



**Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED**

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

Hawkins opened the meeting at 6:30PM, commenting that the 14 case Agenda was very crowded. He asked if any Applicant wanted to postpone their hearing. Henry Boyd said that Case #2013-24 was still before the Zoning Board of Adjustment. Wayne Morrill said that Case #2013-27 wanted to postpone to April 1. Hawkins continued Cases #2013-24 and #2013-27 to April 1, 2014 would be continued to April 1, 2014 at 6:30PM in Seabrook Town Hall. The Board would do what it could at this meeting. He asked if the Board wanted to add another March meeting date. By consensus, the Members agreed to meet on Thursday, March 13, 2014 at 6:30PM in Town Hall, and to handle certain of this meeting's agenda items quickly. Morrill asked that Cases #2013-14 #2013-15 be heard later in the meeting as one of the principals had not yet arrived.

MINUTES OF JANUARY 7, 2014

Hawkins asked for comments on the January 7, 2014 Minutes. Janvrin said to change his designation because he was absent at that meeting.

| | | |
|----------------|----------------|--|
| MOTION: | Sweeney | to approve the Minutes of January 7, 2014, calling out Janvrin as absent. |
| SECOND: | Lowry | Approved: Hawkins, Sweeney, Frazee, Lowry, Khan, Baxter; Abstained: Janvrin |

MINUTES OF JANUARY 21, 2014

Hawkins asked for comments on the January 21, 2014 Minutes; there being none.

| | | |
|----------------|----------------|---|
| MOTION: | Janvrin | to approve the Minutes of January 21, 2014 as written. |
| SECOND: | Lowry | Approved: Unanimous |

SECURITY REDUCTIONS, EXTENSIONS, ROADWAYS

Case #2012-18 Getty North Gas Station - Hawkins referenced the request from Jones & Beach on behalf of Tropic Star to extend the conditions of the Notice of Decision for 120 days. As the regulations allow for one 180 day extension, Hawkins said that should be the timeframe.

| | | |
|----------------|----------------|---|
| MOTION: | Janvrin | to grant an extension to meet the Case #2012-18 Notice of Decision conditions of approval to the date that is 180 days from the initial expiration date – August 16, 2014. |
| SECOND: | Hawkins | Approved: Hawkins, Janvrin, Sweeney, Frazee, Khan, Baxter; Abstained: Lowry |



**Town of Seabrook
Planning Board Minutes**
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

CORRESPONDENCE

5 Guys Restaurant, 380 Lafayette Road, Building 2 - request to obtain an application waiver to allow the addition of 8 indoor and 12 outdoor seating.

Attending: Paul Myers, Director of New Hampshire Operations;
Appearing: John Matthews, RMD;

Hawkins asked for Garand's view. Garand said this was a very active site. Myers explained that 60 seats had not initially been requested because the architect had miscalculated, as a column had been removed from the unit. Hawkins asked if the Board wanted to see an application. Myers said there were 24 dedicated parking spaces. Approximately 10 employees would be on site per shift; they would park elsewhere where the landlord wanted, perhaps closer to the highway. Janvrin thought this might need an expedited application. John Matthews, representing Demoulas real estate interests, and attending the meeting for another purpose, said that the property owners were unaware of this request. The owner's approval was needed. Hawkins said an expedited application, showing sufficient parking for patrons, should be submitted. Morgan suggested that employee parking should be in a less desirable area. The application would require the landlord's signature.

**PUBLIC HEARINGS
NEW CASES**

Case #2014-04E – Proposal by Diane Wise to locate Dirty Dog Spa & Pet Grooming at 14 New Zealand Road, Unit #3, Tax Map 7, Lot 71.

Attending: Diane Wise;
Appearing for the Applicant: Attorney Jeffrey Brown;

Brown said that the location was within the proposed North Village Zone that would allow mixed-use buildings. Accordingly, 14 New Zealand Road, with commercial on the first floor and residential above, would be compliant in that zone. The Dirty Dog Spa and Grooming would go into a unit that was previously occupied by a beauty parlor. The hours would be from 7AM to 9 PM, 7 days a week. The building was certified for this type of use. Hawkins asked if there were assigned parking spaces, and also where the unit was located. Wise said it was a middle unit, Brown said none of the building's 59 spaces were assigned to specific units. Wise said there would be no outdoor or overnight use. Only natural based products would be used. Garand said the plumbing in the building was correct for this use; they would not need a separate dumpster.

| | | |
|----------------|--------------|--|
| MOTION: | Lowry | to accept Case #2014-04E as complete for jurisdiction and deliberation. |
| SECOND: | Khan | Approved: Unanimous |

Janvrin asked about signage and lighting. Brown said there would be no changes; signage would be on the building as before. Khan asked if the Sewer Department should be contacted. Garand said they would need an industrial pre-treatment permit just as the beauty parlor did.

| | | |
|----------------|----------------|--|
| MOTION: | Janvrin | to approve Case #2014-04E - Diane Wise to locate Dirty Dog Spa & Pet Grooming at 14 New Zealand Road, Unit #3, Tax Map 7, Lot 71. |
|----------------|----------------|--|



Town of Seabrook
Planning Board Minutes
 Tuesday, March 4, 2014
 NOT OFFICIAL UNTIL APPROVED

| | | |
|----------------|--------------|----------------------------|
| SECOND: | Lowry | Approved: Unanimous |
|----------------|--------------|----------------------------|

Case #2014-05E – Proposal by RMD, Inc. to reoccupy four vacant stores in the Southgate Plaza, totaling some 30,659 square feet, at 380 Lafayette Road, Tax Map 9, Lot 1.

Attending: Jim Lamp, J & Co; John Matthews, RMD;

Lamp explained that the request was filed to permit reoccupation of existing square-footage. There would be no site changes. The Market Basket building configuration included the Units A, B, C, D (the subject units). Unit E was not yet built. Matthews said the prospective new tenants included the Dress Barn, and a retail dry goods store. Janvrin remarked that Radio Shack was closing over a thousand stores. Matthews said Radio Shack had 6,000 stores, and that lease had been renewed.

Hawkins asked for Garand's comments. Garand said to show the elevation changes. Lamp said they wanted to match the older architectural features for the new stores. Matthews added that a canopy as at the Market Basket would be extended. Janvrin asked about sidewalks. Matthews said there would be no change. Janvrin asked about handicap ramps. Garand will look at this for ADA compliance, but was confident they would build to the code. In the back, some truck hours might be limited. The site was working well, including the traffic. Hawkins noted the truck traffic would not be heavy like at the Market Basket. Khan pointed out the hazard in re people making left turns after turning into the main entrance; signs did not work. Lamp said they would look at this when the snow is gone – perhaps extend the curb or create a physical barrier. He asked if they would have to return to the Board for that. Hawkins said that would not be necessary. Lamp said they would send a letter to the Board about a fix. Hawkins asked about the huge piles of snow taking up parking spaces. Lamp said if the tenants complained they would truck the snow offsite. Morgan said they asked for a waiver on part of the fee. Lamp asked if they had to calculate the square footage. Hawkins said they were reoccupying space for the existing use; no waiver was needed.

| | | |
|----------------|----------------|--|
| MOTION: | Janvrin | to accept Case #2014-05E as complete for jurisdiction and deliberation. |
| SECOND: | Sweeney | Approved: Unanimous |

| | | |
|----------------|---------------|--|
| MOTION: | Lowry | to approve Case #2014-05E – RMD, Inc. to reoccupy four vacant stores in the Southgate Plaza, totaling some 30,659 square feet, at 380 Lafayette Road, Tax Map 9, Lot 1. |
| SECOND: | Sweene | Approved: Unanimous |

Lamp said they would work with the 5 Guys on a complete application. Hawkins said to consider the potential for increased traffic.

