aid system. Croscendi said the call volume in comparable retail spaces isn't that big - this is not a storage warehouse with high racks. He is sensitive to abuse of firefighters running to places they don't need to run and continually getting people out of work. He understands Seabrook has a supplementary call force. Evans asked if part of the fire equipment could be dedicated to a facility of this size. Croscendi said if the number of calls is as small as they think there would be no need to supplement the fire department because it fits into their current call volume. Evans said such discussion might be fruitful. Campione said one factor in such an analysis would be the type of construction for this building not just the size of the building. For example, a fire in an all wood construction would require more equipment. Morgan asked for a written report. Foote said she has received a suggestion from an outside EMT person to consider a dedicated area for a medivac copter citing recent Route 95 closings so a helicopter could more safely land. Croscendi said this can be looked at but helicopters issues include the need for enough room to avoid utility lines, parked vehicles, and light poles.



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Evans asked for an explanation of what is a single "building". McNeill said DDR's original plan included a number of buildings but this variance was denied by the Zoning Board of Adjustment. The current plan was acceptable to the Technical Review Committee and the Code Enforcement Officer found it to be one building. Mr Croscendi is speaking to the ability to respond to a conflagration and safely protect from fire. There are multiple tenants and alarm systems, but this is one building under Seabrook's zoning code for this site. Danszczak said the walls are for fire separation purposes and roof load bearing but the stores are interconnected. Lehmann added with a building this long transformers, and water and sewers lines are placed throughout the building as would be the case with a single open space of this size. Evans said after previous issues in residential areas, the Planning Board said a substantial part of the wall must be shared.

Foote asked if Chief Brown wanted to comment. Brown said if the fire department didn't have to respond to sprinklered buildings because they don't burn, and there is no ISO exposure to the Town, there would be no issues. That is not the case. This development may bring \$1,300,000 in tax revenue to the Town, but an analysis of how town budgets operate with state, county and school tax allocations, the fire, and police may get another \$1,000 per year. DDR's comparison was made looking at a tiny store in Concord, rather than one in Salem. Seabrook is the first town over the Massachusetts border. If the Planning Board approves this, just like any other building it will comply with Seabrook fire codes. For example, Seabrook has required pull stations at every exit in every building for ten years. One can make an argument that for fire department purposes this is either one building or twelve buildings plus the out-buildings. There are 15 separate sprinkler and fire alarm systems which means 15 separate master fire alarm boxes according to Seabrook's fire code. This makes 15 separate retail spaces. Yet it is one building because there are no gaps between the walls. There may be structurally sound fire rated walls between each of the retail spaces but they are not "firewalls" unless there is a four foot parapet on every one. Brown' said the main concern is less the number of calls, because any new business will increase call volume, but it will be in the 200 range. Since occupants of the other spaces are not yet known, Brown must assume it could be 11 fireworks stores. Sprinklered buildings do burn.

Seabrook has a 75 foot ladder on top of a pumper truck. Operationally, after life hazard and protection of Target, Brown's priority is to eliminate exposure problems throughout the full building. Phone lines and security lines breach fire walls so the assumption is this is an open space with a common roof. Most of the fires in retail stores occur on the roof where the utilities, air conditioning, and heating are located in the middle not on the edges. Roofs have no sprinkler heads. The 100 foot platform is needed because Brown will not ever send firefighters on a 75 foot ladder to rappel down ten feet (accounting for reach and height) to reach an air conditioner. Two people can run lines directly from a platform or, if necessary to stand on the roof, have access to pre-connected lines as well as a quick escape route rather than having to go through the store. Hampton has a 100 foot ladder truck and a Newburyport 105 foot ladder truck, provided they are quickly available. The closest platform trucks are in Dover or North end in Boston. This is a fire resistant building of steel and cement. The concerns are operational. If the Planning Board says this brings jobs and tax revenue and should move into town, Brown would agree this is important. But he had concerns about Home Depot and other big stores. Now is the time to wait for the Town services to catch up.



