



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

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

Members Absent; Sue Foote, Alternate;

Hawkins opened the meeting at 6:35PM.

MINUTES OF APRIL 2, 2013

Hawkins asked if anyone had changes or corrections to the April 2, 2013 Minutes; there being none.

MOTION:	Chase	to accept the Minutes of April 2, 2013 as written.
SECOND	Wood	Approved: Hawkins, Khan, Lowry, Chase, Frazee, Wood; Abstained: Sweeney:

MINUTES OF APRIL 16, 2013

Hawkins asked if anyone had changes or corrections to the April 2, 2013 Minutes; there being none.

MOTION:	Chase	to accept the Minutes of April 16, 2013 as written.
SECOND	Wood	Approved: Unanimous

CORRESPONDENCE/ANNOUNCEMENTS

Case #2011-04 Halls Way – Beckman Woods

Hawkins referenced letters from the Department of Public Works Manager and several residents of Halls Way concerning complaints about drainage, driveways and open swales. Another letter from the DPW Manager to the Beckman Woods developer advised that there would be no recommendation for approval or acceptance until all driveways and stormwater conveyances work without problems; the hot, bituminous asphalt should not be installed until it all works properly. Hawkins asked about the Planning Board's responsibility for action at this time, as the matter was in the hands of the DPW Manager and the CEO. Morgan said to retain the security. Hawkins asked if there was anything for the Planning Board to do in the meantime, as this was being handled by the CEO and the DPW. Garand said to wait for a security reduction request; the letters were for information at this time. Khan received as many as 5 calls per week about this problem. Morgan asked if Green & Company was being responsive. Garand said some were and some were not; Green does take his calls.



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Wood asked if Garand was happy with the progress. There was swale drainage and driveways now, but the DPW Manager was not satisfied. The Board should look at this later on. Hawkins said it was worthwhile to look at the letters to be prepared. The DPW Manager also expressed his concern to the Interim Town Manager was about MS-4 compliance, providing a Hampton Union article. Hawkins said this issue should also be brought to the Budget Committee because of the additional cost of complying with the MS-4. Wood agreed. Hawkins said if there are no changes, the town will be looking at a very large sampling problem; and more help will be needed. Another issue would be sampling on private property he did not think the town should have the responsibility for that. Khan will ask the DPW Manager address this at the Board of Selectmen's meeting. Wood commented that this issue would be a lot more expensive than originally thought.

Janvrin asked if the regulations should be changed to allow the town access for sampling on private property. Hawkins said an access easement could be required on site plans and recorded; departments have asked for this. This should be a standing condition for approvals. Janvrin commented that DDR had said this would not be a problem; he thought it should be in the regulations. Chase asked if the new MS-4 regulations were in effect. Hawkins said the EPA draft was now in the comment period. There have been a lot of requests for postponement while town get cost estimates. He thought that for towns fewer than 50,000 there needed to be a funding mechanism. Khan said this is unfunded. Hawkins said Seabrook may join forces with other towns. Khan said that the BOS had sent a letter to the EPA asking for an extension to the deadline. Wood said the town can't meet the criteria, and questioned spending money on this. she noted that Sue Foote did an excellent job of explaining this at the Selectmen's meeting.

REQUESTS FOR REFUND OF APPLICATION FEES

Case #2013-10 DDR Retail Center - Application Withdrawal pursuant to issue resolutions

Appearing for DDR: Attorney Malcolm McNeill, Jr, McNeill, Taylor & Gallo;

Case # 2013-11 Walmart Superstore - Application Withdrawal pursuant to issue resolutions

Appearing for the Applicant: John Arnold, Hinckley, Allen, Snyder;

Hawkins referenced letters from DDR and Walmart stating that they had each submitted applications to the Planning Board in the event of an unfavorable Board response to their letters heard on April 16, 2013. Both are requesting refunds of the application fees they had paid. He noted that the review had already begun. Hawkins explained that rather than try to count the number of hours, the Board determined to focus on the point in the process when the withdrawal and refund requests were made. Historically the Planning Board had never given refunds, which was seen as unfair. The Board came up with the rules as expressed in the Subdivision Regulations, Section 4.380. If an application submitted to the Planning Board Secretary was withdrawn before as lot of work was done, the amount of the refund would be equal to 75 percent of the original application fee paid; if after the Town Planner review, the amount to be returned would be 50 percent of the fee paid; if after the notice to abutters, the amount to be returned would be 25 percent of the fee paid. Once the application came before the Board, no part of the fee would be returned.



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Hawkins said that DDR and Walmart are requesting refunds for the applications they turned in just to get on the Board's calendar in the event that the board had decided differently at the last meeting. Morgan had started his review, but the abutter notices had not yet been sent. According to the regulations, 50 percent of the fee paid would be the amount to be returned. However, DDR and Walmart would be responsible for out-of-pocket costs, such as for the town planner, legal fees, and engineering oversight. Kravitz noted that Altus Engineering had been on the construction site doing ongoing oversight for the Planning Board quite apart from these two applications, although the same parties were involved.