Case #2014-06 – Proposal by M&M Trust, Sasha Coppens St. John, H. Alfred Casassa, and Denise Willis for a voluntary lot merger at 24 & 28 Pine Street, Tax Map 8, Lots 21-1 & 21-2.

Attending: Denise Willis;



**Town of Seabrook
Planning Board Minutes**
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Hawkins asked for Morgan's view. Morgan wanted to hear from Willis about the purpose of her request. Willis said she was trying to cut back on taxes because her children did not want the lots. Her house was on one lot; she would consolidate two other lots. Hawkins said VOLs were formalities.

| | | |
|----------------|----------------|---|
| MOTION: | Janvrin | to accept Case #2014-06 as complete for jurisdiction and deliberation. |
| SECOND: | Lowry | Approved: Unanimous |

| | | |
|----------------|----------------|---|
| MOTION: | Janvrin | to approve Case #2014-06 – M&M Trust, Sasha Coppens St. John, H. Alfred Casassa, and Denise Willis for a voluntary lot merger at 24 & 28 Pine Street, Tax Map 8, Lots 21-1 & 21-2, and allow the Chair to sign the form. |
| SECOND: | Lowry | Approved: Unanimous |

Kravitz said Willis could decide whether her attorney or the Planning Board would make the Registry filing. If the Board did the filing there would be a filing and administrative fee.

Case #2014-08 – Proposal by David Gallagher, Thomas O'Hara, and CAP Trust to establish an automobile detailing shop at 563 Lafayette Road, Tax Map 8, Lot 10.

Attending: Tom O'Hara, David Gallagher

Khan recused himself from Case #2014-08 because his wife owned adjacent property.

Morgan asked about the prior tenants. O'Hara said it had been an approved store for auto parts. It had been used as a parts and vehicle warehouse and then for galss. This space had been vacant for more than a year. The new use was for a car detail shop. There would be no changes to the lighting, or the outdoors. No more than 3 spaces for cars would be needed. The business dealt with exotic cars; the car washing would be outside as there was no inside drainage. About 4 spaces would be used for these cars. Hawkins cautioned about complying with the new groundwater regulations. Garand asked for the number of units. O'Hara said there were 4. Janvrin asked about the signage. O'Hara said there would be a sign for each tenant (on the existing pylon). Garand noted that drainage could be an issue for rinsing cars outside. Janvrin noted there was no striping for vehicles, and asked how many could be parked on the full site. Gallagher said about 17. Hawkins asked Morgan if it would be appropriate to get a letter from the Department of Public Works Manager concerning any outdoor drainage issues that could become the town's problem. Morgan thought that prudent. Hawkins called attention to the state's groundwater regulations which could cause issues for the town, so a DPW ok would be appropriate. . O'Hara asked if the indoor business could begin.

| | | |
|----------------|----------------|---|
| MOTION: | Hawkins | to accept Case #2014-08 as complete for jurisdiction and deliberation. |
| SECOND: | Sweeney | Approved: Unanimous |



Town of Seabrook
Planning Board Minutes
 Tuesday, March 4, 2014
 NOT OFFICIAL UNTIL APPROVED

| | | |
|----------------|----------------|--|
| MOTION: | Hawkins | to approve Case #2014-08 – David Gallagher, Thomas O’Hara, and CAP Trust to establish an automobile detailing shop at 563 Lafayette Road, Tax Map 8, Lot 10, provided that (i) the Applicant shall submit a letter from the DPW Manager stating that washing of cars on the site is allowed, and (ii) if the Department of Public Works Manager shall not approve outdoor car washing, the Planning Board approval shall be for inside the building use only. |
| SECOND: | Sweeney | Approved: Unanimous |

ONGOING CASES

Khan resumed his seat
 Baxter recused himself.

Case #2013-14 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings, LLC, West River Road, LLC, and Waterstone Retail Development, Inc. to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to discontinue most of Chevy Chase Road, continued from July 2, 2013, July 16, 2013, September 3, 2013; September 17, 2013; October 1, 2013, November 5, 2013; November 19, 2013, December 3, 2013, December 17, 2013; January 7, 2014;

Attending: Arleigh Greene, Douglas Richardson, Waterstone Retail Development;
 Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jeffrey Dirk, traffic engineer, VAI;

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; **Request for application fee reduction,** continued from August 6, 2013; **Chevy Chase Road Relocation Request**

Attending: Arleigh Greene, GRA; Douglas Richardson, Waterstone Retail Development;
 Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineers; Jeffrey Dirk, traffic engineer, VAI;

Hawkins said that discussion of open items for Cases #2013-15 and #2015-14 would be limited to one hour. Case #2013-14 would be addressed first. He asked if NextEra had provided a positive letter in re the round-about. Greene said that Dirk was talking with Steven Coes of NexEra; they wanted to see the final design. Greene said NextEra was comfortable, and he was confident they would approve, Hawkins asked if a letter from DDR in re the round-about and



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Provident Way had been submitted. Dirk thought the letter had been drafted; they had sent an official request. Kravitz said the letter had been received and a copy was given to Greene.

Hawkins said that the TRC comments would be addressed, and referenced a letter from the Department of Public Works Manager in re getting assurances that Waterstone would be responsible for the round-about maintenance. [Waterstone had provided such a letter]. Morrill informed the Board that the TRC issues had been addressed in the revised plans. Hawkins said that the security amount of \$1,117,500 would have to be provided. The status of Chevy Chase Road needed clarification for the BOS.

Hawkins asked for the Applicant's comments on their request for conditional approval. Morrill said a letter had been submitted listing all of the siteplan changes since the TRC Meeting. They had asked for waivers for the lighting trespass, and to allow sloped granite curbing with vertical granite at the ends, and cape cod berms in the rear. They added a bus shelter and two locations for bike racks. The internal circulation was improved. They worked with Unitil to bring overhead electrical wires to the rear of the site from the Staples lot. Three rows of evergreens would be along the abutter properties. The Applicant feels that all of the TRC concerns had been met. Additionally, to meet the CEO's request, a utility room would be added to buildings 5 and 6 so that even with multiple units there would only be one service connection. Kravitz recalled that the DPW Manager has asked for a letter from Greene to the effect that Greene would continue maintaining the Provident Way round-about area, if Waterstone did not. Greene said he'd made that commitment to Starkey. Morrill explained that at the TRC meeting Starkey had been concerned about the maintenance of that roadway, and Waterstone committed to maintaining and repairing the area from Chevy Chase Road through the cul-de-sac past the round-about.