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As for a helicopter landing site, Seabrook has four landing zones one of which is the front lawn of Venture which will no longer be satisfactory because of light poles, wires, cars etc. Evans said a friend was recently denied a sprinkler permit because of water use and asked about the impact on the Town's water supply of the DDR sprinkler systems. Brown said twice a year flow tests are done on every sprinkler system which doesn't use a lot of water. If remodeling was the issue, up to date flow tests might have been needed. Brown said his concern would be if there is enough water flow to feed the sprinkler systems. Hydrant locations and truck access are fine and the fire code will be followed. The concern is the lack of equipment to adequately and safely handle a fire incident. Khan asked if 200 calls might mean a longer response time for normal calls. Brown said the current medical response time is a maximum of six minutes anywhere in Town. Traffic might be a factor but mainly in the DDR area. Evans asked if a platform truck would bring more mutual-aid response calls. Brown estimated this might be another five or ten calls per year and noted that some communities, like Hampton, did chose a ladder truck because they are easier to maneuver around power lines. In this regard, Brown said once up the ladder is up it is at its capacity and is not good for retail places. Platform trucks provide substantial flexibility.

Foote announced a ten minute break and reconvened the hearing at 8:45pm.

Tinis pointed out the wetlands areas on the plans and said in 2005 the Army Corps of Engineers, Department of Environmental Services, US Fish and Wildlife were invited (EPA refused) to the site to review the wetlands boundaries and found them satisfactory. A permit is needed for wetlands disturbance on approximately 9/10ths of an acre. The permit application is currently at DES after review by the Conservation Commission. Providing compensation for loss related to the wetlands is part of the DES permitting process. Tinis said DES has suggested DDR pursue an appropriate payment to a conservation fund and, after conversations with the Conservation Commission, DES has indicated the Cains Brook Watershed Restoration program would be the best fit. Tinis said DDR is waiting to hear from the Town's consultant as to the proposed timetable for the work and asked if Foote would describe the results of the Commission's 9-11-06 meeting.

Foote stated she serves as Chair of the Conservation Commission as well as having been elected Chair of the Planning Board. For over a year the Commission has worked on developing the Cains Brook Watershed Management plan. DES set a similar in lieu fee for wetlands impact in the amount of \$150,000 in connection with the Lowes site and recommended it be dedicated to dredging Cains Pond. The department has indicated it would greatly support the use of any "in lieu" fee from the DDR development for the continued restoration of the Cains Brook Watershed. Should this occur, the money would be used to dredge Cains Mill pond on the East side of Route 1. DES and the consultants decided it would be more beneficial and cost effective to dredge both ponds at the same time. A public hearing on the draft management plan was held about three weeks ago and incorporated additional public comment. Additionally, the objectives and action items DES wants to be included in the management plan, in sequence of importance, was discussed last night. Foote expects the revised sections to be ready later this week. Tinis said the project should move forward when this information is provided.



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Evans asked if the wetlands on abutting property have been mapped. Tinis said that is not typically provided although a small area on the Holloway property is shown. There being no further questions from the Board, Foote asked for abutter comments on wetlands matters. Heap asked about the impact of removing the trees under the power lines that are close to the wetlands. Tinis said the purpose of removing the trees is to accommodate the poles for the relocated power lines with the least amount of wetlands disturbance. Heap asked how many feet need to be cleared on each side of the power lines and indicated the nearness to Dow's Lane. Lehmann said the area to be cleared depends on the voltage and the pole height and the are criteria set by Unitil. Heap is concerned because everything feeds into his pond. Lehmann said the easement for the relocation is for Town infrastructure and has nothing to do with the site plan application. The easement would take place in any case in connection with the removal of the sub-station in the Brownfield remediation. DDR would prefer to remove the transmission lines altogether. Heap asked why the lines cannot be closer to the building to save the natural environment. Lehmann said due to several considerations, Unitil will not allow that. It is not feasible to run the easement through the center of the property.