Khan recalled that this policy was adopted after a long discussion when Delta & Delta withdrew an application in re the Market Basket north Plaza. Hawkins recalled the difficulty in figuring out the detail for the amount to return, and later on developed the simpler standards to follow. Janvrin asked if the 50 percent would cover the legal fees and the work of Morgan and Kravitz, etc. Hawkins thought it would, but those would be out-of-pocket costs that would be paid anyway. Janvrin said the Altus Engineering costs were already being accounted for, so that was a separate issue. He wanted to be sure that the 50 percent would cover all of the expenses that the town incurred. Hawkins commented that the problems with cost occur on really small projects.

McNeill asked to be heard. He said that when the DDR application was filed, the accompanying letter stated that DDR shouldn't have had to come to the Planning Board at all because all of the matters discussed at the April 16, 2013 meeting should be resolved administratively. In DDR's letter of April 9, 2013, they indicated that said that the application was being filed as an exercise of extraordinary caution, although there was no necessity for the filing. They also indicated the belief that this required very limited action by the Planning Board, and requested that the Board consider a partial refund of the full filing fee that they had paid. That fee amounted to \$17,438. McNeill thought that after they submitted both the application and the fee, there was very little contact between DDR and town officials because the Board would decide the question as to how to proceed. He thought that the rule under usual circumstances perhaps was appropriate, but this was a different circumstance.

McNeill was prepared to pay for the Planning Board's legal fees as their attorney came because of issues raised by both Walmart and DDR who might split that cost. If Morgan assessed a fee, that would be reasonable. For the two hour meeting, it would cost DDR about \$8,500. He did not think the Board was being asked to spend a great deal of time to consider DDR's request. In terms of the April 16 meeting, everything the Board requested, which was at significant expense for DDR and Walmart, both companies agreed to do.

McNeill supposed that the Board had to decide the question of whether the rule was fair as it was proposed by the Chair, and if it was reasonable that the expense be over \$8,000. He asked that the Board suffer no out-of-pocket costs, and receive nominal administrative costs, but under the circumstances of this case he hoped the Board would reach a different result in re the rule that they had the authority to waive. He suggested that Walmart might like to be heard on this point. Arnold reiterated the sentiments expressed by McNeill, except to say that Walmart paid an application fee of about \$7,900. McNeill emphasized that the applications for which they paid the fee were never reached; there was no action on the case for which the fee had been paid. Janvrin asked how many hours Morgan put in. Morgan said two and a half hours. Janvrin said that the Board had the sole discretion, and suggested retaining 25 percent plus the out-of-pocket costs. McNeill commented that there had been no public notices because there was no hearing. They were also willing to pay a reasonable sum for Kravitz' time; it could be arbitrary but he thought not \$1,000. He said that DDR and Walmart should be required to split the expense of the



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Board's attorney and the other expenses. Respectfully, he thought that for about \$12,500 to be required for what had occurred was beyond what would be fair under the circumstances.

Hawkins pointed out that the town had paid substantial legal fees for private development and therefore the formula was fair. It seemed that when DDR comes to the Board, they are asking to pay less e.g. in re the application for Phase II. Hawkins said if the issue was fairness, he wanted to know about all the money the Town spent on law suits along the way, paid by the taxpayer. He asked if paying legal fees for a private developer was fair to the taxpayers. He thought it was not. It was understood that sometime the cost is a little more or a little less. But the Town did not have the resources to calculate everything to the dollar. That is why the Board came up with a formula that it thought was fair. Sometimes a case for which the fee is \$200 goes for five meetings. Hawkins said that the Board cannot do cost accounting; the town had not recovered the Planning Board costs for the last 8 years.

McNeill thought that under the circumstances of this application the fees that were charged were not necessary, and in any case could not total more than \$3,000. Hawkins pointed out that the ordinance had been in place for a while. Also, the Board did not ask for this application; DDR and Walmart chose to submit these applications because they wanted to get on the agenda earlier. They were aware of the refund policy, and chose to jump in a little earlier. Mc Neill said with the costs of the project going forward, and the decisions that needed to be made, they submitted the applications out of an abundance of caution because they had to act. Hawkins thought that the savings to DDR by the Board not requiring a full application review saved the companies a huge amount of money. He had a problem with arguing about fees every time. Fairness had to cover the totality of the project. McNeill said that this had been a difficult process. All of the towns he appeared in at some point had to seek legal counsel; that was the municipality's responsibility. Hawkins maintained that that was not fair to the taxpayers. McNeill said that DDR was also a taxpayer. He said that the April 16 meeting had been constructive; this request was after the fact. He asked that the formal fee requirement be waived.

Chase asked if comments from the public would be heard. Hawkins explained that this was a request from the applicant and not a public hearing. Arnold asked if this were a regulation or policy. Khan pointed out that all during this project the Board members had served as volunteers. He did not know the amount of legal fees that the town spent on this one project. If a policy had been adopted for all applicants, how could they change it for one case. Wood agreed that the last meeting was very productive for both sides. The Rocks Road people appreciated the extension of the soundwall, but if the Board had taken [the full hearing route] it would have been a lot greater than 50 percent of the application fee. The town spent money on legal fees over time, because DDR was not happy with what the Board had decided. She thought it had worked out for both parties, and the regulations should be followed. McNeill asked if this were a subdivision or site plan regulation. Kravitz said it was in the subdivision regulations.