Khan asked whether there would be a fence along the opening to the Prime Time up to Provident Way. Morrill said it was open. Waterstone had to take care of Chevy Chase Road which would be a dedicated town road privately maintained. Janvrin thought there would be one entry to Prime Time, but Chevy Chase would not be connected. He asked if access would be restricted or if there was a cross-connect through Bob's. Greene did not know. Janvrin commented that there was no easement. Khan asked if the current Bob's building would remain. Greene said it would not be removed in this proposal. Khan asked if Bob's was moving into the shopping center. Richardson said Bob's would move into the two-story Building. Morrill described landscaping on both sides. Janvrin asked if the utility area would be for domestic and sprinkler water, and electrical. Richardson confirmed this. Morrill said sewer came out of the front of buildings.

Hawkins asked for an explanation of the request for a conditional approval at this time. Greene said there were tenant commitments to meet; there had been delays. He thought the current plan was really good, although not perfect, and the architectural drawings were fabulous. The traffic design was not perfect, but was a big improvement and coordinated with the NHDOT widening project; Dirk could explain this. They were looking for an approval conditioned on approval from the NHDOT, which he thought would be forthcoming very soon, after which they would return to the Board for final comments.

Hawkins said as this would be a step outside of the normal procedure, he had asked Morgan to draft conditions to allow Waterstone to start the site construction at their own risk. The Planning Board should continue to review the siteplan until all open issues, including those in re traffic design, were resolved. They seemed to be making progress with the NHDOT; he was confident the right changes would be made. The final approval by the Planning Board would come after the traffic issues were all dealt with and the state had approved the plan for Route 1. Morgan's



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

draft conditions should be reviewed, but the Applicant had asked for a conditional approval prior to the completed review. Hawkins did not see a problem because the issues were very close to being resolved, noting that there had been a second TRC meeting for additional comments from department heads, which he thought had been addressed. He was not uncomfortable, but wanted to go through this process to be sure everyone understood what would be done to assure that additional issues were not being created for the town. Janvrin asked if Hawkins was more comfortable than with the US Foods approval. Hawkins was a lot more comfortable because there was a plan in hand, not just a presentation, so this would be a little bit easier. Also, the traffic people had worked with the state for a couple of months. He wanted to be sure that the Board was ok in stepping outside of the normal procedure.

Janvrin asked how the Applicant would execute the sitework. Greene said this would all be at the Applicant's risk. The most critical building was at the southwest corner where the pad for one anchor store needed to be delivered by May 1. Janvrin asked about the trucking business which was now in that location. Greene said that was now used for parking, so the inventory would be moved elsewhere so the site work could be done. Janvrin asked if the entrance was already stabilized. Greene said it was, and the ponds had been stabilized a couple of years ago. Richardson said that building was the most critical; construction could begin without affecting the existing buildings. Greene said this would be for a good solid national retailer. Hawkins wanted to walk through the proposed conditions, if there were no objections; there were none. The understanding would be that the Applicant was undertaking construction before final approval at their own risk. On big projects like this one, he wanted Morgan's proposed conditions of approval written in advance; the Board could talk about anything that needed to be added.

Hawkins read the proposed conditions precedent as follows:

Conditions Precedent: *I move to grant conditional site approval to allow Waterstone Retail Development to construct a 168,642 square foot shopping center at 570 Lafayette Road on land owned by Arleigh Greene as depicted on the Jones & Beach site plan dated March 13, 2013, revised November 26, 2013 (Case#2013-15) subject to the following conditions precedent:*

1) Adherence to TRC Recommendations: *On January 28, 2014 the town of Seabrook's Technical Review Committee (TRC) issued numerous recommendations. The implementation of these recommendations, to the Town Planner's satisfaction is hereby made a stipulation of this conditional siteplan approval. [Hawkins clarified that this was the second TRC meeting; recommendations from the first TRC meeting were already in the plan.]*

2) Compliance with Departmental Recommendations: *Town department managers issued several recommendations in regards to this proposed shopping center. The applicant shall comply with the recommendations, to the satisfaction of the respective department heads.*

3) Financial Security: *In order to ensure the timely and proper completion of utilities, landscaping, drainage, lighting and other infrastructure improvements, Waterstone shall provide cash or an irrevocable letter of credit issued by a New Hampshire bank in the amount to be determined by the Planning Board's consulting engineer, Michael Fowler. The above referenced letters of credit and other financial guarantees shall be subject to approval, as to form, and content, by the Planning Board's legal counsel and the Town Treasurer.*

4) Engineering Oversight: *The Town's consulting engineer will monitor the installation of on-site utilities and other infrastructure improvements. Waterstone shall reimburse the Town for the cost of this oversight.*



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

5) Reimbursement: *Waterstone shall fully reimburse the Town for expenses incurred from the review of the Waterstone application by all of the Planning Board's professional consultants.*

6) Applicant Proceeds at own Risk: *Prior to the issuance of a Building Permit, the applicant shall submit a written declaration acknowledging that no site plan approval is final until such time as the conditions of final approval, enumerated below, are deemed completed to the satisfaction of the Planning Board.*

Final Approval: *The Applicant is also subject to final conditions of site plan approval, which will include the following:* [Hawkins said the list of items that were mostly administrative had been given to the applicant.]:

7) Other Permits: *Waterstone shall obtain all applicable state and federal permits.*

8) Access/Egress: *The Applicant shall return to the Planning Board, and shall be subject to site plan review in regards to all access and egress issues, as well as to all off-site improvements and associated exaction fees (See Section 10 of the Site Plan Review Regulations) that the Planning Board deems to be necessary. No Certificate of Occupancy shall be issued until such improvements have been completed to the satisfaction of the Planning Board's transportation consultant.*

9) Route 1 South: [Hawkins said that Morgan's original language had been problematic for the Applicant which submitted alternative language.]

No Certificate of Occupancy will be granted until final completion of off-site traffic mitigation as detailed in Exhibit A. This work includes but is not limited to the widening of Route 1 between Staples and south of the Route 107 intersection. These improvements will be constructed as outlined by NHDOT in their project reference: Seabrook X-AOO2 (762), 16444 Exhibit B. In addition Waterstone will install a full signalized intersection to preserve access for the residents of Perkins Avenue which is not part of the NHDOT plan. Waterstone shall be responsible for the cost of this work. Improvements will be completed to the satisfaction of the Planning Board's transportation consultant.

Hawkins said this meant that Waterstone would be allowed a building permit before all of the Route 1 improvements were made. He asked Morrill to show that Waterstone would do the Route 1 widening all the way down to Staples, but would not go past Staples. This would include the Perkins Avenue light. Hawkins said that the work was all in the right-of-way on the west side of Route 1. If they had to go outside of the right-of-way for sidewalks that land would have to be acquired by the state. Dirk said the NHDOT wanted the Applicant to set the curb lines on the west side to be consistent in alignment with their plan. Any additional widening would happen on the east side, and the Perkins light would also be added. Morgan thought the NHDOT plan was somewhat of a moving target. Dirk said the NHDOT gave them the alignment of the current plan so that it fits with their contemplation. If it needed to be modified subsequently, the NHDOT would take care of that. Morgan asked if the Applicant had assumed responsibility for everything north of Staples. Dirk said consistent with the NHDOT plan. Janvrin said the existing Route 1 bottleneck would move south after Staples. Dirk said that would be the tapering.

Janvrin asked if the NHDOT or Waterstone would do the work. Richardson said Waterstone would use a qualified contractor to do the work. Dirk said the NHDOT would grant them access upon satisfactorily completing the work. Janvrin said this was part of the driveway access permit.