Ledy said the landscaping goal is to create a high quality retail environment consistent with DDR, Target and potential tenants standards. Specific requirements for landscaping include planters and trees in front of the building to bring a more pedestrian friendly area and provide good access. The main pedestrian spine runs from end-to-end on the property. Two entry roads serve as the public way to the project with pedestrian access and bus stop areas. Primarily people arrive in cars and circulate by foot. Landscape materials are hardy using various local plant materials, and flowering pears at the entry. Evergreens provide separation from the out-parcels and create a corridor entryway. In detention areas and adjacent to wetlands and forest trees on the Town's approved list will be used. Ledy commended the Town for providing developers with such a list.

After discussion with neighbors, a soundwall is proposed along the Rocks Road property line. There are some constraints due to the power line location. Moore asked if this is a 12 foot high sound wall rather than a berm and if there will be landscaping on the abutters side. Ledy confirmed the wall height and said they will continue to work with the residents until they are satisfied. Foote said that historically (prior to any construction) the site was a huge gladiola and iris farm. She suggested incorporating these flowers if possible. Ledy said he will keep this in mind. There being no further comment from the Board on the landscaping, Foote asked for abutter comment. Heap said there is no soundwall at the end of Rocks Road which is near the dumpsters and the truck turnaround. Ledy said Heap's property is about 300 feet from the driveway edge. A soundwall would not be meaningful at that distance. Heap is also concerned about papers and garbage. Lehmann said this is an operational issue and the compactors are sealed units that connect to the dock. Foote said this would be addressed in the property maintenance manual. .

Bousa said her presentation would cover the same ground as at the August 15, 2006 hearing. Pernaw, who is doing the traffic peer review, has the needed details and information. DDR's traffic study comprises (i) Route 1 intersections beginning at Railroad Avenue and moving North up to the signalized North Access Road intersection, (ii) Route 107 up to the Route 95 South ramp. Seabrook's extreme seasonal variations were accounted for in the study and a good portion of the data was collected in June, July, or August. Bousa referenced the plans to show two eastbound



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lanes on Provident Way turning left into the site with one lane carrying through to the power plant. The lane coming out of the power plant will be carried Westbound. Two lanes come out of the site toward Route 1. Bousa described the improvements to the intersection of Routes 1 and 107 including adding lanes in the East and West direction. At the Route 107 and Spur Road intersection, the majority of the 17 accidents in 2004-5 occurred when cars heading eastbound attempted to make the left turn into Spur Road, the plan is to develop a protected center median area. DOT says a signal is not warranted. DDR proposes to install a signal at the Route 95 Southbound intersection as part of this project. The total cost for these infrastructure improvements is about \$2,500,000. Bousa emphasized that the DDR development takes a big step forward in access management. For example, DDR proposes to replace three existing full access Route 1 driveways with one right-in/right out. Additionally, DDR proposes to combine the three full access ways on Provident Way with one signalized access way. Given the concern about Route 1 access, Bousa suggested waiting for the DOT and peer review comments.

Foote applauded DDR for reducing the Route 1 access points to one right-in/out only. The problem is drivers who take left turns anyway. Foote asked if there were a way to make the design so that couldn't happen. Bousa referenced a well-designed Windham right-in/out that visually inhibits making a left turn. Evans suggested tall curbs in the median, and cited the Route 107 delays caused by Westbound cars (backed up to Route 1) waiting to enter the left lane because they don't want to go North on Route 95. He suggested reversing direction on one east bound lane to facilitate driving out of town. Bousa said that would back up cars at the lights, and further mitigation would have to address the Route 95 bridge which is beyond DDR's capacity.