Morgan said that the site plan regulations refer to all of the subdivision regulations. Arnold believed that the site plan regulations stated that the subdivision regulations would govern for review procedures; he thought the fees were in a different section. Hawkins said that the reference was made during a review of the siteplan regulations and was intended to apply to every application to the Board, whether it was referred to or repeated in one section or another of the ordinance. He hoped that discussion would not end up in court. Morgan called attention to page SP 4 of the Site Plan Regulations stating that "...site plan review procedures shall be the same as that required by the Seabrook Subdivision Regulations for subdivision review, including



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

provisions relative to abutter notification, public notice, administration, and the submittal of security...” He thought this provision settled the question.

Hawkins asked for further comment. Lowry had no comment. Chase thought that when DDR submitted the application it knew what it was doing. He asked if the Planning Board had required them to submit that application. Hawkins said it did not. Chase said they had determined said to stick to the policy. He recalled the lengthy process when the policy was determined, and did not want to have the same debate every time there was a refund request. Hawkins said that in the past the Board’s position was no refund. Chase and Sweeney wanted to stick to the policy. Janvrin noted that the refund policy was initiated in February of 2011 and not a new regulation. Frazee abstained from further comment. Chase and Wood asked if a vote were necessary. Morgan said it was a good idea. Hawkins said this was an administrative action. .

MOTION:	Janvrin	to follow the application refund policy approved February 15, 2011, and set the refund at fifty percent of the application fee paid by DDR in connection with Case #2013-10, recognizing the Town Planner’s review.
SECOND	Khan	Approved: Hawkins, Janvrin, Sweeney, Khan, Chase, Frazee; Abstained: Lowry

MOTION:	Janvrin	to follow the application refund policy approved February 15, 2011, and set the refund at fifty percent of the application fee paid by Walmart in connection with Case #2013-11, recognizing the Town Planner’s review.
SECOND	Khan	Approved: Hawkins, Janvrin, Sweeney, Khan, Chase, Frazee Abstained: Lowry

Wood reported that Paul Danszczak, construction manager for the DDR shopping center project, had been very cooperative in wanting to meet with the Rocks Road residents. A meeting had been set up for May 29, 2013 at 6:00 PM at Town Hall; the communication was very good. Danszczak provided an update and said that the contractor for the soundwall had been hired, and they would be laying the base asphalt in the Walmart area which would help to keep then dust down.

Case #2012-01 Verizon, Dawson

Janvrin asked about the letter from Attorney Mary Ganz updating the Board on efforts to obtain Walmart’s agreement to allow the cross-connect from the Verizon store to the Walmart parking lot. Khan said that one of the conditions was to keep the Board informed. Hawkins said that Ganz had given a second update that there had not been any progress. Janvrin commented that Ganz was following this. Morgan noted that Ganz was now trying to reach Walmart, the primary tenant,



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

and suggested contacting the persons who have been representing Walmart before the Planning Board.

Arleigh Greene – fencing on Stard Road lot

Attending: Arleigh Greene, Rusty Lavin, Seabrook Truck Center; Paul Silverman, Phantom Fireworks;

Hawkins referenced a letter from Greene explaining the need for fencing to secure the truck storage area on Stard Road because of vandalism. Garand said that last year the property had been rented to Fiesta Shows; all of the items stored there were sabotaged, wiring was stolen off vehicles. Items are being dumped there, and there are trails and paths going through. The property needs to be secured. Janvrin asked if this was the same lot where the trailers with fireworks were stored. Garand said it was; there actually were two lots. He noted that it would also help provide security for the case to be heard later in the meeting. Hawkins asked for Greene’s comments.

Greene said when applying for the building permit, Garand had directed him to the Planning Board to see if site plan review was required, or if a waiver could be granted. Hawkins in re fencing property, the options were to require a site plan or waive jurisdiction. Greene said that fencing existed on one side of the site. He just needs to secure the site. Chase asked what the fence would be. Greene said the existing fence was stockade on the Best Western side. They would clean up the lot and put new 8-foot chain link fencing with electrically operated gates. Janvrin asked if there was an easement for fire and police access. Greene said there were easements - for Unitil and Public Service, and police and fire had access. Wood thought the fence sounded reasonable, but asked what would cause a siteplan review. Hawkins said it would be what the neighbors had to say, to see if it would rise to having a public notice; he did not see related issues. Greene said Mrs Stard had a fence in front, and he thought that Mrs Fogg would be in favor. Lowry commented it might make the Fogg property a little safer.