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Hawkins understood that the west side curb work would be done inside the existing right-of-way so there was nothing to stop that from happening. The only issue would be if lands had to be acquired for the sidewalk. Dirk confirmed this. Hawkins thought there was nothing to hold up the work up down to Staples. If the state had to acquire land for sidewalks, that would not affect this work at all. Dirk confirmed this. Janvrin asked if the sidewalks on the east side of Route 1 were fully within the scope of the project. Dirk confirmed this.

Janvrin asked if the Planning Board had made its recommendation to the Board of Selectmen. Hawkins said it had. Kravitz said the Board's recommendation has pertained to the DDR project. Hawkins said there would have to be a resigning for reinstalling the sidewalks for this project. The BOS acknowledged that a prior Board had taken the responsibility from Railroad Avenue to the north to Rocks Road. He assumed that when relevant issues emerged, the BOS would sign those agreements. Khan said about eleven years ago a previous Town Manager had written that the BOS would agree to take care of the sidewalks on both sides of Route 1. There is no escaping the responsibility; the BOS would have to agree. Janvrin thought the Planning Board should make that recommendation soon for this project. Hawkins was not yet clear about what would get torn up. Janvrin did not want to hold up this project. Hawkins said the recommendation could be made to the BOS at one of the next meetings that would acknowledge that some of the sidewalks would get torn up, so the BOS would be asked to sign re that section. Khan wanted the DPW Manager to bring a plan about how the sidewalk maintenance would be done. Hawkins commented that nothing had changed over the years.

Hawkins asked how many feet along Route 1 Waterstone would do, and how many the state would do. Dirk could not estimate this. the curb lines would be set. Some widening was needed south of there. Hawkins thought that was almost half way in re the state's widening project. Dirk agreed. Janvrin commented that there was a Warrant Article for a sidewalk plow. Janvrin asked if they were not changing any curbs, only reconfiguring shoulders. Dirk said they would widen the road to set the curb line to align with the NHDOT work. They do not need additional right-of-way for that, although the NHDOT might want to acquire land for maintenance and snow plowing. Janvrin asked if they would be responsible for the sidewalk on Provident Way up to the round-about. Richardson said yes. Hawkins said the result would be that if there were heavy traffic, it would be kept on Provident Way and inside of the retail development, and not backing up into the Route 1 and 107 intersection. Dirk confirmed this, commenting that DDR had the same question, and was comfortable with the design.

Janvrin asked if the Route 1 work would be completed prior to Building #6 occupancy. Hawkins clarified that it was the work down to the Staples drive. Janvrin thought that meant that building occupancy could occur at that time. Richardson said the May 1 deadline related to the pad for the building. Dirk said the NHDOT would not allow a customer vehicle to enter the site until the roadwork was done. Janvrin asked for the timeframe for the Route 1 work to be done. Dirk expected the conceptual approval from NHDOT this month, so they could go to the next design level. Richardson said completion of Building #6 should be close to the end of September. Janvrin noted that that would be soon after the opening of DDR stores. Hawkins said that this is a vehicle to get a portion of what the state was going to do done in advance of the state's timetable. At least Route 1 and the Perkins light would get done in advance, although the state's widening work would take about a year to 18 months. The total problem would not be resolved, and might be a little worse for a while.

Khan remarked that the DDR project had installed lighting controls at the Route 1-107 intersection, and asked if Waterstone would also do that. Hawkins said the problem was that the connections were not working. Dirk said they talked with DDR's traffic people who said this was



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

difficult to get working right. They agreed to get this right and make sure the town could maintain the function. Hawkins asked how the signal at Perkins Avenue would affect this. Dirk said that signal was at the end so it would be easily added on to the intersection controls. Hawkins said the state's promise was to go to Railroad Avenue.

Hawkins asked for other questions re #9; there being none.

10) Reimbursement: Waterstone shall fully reimburse the Town for expenses incurred from the review of the Waterstone application by all of the Planning Board's professional consultants.

Hawkins said there were some good things about doing this quickly. The bottleneck issue would still be there, but would be moved a significant distance south for queuing cars. The Board had to decide if this was a good plan at this meeting, and should go ahead with a conditional approval. Janvrin asked about the DDR and NextEra letters.. Dirk said the DDR letter had been given to Kravitz. Hawkins said NextEra had acknowledged that they did not have a say, as this is not on their land. They seem to be coming around with the traffic people to know that they will be able to get their equipment through. The project had to demonstrate to NextEra that the power plant can get vehicles in and out when they need to. Now, this was going through NextEra's lawyers and the Florida corporate people. Greene said in the spirit of goodwill, Dirk had answered all of NextEra's questions. He thought if they had problems, they would have been at this meeting; it was a good sign that they were not in attendance. Janvrin recalled that some abutters had attended an earlier meeting asking for a tree buffer, and asked if they were happy. Greene said they had answered all of their questions; what they wanted had been incorporated in the planset. On the southern border they had agreed to install the plantings pre-construction.

Hawkins asked for other comments or discussion.

Fraze commented that the residents of the Seabrook will be paying for the result of this project – no one will be able to get anywhere; volume is volume. Khan said that this was progress. Fraze was concerned about trying to get out of driveways. Khan said this was a project brought in by the landowner; it could not be denied. Fraze said looking back on this it would be worse. Khan said the situation was already bad. He did not want to make it worse; the improvements would make it better. Hawkins said that the Planning Board had experience with denying approval for a large applicant. The Board ended up in court and dealing with it after the fact. That would be an expensive route to take. He felt that it was better to work with applicants the best way possible to find solutions. Aside from the work to be done for this project, there would be a significant exaction from the Applicant applied to do improvements for future benefit, other than at their front door. Fraze asked how many red lights could be installed. Hawkins said hopefully traffic will be able to keep moving, maybe not quickly – but smoothly.

Janvrin explained that every time the NHDOT approved a traffic light on Route 1, it was supposed to be coordinated with other signals in the area; they were given the money to do this. To date, the NHDOT had not connected them up, even as far as Walmart and Home Depot; where the walk buttons did not work. The Town could not control this. Fraze said in five years the town would be paying for that too. Henry Boyd commented that long-time townspeople would want to go back to the early days when there was nothing on Route 1. When US -1 runs through the town, it cannot be stopped, whether it was progress or not. Now there was a developer that worked very hard on the site, and a portion of the needed work would get done. Whatever Seabrook had, townspeople had done themselves. There would still be one lane further down, but a piece of the puzzle would be done. Boyd commented that the new lane on the Route 107



**Town of Seabrook
Planning Board Minutes**
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Bridge was already starting to help. What this Applicant would do would be better than what was existing.

Khan said that DDR and Market Basket did not show up for the Rockingham Planning Commission Developments of Regional Impact Committee. This Applicant appeared for more than 3 hours to satisfy all of the committee members about what they were doing. It was commendable that they went through whatever process the Planning Board asked. Hawkins commented that the outcome would be so much better for the residents with a light at Perkins Avenue. While it would not be a perfect alignment, it would be so much better for the approximately 100 houses in that area that cannot go north on Route 1 now. The state did not want to do this, because they think that light would be too close to the Route 107 light. Khan said that the Planning Board heavily pressed for that signal from the start; those residents were mostly over 55 years of age and their voices don't get heard. It was good to take care of this.