Foote said the Planning Board has repeatedly explained that the Route 95 Bridge is the main problem and doesn't expect one project to bear the full brunt of the resolution. Foote believes the Department of Transportation was shortsighted not to have previously tackled the Route 107 and Route 95 Bridge. It was known 10 years ago when \$13,000,000 in school funding was taken away, that Seabrook would be forced to encourage commercial development. The Route 1 project has decided that only certain businesses should contribute hefty amounts towards the improvements, while others with smaller footprints, some of which are high net worth chain stores, should not. Foote believes DOT should have put a price tag on improving Route 1 and the Route 95 Bridge and set an assessment that applied to everyone. This very old and narrow Bridge is the within the scope of every issue on Routes 95, 1, and 107. Bousa agreed but said the extra traffic signals can be timed to better control the traffic flow.

Evans asked if more signage could be placed on Routes 1 and 107 to alert drivers to the Northbound 95 ramp. Bousa said signage instruction in all directions would be addressed. Evans said it is important to not discourage people either from coming into Town or getting out. McNeill asked if the traffic study contemplated development of the Green property across the street. Bousa said at this point it does not but the DDR study was sent to Green so its provisions could be included in their plan. Bousa said when information is received from Green a post-build analysis will be done. Khan asked how customers will get back to Massachusetts. Bousa said they will head out Route 107 and coordination of the traffic signals will help with the flow. Khan asked about the left turn from Route 107 onto Route 1 and the back-up because of the Hampton Falls light. Bousa said DOT doesn't



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plan more than two lanes going North after the Route 107 intersection and has taken some easements along that road but this is not yet consistent along the Route 1 corridor. The widening is a State issue and beyond the means of any private developer, and should be tackled all at once.

Kahn asked if Bousa thinks that given the proposed increase in commercial development the State will be moved to act. Bousa said the need for a comprehensive right-of-way equalization is regional, DOT problem. Khan said the quality of life will change. Foote asked if DDR is aware that the Planning Board has imposed an escrow towards a Rocks Road/Route 1 traffic light as part of the conditions of approval for three businesses so far, and asked if this will help with the sequencing of lights. Bousa said DOT asked it to include Rocks Road because it has been an issue for the Town. The intersection doesn't measure up to the signal warrant analysis so DOT may not agree to implementation. For example, the signal at the North Access Road with little traffic can slow traffic. Foote said the DOT would take that light off line except for emergencies. Bousa said the issue would be if it stacks up traffic. Foote said from the residents' perspective getting out of Rocks Road, which also leads to the Town dump, and going South is a huge problem. Moore added that on a Saturday morning exiting is nearly impossible. Moore said if the Board allows DDR to go ahead how could other projects, such as Green, be refused. McNeill said DDR's design is for its project. Moore said Green and Loews II are coming along and the Board has to protect the Town - the problem is not just the DDR problem, it is the one lane over the bridge. Customers need to get to the businesses and emergency services need to keep operating. What if ambulances can't get through because there's so much traffic in front of it. We want the business but have to protect the Town when 80% of the people visiting DDR's mall are people who want to get back to Massachusetts when the bridge is jammed full of cars.

McNeill said comments that this is not one developer's burden are appreciated. But one reason DDR wants to talk with the Selectmen is about tax increment financing and using new revenues from this project and possibly others to make a broader sweep on these problems. DDR is proposing \$2,500,000 in offsite improvements which is significant under any standard. It's not the Planning Board's responsibility and the Selectmen have been contacted. TIFs have been used in many New Hampshire districts. Moore said TIFs are used to bring businesses or industry into rather depressed areas. This would take part of Seabrook's tax revenue and put it into the TIF so the taxpayers will be paying for these improvements. McNeill asked to be allowed to present the TIF story. More than \$1,000,000 in tax revenue will be generated by DDR's project as well as jobs created and other improvements, and could be coordinated with a TIF District that would make sense. Moore said others have made promises. McNeill asked for the opportunity to explain the proposal. Khan asked if another exit from Route 95 had been considered. Bousa said that would be cost prohibitive for DDR.