Hawkins asked about the fence setback. Greene said it would be a ways from the right-of-way, there would be three gates. Janvrin asked for the zone. Garand said this was Zone 2; the fence was a structure and could encompass the whole property. Janvrin noted there would be tractor trailer traffic. Hawkins asked for the distance from the road. Greene said it would be behind an existing stone wall. Garand thought about 20 to 25 feet. Greene said it would be at least 20 feet off the edge of the Stard Road pavement. Chase asked about plantings. Garand said plantings could not be inside the power easement. Greene added that he hoped to submit a full site plan for review the property within 60 days, but needed a fence to keep the current tenants happy. Hawkins asked Morgan if there would be issues with a waiver. Morgan commented that site plan review for one fence would lead to more fence reviews. Garand favored the fencing and securing the property. Janvrin asked how this would be tracked, other than through the minutes. Morgan said through the building Department.

MOTION:	Hawkins	to waive jurisdiction to the Code Enforcement Officer on the request of Arleigh Greene to erect fencing on property at 27 – 39 Stard Road, provided the fencing is installed behind the stone wall.
SECOND	Sweeney	Approved: Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Arleigh Greene – limousine space rental

Hawkins referenced Greene’s letter requesting permission to rent space for up to 3 limousines at 9 Chevy Chase Road. Janvrin asked if the board had jurisdiction. Garand said it would be a change of use as the limousines would be a change of use for a service company. There would be vehicles going in at night, and maybe less traffic. He did not see an issue for a waiver, but wanted the Board to be aware of the request. Janvrin thought this was not a town road. Garand said it was a public right-of-way. Chase asked if there was frontage on a right-of-way. Greene said it was not a town accepted road; he maintains it. Chase asked if frontage for the lots was from that road. Garand said it was similar to minor subdivisions; private people own the right-of way and get the frontage. Morgan recommended the waiver but having the building inspector bring them to the Board if the business expands.

MOTION:	Janvrin	to waive jurisdiction on the request of Arleigh Greene to rent vacant space at 9 Chevy Chase Road to Sam Limo LLC for up to 3 limousines, and to return to the Planning Board if the business expands beyond that number.
SECOND	Lowry	Approved: Unanimous

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 7:30PM

NEW CASES

Case #2013-09 – Proposal by Phantom Fireworks, the B.J. Alan Company, and Arleigh Greene to place twenty-five 8’ by 40’ storage containers at 27 Stard Road, Tax Map 4, Lot 9.

Attending: Phillip Silverman, Regional Manager, and April Walton, Phantom Fireworks; Arleigh Greene and Rusty Lavin, Seabrook Truck Center;

Silverman said Phantom Fireworks wanted to place 25 storage containers on Greene’s Stard Road property. Hawkins noted that the previous request on this property was for 6 trailers. He asked if they had talked with the fire Chief. Silverman said they had talked to the Deputy Fire Chief and Chris Wyman. Chase asked if this was different contents from the trailers that were already on the property, and if completely safe. Silverman said it was consumer fireworks. Khan wanted to know if Fantasy Fireworks would be storing his produce there. Greene expected they would be back. Chase asked if the tractor-trailers could safely pull in off the road to wait at the entrance until the gate could be opened. Greene said there was not enough room for that; they would signal the gate to open with cell phones. This would tell Greene who is going in, and the gate would shut. Silverman said that generally their trucks deliver to their showroom in a Ryder truck.

Hawkins was concerned about the volume of fireworks in one location without sprinkler or fire suppression systems. Silverman said they would have extinguishers. Janvrin recalled that that



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

was what was required for the previously stored trailers. Chase asked if the fire department realized this would be a total of 31 trailers. Janvrin asked for the nearest hydrant. Garand said a hydrant was located across the street. Garand asked if this was a 90-day need. Silverman asked for 60 days at their busiest time of year - from May 15 to July 15; then the trailers would be removed. Chase asked if the trailers could be separated in groups. Garand said they would be placed away from the setbacks with room for the doors to open up. Garand recommended that the placement of the trailers be left to the Deputy Fire Chief. Janvrin also wanted Garand's ok with the building permit. Wood asked if this would occur again next year. Silverman said if required they would return next year to the Board. Janvrin said as with seasonal sales they would not have to return to the Board for next year, but would have to return if a year was skipped. Morgan said the Board could require it as a condition. Lowry recalled that Greene expected to return to the Board on this property in the short term for a use change. Greene added that he intended to have surveillance cameras. Silverman added that these were hooded trailers.

Hawkins said the Board has required a letter from the Deputy Fire Chief or the Fire Chief acknowledging that they were aware of and approve of the placement of the trailers on the property. Janvrin asked if there was a waiver request, other than in re the checklist. Chase wanted the Police Department to be notified. Morgan noted there was a transmission easement controlled by PS&H, and asked if this use would be consistent with the easement. Silverman was not sure. Morgan asked for a copy of the PS&H response. Janvrin wanted the trailers grounded. Silverman said they would be. Janvrin asked if security would be required. Khan did not think so. Hawkins asked what the town's cost exposure would be. Janvrin did not see any. Hawkins asked for further comments; there being none.