Morgan reminded that the Case #2013-14 lot-line adjustment would have to be voted on before the site plan. Janvrin asked if the lot-line approval would also need the conditional use permit. Hawkins asked if the conditional use permit had to be done Janvrin said the procedural order would be to do the lot-line adjustment first, then the conditional use permit, and then the siteplan approval. He asked if the Applicant agreed. Greene said they were fine with that.

Hawkins read the proposed Motion for Case #2013-14:

I move to approve the proposal by Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings LLC, West River Road LLC and Waterstone Retail Development, Inc, to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, as depicted on a plan prepared by Jones & Beach Engineering dated March 22, 2013, revised on February 24, 2014.

Morgan noted that the most recent plan shows a new property owner. Morrill said they had provided the deed for the new property owner. ASKJA Real Estate Holdings LLC. Kravitz asked for the current status. Morrill said all of those lots were now under one ownership name. Morgan said to amend the motion to name ASKJA Real Estate Holdings, LLC. Kravitz asked if that entity owned all of the six lots. Morrill said it did.

| | | |
|----------------|----------------|--|
| MOTION: | Hawkins | to approve Case #2013-14 - Arleigh Greene, GRA Real Estate Holdings, LLC, 492 Lafayette Road, LLC, ARG Real Estate Holdings, LLC, West River Road, LLC, (collectively also known as ASKJA Real Estate Holdings LLC), and Waterstone Retail Development, Inc. to consolidate six lots in the vicinity of Lafayette Road, Chevy Chase Road, Provident Way, and the South Access Road, namely Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90. |
| SECOND: | Janvrin | Approved: Hawkins, Janvrin, Khan, Lowry, Sweeney, Baxter; Abstained: Frazee |

| | | |
|----------------|----------------|--|
| MOTION: | Janvrin | to find no increase in motor vehicle traffic in |
|----------------|----------------|--|



Town of Seabrook
Planning Board Minutes
 Tuesday, March 4, 2014
 NOT OFFICIAL UNTIL APPROVED

| | | |
|----------------|-------------|---|
| | | connection with Case #2013-15, or that any such increase in motor vehicle traffic has been mitigated to the satisfaction of the Planning Board ((per and to grant a conditional use permit to allow commercial retail use in an industrial zone per Zoning Ordinance 3.200, |
| SECOND: | Khan | Approved: Unanimous |

Hawkins asked for Garand’s comments. Garand had no comments because this was an unusual procedure. Hawkins asked for comments from others in attendance; there being none.

| | | |
|----------------|----------------|---|
| MOTION: | Hawkins | <p>to grant conditional site plan 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 as presented at the Planning Board meeting of March 4, 2014 with the following conditions:</p> <p>Conditions Precedent: I move to grant conditional site approval to allow Waterstone Retail Development to construct a 168,642 square foot shopping center at 570 Lafayette Road on land owned by Arleigh Greene as depicted on the Jones & Beach site plan dated March 13, 2013, revised November 26, 2013 (Case#2013-15) subject to the following conditions precedent:</p> <p>1) Adherence to TRC Recommendations: On January 28, 2014 the town of Seabrook’s Technical Review Committee (TRC) issued numerous recommendations. The implementation of these recommendations, to the Town Planner’s satisfaction is hereby made a stipulation of this conditional siteplan approval. [Hawkins clarified that this was the second TRC meeting; recommendations from the first TRC meeting were already in the plan.]</p> <p>2) Compliance with Departmental Recommendations: Town department managers issued several recommendations in regards to this proposed shopping center. The applicant shall comply with the recommendations, to the satisfaction of the respective department heads.</p> <p>3) Financial Security: In order to ensure the timely and proper completion of utilities, landscaping, drainage, lighting and other infrastructure improvements, Waterstone shall provide cash or an irrevocable letter</p> |
|----------------|----------------|---|



**Town of Seabrook
Planning Board Minutes**
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

| | |
|--|---|
| | <p>of credit issued by a New Hampshire bank in the amount to be determined by the Planning Board's consulting engineer, Michael Fowler. The above referenced letters of credit and other financial guarantees shall be subject to approval, as to form, and content, by the Planning Board's legal counsel and the Town Treasurer.</p> <p>4) Engineering Oversight: The Town's consulting engineer will monitor the installation of on-site utilities and other infrastructure improvements. Waterstone shall reimburse the Town for the cost of this oversight.</p> <p>5) Reimbursement: Waterstone shall fully reimburse the Town for expenses incurred from the review of the Waterstone application by all of the Planning Board's professional consultants.</p> <p>6) Applicant Proceeds at own Risk: Prior to the issuance of a Building Permit, the applicant shall submit a written declaration acknowledging that no site plan approval is final until such time as the conditions of final approval, enumerated below, are deemed completed to the satisfaction of the Planning Board.</p> <p>Final Approval: The Applicant is also subject to final conditions of site plan approval, which will include:</p> <p>7) Other Permits: Waterstone shall obtain all applicable state and federal permits.</p> <p>8) Access/Egress: The Applicant shall return to the Planning Board, and shall be subject to site plan review in regards to all access and egress issues, as well as to all off-site improvements and associated exaction fees (See Section 10 of the Site Plan Review Regulations) that the Planning Board deems to be necessary. No Certificate of Occupancy shall be issued until such improvements have been completed to the satisfaction of the Planning Board's transportation consultant.</p> <p>9) Route 1 South: No Certificate of Occupancy will be granted until final completion of off-site traffic mitigation as detailed in Exhibit A. This work includes but is not limited to the widening of Route 1 between Staples and south of the Route 107 intersection. These improvements will be constructed as outlined by NHDOT in their project reference: Seabrook X-AOO2 (762), 16444 Exhibit B. In addition Waterstone will</p> |
|--|---|



Town of Seabrook
Planning Board Minutes
 Tuesday, March 4, 2014
 NOT OFFICIAL UNTIL APPROVED

| | | |
|----------------|---------|--|
| | | <p>install a full signalized intersection to preserve access for the residents of Perkins Avenue which is not part of the NHDOT plan. Waterstone shall be responsible for the cost of this work. Improvements will be completed to the satisfaction of the Planning Board's transportation consultant.</p> <p>10) Reimbursement: Waterstone shall fully reimburse the Town for expenses incurred from the review of the Waterstone application by all of the Planning Board's professional consultants.</p> |
| SECOND: | Janvrin | Approved: Hawkins, Janvrin, Khan, Lowry, Sweeney; Abstained: Frazee |

Baxter resumed his seat.

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

At the Applicant's request Hawkins continued Case #2013-24 to April 1, 2014 at 6:30PM in Seabrook Town Hall.

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

Michael Lowry recused himself from Case #2013-26.
 Attending: Michael Lowry;

Lowry recalled that at its last Planning Board meeting Case#2013-26 Mobardy (back lot) was continued to this date because the Board decided to wait for word on the Superior Court litigation. Also, Lowry thought Morgan was providing the ITE traffic calculations.

Hawkins reported that the Judge had remanded Case #2012-18 Tropic Star (gas station – front lot) back to the Planning Board to consider the interaction of the two uses on the front lot (gas station), and that the Board continued the case looking to its legal counsel. Hawkins said the entire decision was in the Board packet. He read the following paragraph from the court decision.