There being no further comments from the Board, Foote asked for other comments. Police Chief Currier said he shares in the questions raised by the Board. The Town doesn't need to change its ways; the State isn't going to widen the Route 107 Bridge. Seabrook needs to live within its means. The roadway is overtaxed. This project will compound the problem. There are two bottlenecks not being addressed, although the new lane for Spur Road is a good thing. The traffic lights on Provident Way are not needed today. There is no enhancement to get the people out of town now.



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The Route 107 Bridge is a bottleneck today and only so much traffic can fit through it. South of Route 107 two lanes narrow to one. Traffic is already backing up from Route 1 and can't be moved now. It will back up into Provident Lane. Currier said this project hasn't addressed those concerns. It has addressed getting additional customers onto their site. The impact calls for significant increased service from the Police Department which is in the second year of a default budget. Two officers cover the entire town for the night shift which can cover one accident. Currier's concern is the impact on public safety and he, as does Chief Brown, has an obligation to report this. The Tech Review meets to give guidance to the Board. The Board will do what they think is right for the community. The question is can the Town handle this additional traffic now. The tax revenue means fifty to sixty cents per thousand in Seabrook. It took years to get new cruisers. Kahn asked if responding to calls for the shopping center will cause slower response times. Currier said this backing up is happening now and calls have to be prioritized. The problem will be compounded by the shopping center. Khan said the quality of life will be affected. Currier agreed. Foote said people find the back roads when the main arteries are blocked and drive more aggressively and faster because they are frustrated. Currier said the true traffic experts are the residents.

Allison Field of Provident Bank said it is a small community bank that invested \$1,500,000 on their site and is happy to be in Seabrook. The Bank is not opposed to retail development but is very concerned about the volume of traffic on Provident Way impeding the ability of customers to get in and out of the Bank. The two left hand turn lanes into the shopping center are of particular concern, especially where trucks are concerned, as is traffic backed up to Route 1 or waiting to make the turn. The Bank is concerned about the economic impact because people will not bank if they can't reach it. Bousa said the study doesn't show backing up past the Bank's driveway. The extra lanes can handle the volume. Field expressed concerns about the left turn lanes. Foote said people ignore striping and drive to where they want to go and, for example, make "U" turns and cut diagonally across at the Getty station. Moore said the Bank and CVS are to be considered. Bousa said the striping is for a designated left turn. Using a median means dealing with snowplowing and storage. Also Route 1 South in the vicinity of the Devine Mercy building is where a new lane is needed but this would severely impact those businesses and there is no existing right-of-way.

Dick Winn of FPL is concerned that someone wanting to make a left turn into the shopping center could block his workers from getting to the power plant. Bousa said the light will be green continually except if someone wants to make a left turn towards the power plant. Evans pointed out that people might want to go straight through when Green's project is open. Winn said his issues are the same as Provident Bank in getting workers in and out without going through a bottleneck, particularly during FPL's refueling mode which brings 1,000 additional people during a six week period. Bousa said perhaps more improvements could be made when the Green project is introduced.

McNeill said DDR hopes for more comments in re the traffic including Steve Pernaw's report as well as the Fire Chief's report. The traffic consultant's report will be provided. Dave Walker of the Rockingham Planning Commission said he will be looking at the traffic study. DOT does not have the I95 interchange identified but it will be identified as a "need" in the RPC forthcoming update of the corridor study which is the start of a slow process. The corridor study is to provide conceptual



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improvements that meet the needs of the communities and fit in with the State and regional traffic patterns. Differences of opinion are being worked out and the study should be ready in the Fall.

Footnote continued Cases 06-31 and 06-32 to October 3, 2006 at 6 PM.

Footnote adjourned the meeting at 10-25PM.

Minutes Respectfully Submitted by
Barbara K. Kravitz, Secretary
Seabrook Planning Board

MYLARS RECORDED		
08-29-06	Declaration of Condominium - #18 and #20 Jean Drive Condominiums	D-34112