MOTION:	Janvrin	to accept Case #2013-09 as administratively complete for jurisdiction and deliberation.
SECOND	Lowry	Approved: Unanimous

MOTION:	Janvrin	to approve Case #2013-09 Phantom Fireworks, the B.J. Alan Company, and Arleigh Greene to place twenty-five 8' by 40' storage containers at 27 Stard Road, Tax Map 4, Lot 9, conditioned on: (i) the Fire Chief or his designee providing a letter finding that the use on this property is acceptable; (ii) confirmation that the use would be consistent with the PSNH easement; (iii) the trailers being grounded; (iv) the police are notified of the intended use; (v) the police department be notified; (vi) the placement of the trailers is acceptable to the Fire and Police Departments, and the Building Inspector; and (vi) the site is inspected every 30 days by the fire Department.
SECOND	Sweeney	Approved: Unanimous



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Case #2012-18 – Proposal by Latium, Tropic Star Development, Scott Mitchell to remodel and expand a gasoline station, and to construct a convenience store, at 663 Lafayette Road, Tax Map 7, Lot 87. Among other pending issues the board will consider is the applicability of Section 14 of the Zoning Ordinance (abandonment) and the proposal's compliance with Section 6 of the Zoning Ordinance, continued from continued from July 17, 2012, August 21, 2012, September 4, 2012, October 16, 2012, November 20, 2012, January 15, 2013, February 19, 2013;

Lowry recused himself from Case #2012-18.

Attending: Scott Mitchell, Tropic Star Development;

Appearing for the Applicant: Attorneys Richard Uchida [[and John Arnold,]] Hinckley, Allen, Snyder; Wayne Morrill, Jones & Beach Engineers; Al Bryant, All Seasons Environmental;

Hawkins said the Board had been informed that the Zoning Board of Adjustment upheld the administrative appeal of a Planning Board interpretation that the Case #2013-18 gas station was grandfathered and could continue to operate. That appeal had been the cause of the delay in the Planning Board process. He wanted to have a summary of the case history. Scott Mitchell asked Uchida to provide that summary.

Uchida said that the last substantive meeting before the Planning Board was on November 12, 2013. The ZBA made a determination upholding the Planning Board's decision in late April. At the last meeting discussion the Board asked to go through a number of engineering changes. Morrill had described a number of tweaks to the plan, and that the remediation plan that had been submitted to the NH Department of Environmental Services. DES would require monitoring the wells and some additional sampling in the spring. Scott Mitchell said his environmental consultant was present and could provide an update. Uchida said if the sampling was clean, the DES might provide a no action letter. He thought the issues of what would happen in re remediation on the site had been resolved. Uchida said the question of whether there would be an impact fee had not been determined. He noted that the Planning Board's traffic engineer had indicated that if the shopping center mitigation proceeded, this case would not provide additional impact resulting from the gas station project. The Applicant felt that the issue of a fee in re impact had been resolved, but he was not sure the Board agreed.

Uchida said any details could be reviewed again, and the environmental consultant could speak to the DES concerns. Hawkins referred to a number of waiver requests that may not have been addressed. Morrill thought the waivers, other than in re off-street parking which was withdrawn, had been addressed. Attorney Chris Aslin of Bernstein Shur said they would be filling a rehearing request with the ZBA on behalf of 11 New Zealand Road, LLC [Charles Mabardy]; there could be a rehearing if granted by the ZBA. Hawkins asked if Morgan had reviewed the Technical Review Minutes. Morgan said he'd heard of the ZBA decision that day, and had not yet reviewed the file. Morgan understood that if the ZBA granted a rehearing, the Planning Board proceedings would be stayed. Uchida said the ZBA appeal did not stay the Planning Board process, but to the extent that after six months if the Board needed time to review the outstanding issues he thought it not an unreasonable request; he did not think the ZBA stayed what the Planning Board could do.

Mitchell said the project had gone on since July 2012. The first night they went to the ZBA the appeal had been improperly noticed and was tabled. Then it was put off for three months by



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Charles Mabardy. Hawkins hoped that Mitchell was not complaining about the Planning Board. Mitchell said he was not referring to the Planning Board. He agreed with Uchida that if the Planning Board needed some time to get up to speed. He asked that his environmental engineer who provided oversight for the removal of the tanks be allowed to provide an update, and that Morrill then be allowed to address other items. Hawkins agreed that the Planning Board needed the time to get up to speed, and to have Morrill address the TRC items. He also wanted the Board's traffic consultant, who had provided a list of estimates, to look at the exaction in light of the whole area, not just the one parcel. He noted that the traffic count for this case was not very high, but he did not know what that would translate to.

Chase asked if the ZBA process could again cause delay. Morgan said it could. Janvrin said that any interested party could ask for a rehearing within 30 days of a decision. Hawkins said the Board would follow the process. Bryant said that the last sampling required by the DES was done in April and groundwater results came back clean. The result would be submitted to the CES by the end of the week and they would request a letter of no action. Janvrin asked if they were testing for gasoline products and mtv. Bryant said they were. Mitchell said even though Getty was responsible for the removal, when they heard that the tanks were being pulled, Bryant was there and was the one to notify the DES. He just wanted whomever was responsible for the contamination to have the responsibility. Hawkins asked if there was not a no action letter, would it mean that the wells would have continuous testing. Bryant confirmed this, and that the first sampling showed a contamination, and the last two were clean. The state requires two rounds without exceedences of the compounds. Mitchell said then they would seek an RSA 147 (b) – certificate of no further action. Morgan asked how long that would take. Bryant thought by the end of May. Janvrin asked about the process for placement of the new tanks. Bryant said all of the engineering diagrams would go to the DES. Mitchell commented that he had done about 100 gas stations; when the construction was done they would put in monitoring wells.