... the Board erred because it did not hear any evidence on what effect traffic on the front lot would have on traffic attempting to use the easement to access to the back lot. The Board's decision was unreasonable because it approved the siteplan without considering evidence about the internal traffic dynamics of the front lot and the back lot vis a vis each other.



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Hawkins thought this important because the court was basically saying that the Board had to consider both cases and how they affect each other in terms of the traffic flow through that parking area. He then read the second paragraph from the court decision:

...the Board erred because there was no evidence in the record that the board considered whether allowing pavement in the parking easement to remain but removing the striping of the parking spaces in that easement would lead to increased congestion, decreased safety, and other impacts on the patrons using both businesses.

Hawkins thought the two paragraphs were important because the Judge said that the Board could not consider one case separate from the other; it did not consider the restaurant use on the rear site. Hawkins pointed out that the Board did not consider the building on the back site because it was empty, but would consider it when an application for use was submitted. The Judge did not find that satisfactory or appropriate. He returned the front lot case back to the Board, telling to consider the interaction of the two uses together on the same lot. Janvrin recalled that at the time, only one lot was before the Board. Now that there was an application for the back lot (Case #2013-26), he thought this should be easier. Hawkins said in any event that is what the Judge charged the Board to address for both cases. He noted that reconsideration for Case #2012-18 had not yet begun; there would be difficulties untying the two cases. The Board had thought there should be striping, but did not want to indicate that those spaces would be a part of the front lot which was allowed only 5 spaces. Striping the spaces would put them over the limit. Apparently the Judge thought they should have been striped and considered for that site, along with the unidentified use for the back lot.

Janvrin asked if Case #2013-26 was before the Board only because it had ceased to operate. Hawkins said it was also a change of use. Lowry said these were two separate cases and lots. When the Judge ruled, there was no case on the back lot. Hawkins said the Board agreed, except that the Judge said that was without considering evidence about the internal traffic dynamics of the front lot and the back lot. The Board needed to know what traffic would be generated for the back lot, in order to address the front lot. In the past, he thought the Board would have viewed Case #2013-26 as a simple reoccupation of an existing building. Now information was needed relating to the traffic activities to deal with the two cases together. In both of the Judge's findings he tied the two lots together in reincreased congestion, decreased safety and other impacts on the patrons using both businesses. In order to consider that in the front lot, information was needed relating to the activity on the back lot. He did not exactly know how the internal traffic analysis could be done for that property. The Board needed to discuss this to go ahead.

Lowry pointed out that the two lots had worked together since the 1970's in the existing manner. Janvrin assumed that the court said the Board looked at trips generated for the peak hour on the front lot, but did not consider this for the back lot. Apart from the court case, the Board needed to look at the trip generation criteria for the back lot, taking into consideration people who might come on to the front lot, but use businesses on both lots ie cross-trips. Hawkins did not think it was a matter of trips. The Judge perceived the Board's lack of review of internal flow and movement of cars. He disagreed, but said that did not matter because the Judge make a decision. The Board had to look at that internal flow of traffic considering the use of both lots and how that would impact each other. Hawkins was unclear about what else to do. The traffic consultants discussed the turning radius for a large tanker truck to refill the gas tanks: the parking spaces in the front lot were limited to 5. Janvrin recalled the discussion about directional traffic flow on the site, and right in and out access and egress from Route 1, and in re New Zealand Road. At the time, he had asked about the back lot and had been thinking about



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

exactions; the front lot wasn't subject to being combined with the back lot in re whether that would amount to more than 50 trips. .

Khan said that the Town had already spent money over time for the litigation involving both landowners. He thought that whatever decision the Board might make would go back to the court. He asked Morgan if the Planning Board had the power to ask the two lot owners to sit down again within 30 days to see if they could work out an agreement.

Morgan said the Board could ask for that, but he thought it more important to address the Judge's criticism. He disagreed with the Judge's decision, but said the Board should decide now how to respond to it. Morgan proposed asking the Applicant from the front lot to expand its traffic analysis to both lots ie have Tropic Star cause one traffic analysis to be done showing the difference between the approved use and what would be allowed.(for both lots). Hawkins said the problem was that the Applicant for the back lot had not defined their traffic. The Board is being asked to assess an interaction of the traffic on one lot with that of the lot right next to it. Morgan thought the most efficient way to go forward would be to hire one traffic consultant to assess the traffic and break down the trip generation for both lots to know who was responsible for both lots. Hawkins thought the respective applicants should define their own traffic He thought the Judge was asking why the Board had not brought a traffic person in to look at the back lot. Janvrin commented that the back lot had not been in use for a long time. Hawkins thought the Judge had not acknowledged the difference between an approved use, and an allowed use. The back lot had an allowed uses, but not an approved use because it had been empty.

Scott Mitchell said Tropic Star had filed a motion for reconsideration; and put together a detailed sequence of events, and onsite circulation that considered the impact of the easement. He had letters from the landowner stating that the easement was non-exclusive. Both lots had operated cooperatively for many years. The back lot had an oil business, a machine company, a pizza place. He thought it had been vacant for about 5 years. He asked that his attorney be allowed to speak. Morgan noted that the reconsideration had been denied. [Mitchell was provided with a copy of the denial.], Attorney Jeff Roelofs, representing Tropic Star while Attorney Uchida was away, said the remand process was not over. He thought that one party or the other would be tasked with pulling together the collective traffic study, unless the Board wanted to continue this hearing until such time as both cases were being heard. He thought the Applicant for Case #2013-26 should compile the traffic study, and it would make sense to continue this hearing until both cases were before the Board.

Hawkins asked for Morgan's view. Morgan said having the traffic study done in re both lots would solve the problem for all parties and should satisfy the Judge. Hawkins agreed it would be necessary for the front lot, and asked what should be done for the back lot. Morgan said his suggestion to ask Tropic Star to expand its traffic study to include both lots would address the traffic issue. Other than that, he did not see too many problems. Hawkins wanted some guidance in re the traffic expected to go in and out from the back lot. Janvrin noted that Case #2012-18 had been remanded, but not placed on the Planning Board Agenda. He asked if March 13 would be too soon. Hawkins thought a reconsideration based on the Judge's decision would be up to the Board. Janvrin said there was no other litigation at the Superior Court, so he thought that the Planning Board should be able to proceed on both cases. Janvrin suggested putting Cases #2012-18 and #2013-26 on the March 13 Agenda. At that point the Board could say it wanted both Applicants to decide who would do the traffic study. Baxter thought that 11 New Zealand Road should get its own traffic study, so that the scope of both could be peer reviewed. Baxter asked who would pay for this. Janvrin said if Case #2013-26 were asked to do



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

its own traffic study, it might not have the necessary scope to satisfy the court. Unfortunately, the court had positioned the Board as the arbiter. Morgan commented that cooperating would be in everyone's best interest. In the absence of cooperation, there would be trouble getting around the Judge's decision.