Morrill listed the responses to the Technical Review Committee Minutes and Morgan's memorandum as follows: revision #2 notated on every plansheet; what remains or was to be removed or replaced along the driveway was now depicted; the poles showing the underground remote fill location were added to the southwesterly side so trucks would be out of the way; the location of the proposed U-shaped protection bollards had been added on the proposed fuel pump islands, and a detail attached to the plansheet; the proposed ramp from the intersection, and sidewalk details were added; the stop bar locations to the New Zealand road and Lafayette Road exit driveways had been pulled back for clear visibility for turning cars; hours of operation from 4 AM to 11 PM daily were notated; a note was added that the contractor was to install 5-foot wide paved sidewalks along New Zealand Road, and to alter the placement to align with the DDR construction. applicant shall ensure that truck traffic, the unloading of dumpsters, and the operation of refrigerated trucks will not occur in residential areas between 11PM and 7AM has been notated; two additional signs were added to assist on-site circulation; a silt-fence was added to protect town property; landscaping details are on the siteplans; the traffic control schedule was added; painted arrows were added; a catch-basin label and detail had been added to the water quality unit; and the concrete sidewalk detail was added.

Janvrin referenced the Board's earlier comments in re MS-4 and the town would need to do sampling on the site for the runoff. He asked if the Applicant would provide an easement. Morrill agreed and said a note would be added to the plan that the DPW would have the ability to test stormwater. Hawkins said that the water, sewer and public works departments were requesting that those types of easements be included in every site plan review so they know that they had the right to go on the property for the work they need to do. The Board will work on generic



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

easement language that can be used for every siteplan as a standing condition. Janvrin asked for a note to be added and recorded. Morrill thought that a great idea – sometimes a water shut-off is installed on a site and the town should have the ability to come onto the property. They will add a note allowing the town utilities to come onto the site.

Morrill showed pictures of the proposed and existing stations, noting that they would have to go to the ZBA if they want a roof on the existing canopy. After the current ZBA issues were resolved, if the Board wanted a roof, they would go back to the ZBA. Janvrin asked if the other canopy would have a roof. Mitchell said it would and did not need ZBA approval because it was not in the setback. Morgan asked for the date of the planset. Morrill said the date was September 23, 2012; the letter came to the Planning Board on October 9, 2012. Khan asked about a sidewalk in the front of the site. Morrill said that existed on state property; the sidewalk along New Zealand Road goes up to the building crossing walk area. Khan wanted to know if cross-walk could be painted across New Zealand Road. Wood commented that there had been Subcommittee meetings with the residents of the North Village district, including the residents along new Zealand Road. One concern was the pedestrian traffic that would be coming from the mall to the convenience store, as well as the people walking there from the apartment complex.

Morrill asked if Chase's property had a sidewalk along New Zealand Road; Chase said it came down to the corner. He explained that children wait at the bus stop across from the gas station entrance. Cars try to pass the bus when it picks up children before heading up New Zealand road. Mitchell asked if that would change where the [median] is put in. Wood noted there would be a light at the intersection. Chase asked if the drainage problem would be taken care of. Morrill said the pipe had been clogged for some time, but they had been told by the DPW that the size of the pipe would be adequate to handle the flow going under the road. They hoped the problem would go away when the property was graded. Wood said the residents had also been concerned about drainage at other parts of that street. Chase asked if the parking lot would be lifted in the corner. Morrill said it would get the correct flow from the parking area over the grass strip to the catch-basin on the other side. Janvrin thought that would be the detention point. Chase asked if that would create a hump that would be tough to drive over. Morrill said it would be just enough rise so the water flows to the corner to be caught by the water-oil separator.

Morgan asked for the status of the curb-cut application with the NH Department of Transportation. Morrill said that Steven Ireland of the NHDOT told him that the permit was ready on his desk waiting for the Planning Board to tell him to release it; this was the understanding under the Memorandum of Agreement between the Town and the NHDOT. Mitchell said that Ireland was waiting for the Planning Board approval to issue the permit, recalling that Ireland had previously discussed this project with the Board. Khan liked the flower bed along Route 1, but wondered if it was beneficial for the sidewalk to go through it. Morrill pointed out where the sidewalk would be located in the middle of the grass and flower strips. Khan asked if the flower bed to the south was on town property; Janvrin thought it was on the edge. Morgan asked if there was anything else that did not match up with the siteplan. Morrill thought the canopy location, and some mature trees.

Chase asked about striping crosswalks, and had seen places where hot-top was cut and painted red as if bricks, or blue. Morrill said they could do that, but it would be an issue in the state right-of-way, and the paint only lasts a year or two. Wood pointed out that the Applicant would be maintaining the sidewalks; Morrill said that was required in the siteplan. Khan asked if there would be 4 pumps and 8 fueling positions: Morrill confirmed this. Mitchell commented that the



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

cross walks that they painted at the Dunkin Donuts in Hampton lasted for a year due to the paint environmental requirements.

Hawkins referenced the Old South Meeting House property next door. Mitchell said that they had agreed to provide an access easement to that property, and had met with Eric Small about it. Morrill said this was notated on the plan with the exact location to be agreed with the town and state. Janvrin recalled that Ireland had wanted to cut off the Route 1 driveway and have access through the gas station. Mitchell said that might happen if they got some extra parking space. Hawkins said the only other access would be from the west side. Janvrin said the Historical Society's request to replace the clapboard at about \$40,000 had been rejected by the voters. He noted that the exaction figure had not yet been determined. Mitchell said that their attorney's research showed a 99-year land lease encumbrance on the property. Janvrin thought the building was owned by the Trinity United Church. Wood thought a conversation with the Historical Society was in order. [See Secretary's Memorandum of May 24, 2013 Minutes.]

Hawkins referred to the 9 parking spots on the west side of the property for which there was an easement for the abutting property. He said that although the Board would not become involved with who had the rights to those spots, it would have to deal with this. A 1,200 square-foot retail store would get 5 parking spots which are depicted on the planset. If the plan were approved, the 9 separate parking spots would appear on the planset. Hawkins asked Morgan to think about how to deal with that issue and the parking easement. Janvrin asked if there were a waiver request. Hawkins said that had been withdrawn. Uchida understood that at some point the planning board had approved those spots for the adjoining property long before his client had become involved, and suggested that approval had been brought forward. Hawkins said that the CEO had provided some documentation identifying when that happened, but it is not clear enough to determine ownership. In the past, the Board had wrestled with shared parking, although that was not the Board's issue. Janvrin thought the parking in the rear was documented in the previous site use for a pizza place.

Morrill referred to Case #2005-25 submitted by Sam Lupoli for the pizza place when, he said, the board had waived the photometric grid, stormwater calculations, parking signs and other items. [Morrill submitted certain documentation from that case]. Mitchell stated they had talked with Mr Pescosolido, and that the easement was not exclusive – it could be used by the Applicant as well. He wanted this on the record. Hawkins said this was not the Board's issue. Janvrin said the Board wanted to satisfy the regulations. Wood asked why only 5 parking spots were allowed. Morgan said it was an attempt to minimize hot-top. Hawkins commented that after the Kohl's project, the board started talking about the correct amount of hot top space and addressing the landscaping to avoid having vast parking areas. Chase asked if the Applicant could use the 9 spaces. Hawkins said the Board would be silent about that, but the plan had those spots on it with an easement for the building in the back. The Board could not say to take the spaces out, and needed guidance on how to deal with this.

Janvrin said if the Board had approved that 9-space parking for the adjoining lot with the change of use in 2005, there should be a notation on this plan that the parking had been covered in that decision. Then it would be up to the Applicant and the abutter to discuss the issue themselves. Wood noted that no new hot-top was being created. Janvrin commented that some hot-top was being removed. Wood said a little more greenery was being added. Morrill said they were removing a little pavement in the town right-of-way.

Hawkins said that the Board did not entirely agree with its traffic engineer's letter about what should or should not be included in his calculation; he would address this matter with the traffic



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

engineer. The board had to look ahead in some manner for bad traffic areas. When the mall is completed, the level of service at the intersection would still be a D, so any increase in area traffic, which he thought likely during the next six years, would require an improvement to that intersection. There was no telling what that increase might be at this time. Additionally, there would be some new project(s) going north on Route 1; monies held for a light at Rocks Road had to be returned because of the state's resistance. Further the town has committed some money to improve Route 1 south of Route 107. Hawkins explained that that money was available; the cost could be as high as \$600,000 depending on the cost to acquire right-of-ways. The task now was to identify the unfunded projects and how much capacity would be required going forward.

Janvrin noted that those potential improvements were on a state highway. He was more concerned with roadways close to this project like Spur Road, and New Zealand Road which was in need of repair from the tractor-trailers coming off Route 107, not just maintenance. Hawkins understood that need, but said they were trying to capture the big projects because the state was not willing to fund them. The state was looking at the towns and the developers to come up with at least a portion of the money. Seabrook was lucky with the Bridge as the state did step up to some of the cost, and the developer provided much of the rest of it. Janvrin said that the law required that exactions be for road improvement near an applicant. Hawkins wanted to define the area of vehicle impact; it's only a two mile stretch to drive. Janvrin asked if signs would control the cross-boundary traffic which would be where the card came from. Khan said the town signed an agreement with the state and DDR that the Route 1 south project would begin in 2014, and the town would have to come up with its share of the funding. Hawkins explained that the agreement said that as may be appropriate the town would continue to put exactions toward that section of the road.