Lowry said that the court finding was for the front lot. The rear parcel had long existed. Case #2012-26 was a simple request with no changes for parking or landscaping; it was just for the use of the building. Hawkins agreed it would be that simple in the absence of a court decision to the contrary. The Planning Board had the responsibility to stay out of the court which said that it had not considered the back parcel when reviewing the case for the front parcel. The Board needed an idea of what the traffic would be for the back parcel to review its impact on the front parcel, as requested by the court. Lowry said they were not asking about the front parcel. Hawkins said the Board had the responsibility to stay out of court. If it knows what the court will consider, it is up to the Board to review it before going back to the court. If that occurred, the Board should be able to say it had done the required review and made a decision. Baxter said the Judge had given two steps for the review; the Board had to review the traffic as well as the decision on striping. The question was how and when this would be done.

Roelofs said it was too soon to schedule a March 13 hearing for Case #2012-18 as Attorney Uchida would need time to study the Judge's decision. Tropic Star wanted a cooperative approach. Further, the remand hearing would probably need notice to abutters. As to the substance of issues, Roelofs stated that Case #2013-26 did not qualify for an expedited application because a number of criteria had not been demonstrated, including no discernible impact on abutters, no increase in the intensity of use, no increase in traffic impact which could not be known without the traffic study, no changes to stormwater flow or utilities for which nothing was presented, and no changes to signage and lighting which had not been addressed. For those reasons and to satisfy the court, Roelofs said this case required a comprehensive review. Additionally, a certification from a qualified inspector of meeting the ADA requirements should be submitted. Because access to this site was through the Tropic Star site, they would need approval from the NHDOT. Additionally, there was still the real estate issue as to whether the easement was exclusive or not.

Roelofs said that Tropic Star was ready to cooperate, but would object to doing a traffic study that covered internal circulation for both properties. Details on signs, landscaping and lighting would be required even for an expedited application. No information on drainage impact was provided, although this was discussed for the Tropic Star application. It was a change of use. In addition to the litigation issues, there was the real estate issue pending on whether the easement was exclusive or non-exclusive. Hawkins said that the Court commented that the Planning Board had made the right decision in re the easement – it was not the Board's business. Roelofs submitted a letter from a Shaines & MdKechern attorney involved in the sale of the property and creating the easement stating it was not exclusive. This is important because the Case #2013-26 site plan relies on an exclusive use of the easement area for parking.

As a means toward a resolution, Roelofs presented a letter from Attorney Uchida setting forth a proposal to address the parking and access issues to the benefit of both parcels, and to try to work things out. Tropic Star offered to build 10 parking spaces on the back lot at its own expense, and to reserve 3 spaces in the current front lot easement area as exclusive for 11 New Zealand Road use, with the remainder of the easement spaces shared on a first come – first use basis. Tropic Star would agree to amend the easement to reflect this compromise. This would enable parking closer to the proposed restaurant, as well as parking for other back lot tenants. It would also resolve the "exclusive" issue, and provide adequate parking for both lots.



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

Roelofs said this could require a waiver for more than 5 spaces on the front lot. Hawkins commented that such a resolution would save the Planning Board a lot of unnecessary hassle.

Hawkins asked if Lowry had further comments. Lowry maintained that Cases #2013-26 and #2012-18 were two separate cases, and the Applicant was only making changes to the interior of the building.

Hawkins continued Case #2013-26 to April 1, 2014 at 6:30PM at Seabrook Town Hall. Discussion in re the reopening of Case #2012-18 would also be discussed. He hoped that in the meantime the two parties could get together in an agreement. He did not think this so difficult, and would save everyone the money and time that will otherwise have to be spent in court. In the The discussion would focus on traffic requirements if not sooner agreed among the parties.

Hawkins said that the Tropic Star Case #2012-18-would be reconsidered on April 1, 2014 at 6:30PM at Seabrook Town Hall. Mitchell said that they had filed for reconsideration and knew what the Judge wanted them to do. Kravitz asked if abutter notices were needed. Hawkins said as the case had not been continued, they would need notices to abutters. Roelofs said that Uchida would be in touch with the Planning Board office.

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

At the Applicant's request, Hawkins continued Case #2013-27 to April 1, 2014 at 6:30PM at Seabrook Town Hall.

Case #2013-28 Heirs of Charlotte Marshall, Rushbrook Case #2013-28 – Proposal by the Heirs of Charlotte Marshall, Rushbrook Real Estate Investments, LLC, and Michael Green for a 13-lot subdivision at 49 Rocks Road, Tax Map 7, Lots 104 & 104-1, continued from January 21, 2014.

Lowry and Janvrin recused themselves from Case #2013-28.

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

Boyd said at the last meeting they addressed all but two of Morgan's comments. Boyd said they have flagged to the boundary lines, but would request a waiver in re the surveyor or wetlands scientist trespassing onto property owned by others. Also requested was a waiver in re a Conservation Commission appearance because the ConComm did not have a quorum when they appeared. They had asked for comments from the ConComm Chair and offered to walk the site with her. Boyd said all of the Technical Review Committee comments had been addressed in the revised plans, except the Water Superintendent wanted the connection to be to the existing 8 inch main that runs along the North Access Road. Boyd was asked to contact NextEra, but they saw no benefit to them and had no interest. However, if the Town felt they really wanted this connection, a town request would be formally considered, but the decision would come from corporate. Boyd said he'd put all the TRC items in the revised plans, which were sent to Jim Kerivan who wanted some sewer detail, and suggested that they could provide an easement to the Town in the event it reached agreement with NextEra. Kerivan suggested installing a gate



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

valve now in the event that NextEra changed their mind. Boyd said that the water main that they did design was deemed sufficient.

Boyd said that street lights were discussed in the TRC meeting, and that people differed on how many to have. There should be a street light at the intersection; there was an existing street light pole directly opposite to the intersection. To better see the drainage easement, box and setbacks, one siteplan sheet had been split into two sheets. Another TRC item was to make sure that prospective homeowners understood that the town drainage easement runs through the property. People could not construct anything that would impede the town's access. He had added a note that no structure could be placed within an easement, which had to be maintained as a lawn with no other plantings allowed. This is on the deed and the plan. They couldn't build anything or erect a fence any way because it would be within the setbacks. He also pointed out the grassed access area and related cross-section suitable for a one ton truck; as Kerivan requested, this was on a gravel base covered by 4 inches of loam. Two line of sight easements would be obtained.

Boyd said the Applicant had hired a traffic consultant and submitted a traffic memorandum. Boyd commented that the Board's engineer, Michael Fowler, had reviewed an earlier planset. Fowler wanted the sewer force main to be added to the plan; that would be done. Per the DPW Manager's requirement that the pavement design slope be more than 1 percent, the slope had been increased to 1 and 1/4 percent where they could, which would require more loam. Boyd suggested that the town regulations be revised accordingly. Also per the DPW Manager's request country swales were eliminated. Travel lanes would be 10 feet and designed so that the water stays in the street as discussed at the TRC. Morgan asked about the roadway width. Boyd said it would be 10 foot on travel lanes and a one foot bituminous berm lifted on the back; also grass strips. This is meant to keep the water line in the street and to the catch basin. There are no open swales.

Boyd said they had first designed the water and electrical on opposite sides of the street. The TRC said to ask Unitil which side of the road it would designate. The Water Superintendent was very uncomfortable with the water and electrical being on the same side of the street. They designed a 10-foot easement on the lots for the underground electrical conduit, resulting in a 17-foot separation between the water mains and electrical lines. Boyd said that Fowler had wanted the 50-foot right-of-way to be depicted, but Boyd said if they made the road wider, it would show different widths. He will show the different widths on the plan. Fowler's \$451,000 escrow was in line with the quotes Green got for the roadways. Boyd said they had done everything requested. Morgan wanted Kerivan or Starkey's written comments on the new roadway cross-section. Boyd thought that could be in a letter from Starkey.

Hawkins asked about the lighting. Morgan said that Boyd had made a case for a waiver, which would be needed in writing. Boyd did not think a waiver was necessary; it was addressed at the TRC. Hawkins asked if the subdivision regulations specified lights, although he understood that some homeowners would not want the light shining through their window. Boyd commented that the town had to pay for the ongoing lighting. Morgan said the regulations did address lights. A draft deed for the roadway was needed. Boyd thought it had been submitted, Hawkins asked for additional questions; there being none.

Hawkins said if Boyd thought he'd answered everything, the subdivision documents should be reviewed for questions and completeness. He asked Morgan to draft the proposed conditions for approval. If everything was addressed on the plans, there should not be a lot of conditions. Green wanted the soonest approval because of the time pressures, and believed they had met



Town of Seabrook
Planning Board Minutes
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

everything requested. Hawkins asked if the latest revision was February 15, 2014; Boyd said that was. Green asked if they would receive something before the 13th. Hawkins said Green would be contacted if issues arose eg re water volumes. He thought something might have to be handled as a condition, but was not anticipating major issues Boyd wanted to know if a gate valve should be placed, noting that the Greens were very cooperative.

Khan thought it a good idea, but asked who would construct another water line. Boyd said the town would have to do it, because the Greens would be out of it. He thought Kerivan's point was it could be ready without cutting the water main, if the town ever wanted it. Khan said the town should not take on the added responsibility. Hawkins said the question would be if Slayton wanted this in the future. If so, the best thing is to make the expense [easement and valve] to get to that point paid for up front [by the Applicant]. Morgan said that at the TRC meeting certain benefits to the town were explained. Creating a loop system, rather than a dead end, would improve the water pressure and quality which would benefit the residents. Morgan asked for the dimension of the easement. Boyd said it would be 20 feet wide – 10 feet on either side which is customary.

Hawkins thought it was preferable, even though nothing would happen in the next year. If it was important for the future, it would be easier to address now. Boyd showed how it would be placed so the pavement would not need to be cut in the future. He thought the line for the town to run would be about 130 feet. Boyd said the Greens were willing to install this now, if they had permission. Hawkins wanted to have the easement and valve.

Morgan referenced the regulations stating that streetlights were required infrastructure. As this was not more specific, perhaps the Board could give some guidance. Boyd's view was that the TRC did not abolish streetlights, only that there needed to be one at the intersection. Since a street light was there, he thought they met the regulation. Lowry was not in favor of having street lights – it would adversely affect his home. He would be in favor of a waiver for no streetlights. Boyd said the Applicant wanted to leave the light that existed. He also asked for a vegetative buffer for the back parcels which would help the abutters. Green said the vegetative buffer on the back parcel was ok.

Hawkins continued Case #2013-28 to March 13, 2014 at 6:30PM at Seabrook Town Hall. He asked Morgan to review the issues and draft the proposed motion. Khan reminded the members to bring the file material to the meeting. Hawkins said this material would not be reprinted.

Hawkins continued Case #2013-28 to March 13, 2014 at 6:30PM at Seabrook Town Hall.

Case #2014-01 – Proposal by Steve Carbone to amend his prior site plan approval (Case #2010-01) for commercial development at 287 Lafayette Road, Tax Map 9 Lot 64;

continued from January 21, 2014;
Janvrin and Lowry resumed their seats;

Attending: Steve Carbone,
Appearing for the Applicant: Wayne Morrill, Jones & Beach Engineering;

Hawkins said that Case #2014-01 had a conditional approval, however, a letter from John Starkey or his engineer as to the effectiveness of the new drainage system. Morrill said a January memorandum from Jim Kerivan was in full support. They wanted to get the site cleaned up. Hawkins asked if they could be ready for a final approval on March 13, 2014. Carbone wanted to set the handicap ramp. **Hawkins continued Case #2014-01 to March 13, 2014 at 6:30PM at Seabrook Town Hall.**



**Town of Seabrook
Planning Board Minutes**
Tuesday, March 4, 2014
NOT OFFICIAL UNTIL APPROVED

NEW CASES - CONTINUED

Due to the lateness of the hour, Hawkins continued the remaining cases.

Case #2014-02 – Proposal by Charles Mabardy & DDR for two lot line adjustments involving three lots situated between 700 and 728 Lafayette Road, Tax Map 7 Lot 125 & 126, and Map 8, Lot 55-10.

Attending: Michael Lowry, Manager, Mabardy Oil;

Hawkins continued Case #2014-02 to March 13, 2014 at 6:30PM at Seabrook Town Hall.

Case #2014-03 – Proposal by Charles Mabardy & DDR to construct 17 parking spaces at 720 Lafayette Road, and a connector roadway between 700 & 720 Lafayette Road, Tax Map 7 Lot 126, and Map 8, Lot 55-10.

Attending: Michael Lowry, Manager, Mabardy Oil

Hawkins continued Case #2014-02 to March 13, 2014 at 6:30PM at Seabrook Town Hall.

Case #2014-07 – Proposal by 33-35 Gove Road Realty Trust to amend a subdivision approval so as to restrict the sale of lots at 33-35 Gove Road, Tax Map 7 Lot 50.

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

Boyd said they had submitted the application, but a letter had been submitted in re **Case #2010-24 the 33 – 35 Gove Road subdivision** as a backstop some time ago, but had not been heard due to the prior meeting cancellation. The mylar that the Board was holding, and the proposed restriction on the sale of lots which he had proposed needed to be signed and recorded at the Rockingham County Registry of Deeds. Boyd said they needed direction. Boyd said they were not in favor of the Case that they submitted. Hawkins will meet with Morgan during the week to discuss how to proceed, whether what had been proposed for the restriction meets the town requirements, and what issues were outstanding. When they were comfortable, he would sign the mylar. Boyd commented that Walsh had agreed to do other things. Khan thought nothing could happen until the mylar was updated, and/or the old mylar and the restriction could be recorded. Kravitz noted that the mylar that the Board had was about 18 months old, and would not have the changes. Morgan agreed.

Hawkins said the objective now was to have the mylar recorded to avoid someone losing their home to foreclosure. Nothing can happen to any other lot on that road because of the restriction until the mylar is updated and the road built the way the DPW wanted it. Janvrin said the old mylar would be recorded with the restriction. Hawkins said when the new mylar was available, it would be recorded.

| | | |
|----------------|----------------|---|
| MOTION: | Khan | to authorize the Chair to sign the mylar and or the restriction for Case #2010-24 at his discretion as discussed at the Planning Board meeting of March 4, 2014. |
| SECOND: | Janvrin | Unanimous |

Hawkins continued Case #2014-07 to March 13, 2014 at 6:30PM at Seabrook Town Hall.

Hawkins adjourned the meeting at 10 PM.

Respectfully Submitted

Barbara Kravitz, Secretary, Seabrook Planning Board

Town of Seabrook Planning Board Minutes

March 4, 2014 #5 Page 21 of 21