Mitchell said their traffic engineer's review was based on pumps; it was a gas station before. He had put a lot of projects together in the town. they paid [\$700,000] to the town for the Kohl's project, and other funds for Lowe's and Home Depot. If a memorandum goes out to try to get them to pay more for projects like this, he did not want the letter to come out the night of the meeting, so they would not have time for review. He would look to what his traffic expert told him would be fair. Hawkins said this was understood. Khan said that Mitchell was not being asked for another \$700,000, and that what he had done was appreciated. Mitchell said his traffic person knew the rules and understood the town ordinance, and said there was no impact to the town. It would not be fair to manipulate the fee. Hawkins said he'd never read one of those reports that wasn't written to the benefit of the person paying the traffic engineer, which was why the Board hired its own engineer to check the work. They didn't address all the needs because it was expensive to do that; the Board would try to be fair. Mitchell said that was all they wanted.

Hawkins said the Board also wanted simplicity so there would be no misunderstanding on how the calculation was made. The only question was what were the projects, and how much the exactions would be. The Planning Board had sole discretion about what was included and what was excluded on those projects. Mitchell wanted assurance of a week's jump on the letter so his people would have the proper time to address this; if need be he would bring his traffic people back for the hearing.

Khan commented that this gas station would be the smallest project Mitchell had done in the town; the Planning Board had always been fair to him. Mitchell said the Board had always been fantastic to him, and he had been fantastic to the town. Janvrin reminded that there was an administrative issue, but this case had only been continued to [May 7]. Mitchell suspected that Charles Mabardy would appeal the ZBA decision, and did not want the Planning Board to take



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

time in between if it needed some time to get up to speed. Hawkins agreed. Mitchell asked that his environmental engineer, who provided oversight for the removal of the tanks, be allowed to provide an update and that Morrill be allowed to address other items. Hawkins wanted Morgan to review the TRC minutes. He also wanted the Board's traffic consultant, who had provided the listing of estimates, to look at the exaction in light of the whole area – not just one parcel frontage. He thought the traffic count for this case would not be very high, but did not know what that would translate to.

Chase asked if the sidewalk would be extended with a crossing line. Morrill said they could have a crosswalk only at an intersection and not in the middle of a roadway. Mitchell said they would extend the sidewalk for safety. Morrill thought that might interfere with the catch-basin runoff.

**Hawkins continued Case #2012-18 to June 18, 2013 at 6:30 PM in Seabrook Town Hall.
Case #2013-06 – Proposal by Provident Holdings, LLC to expand the parking lot at 1
Provident Way, Tax Map 8, Lot 51-1, continued from March 19, 2013, April 2, 2013.**

**Case #2013-06 – Proposal by Provident Holdings, LLC to expand the parking lot at 1
Provident Way, Tax Map 8, Lot 51-1**

Attending: Scott Mitchell, Provident Holdings
Appearing for the Applicant: Wayne Morrill, Jones & Beach;

Hawkins asked Morrill to respond to Morgan's Memorandum of 2013. Morrill said the existing monuments were on the existing conditions plansheet; the new monuments were being set during this week. Square-footage for the existing impervious and the proposed impervious parking lot space were added to the plan to avoid incurring a cost for the increased amount. A note was added to reference the wetlands scientist analysis, and the stamp on the plan. The drainage easement on the entire pond into which all of the surface water goes is called up on the plan. If the pond were to overflow it would discharge to the front swale and then along the Provident Way swale and some on the developer's land. Morrill said that none of the water goes directly to the swales. Mitchell said an overflow had never happened. Janvrin said the purpose of the MS-4 was for the town to be able to sample the runoff for compliance. Morrill said the Provident way had replaced the South Access Way designation. The light poles to be relocated are shown on the existing conditions plansheet. Morrill said a waiver request had been submitted to DDR for light trespass saying that DDR's view was the more lighting on commercial sites, the better; they could get a letter if necessary.

Morgan asked for the date of the planset that Morrill was using. Morrill said they were dated April 30, 2013, and provided to the Board on that day. Chase asked if lights were being added and, if so, would they be on the CVS side. Morrill said there would be two more light poles in the back; there were four along the CVS side. Chase said that those lights only shine toward the Bank. Morrill pointed out the CVS wallpaks. Janvrin thought the issue might be that CVS shuts them off at night, noting that the town requires lights to be off when the store is closed. Hawkins did not think it was the stores responsibility to light the CVS parking lot. Mitchell said they could up the wattage. Morrill said that this planset showed additional lighting. Mitchell noted that there was nothing behind CVS when it was built. Khan asked for the nearest connection to the DDR site. Morrill pointed out the cross-connects as far as the existing McDonald's, noting that a new



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

application had been submitted to the Board that showed a connection from that site to the DDR mall.

Hawkins called attention to the large tree at the lot corner, noting that the town's landscaping ordinance requires notifying the town before taking down a tree with a six-inch or more diameter, and then replanting a comparable tree. He suggested not cutting that tree down because it would be expensive to replace. Mitchell asked for the location. Janvrin thought the root-ball might be on DDR property. Hawkins thought it was in the north corner of the lot. Morrill said if it was that big, they would depict it on the plan. He commented that at the time of the Home Depot application it was the Board that required another 150 parking spaces. Janvrin suggested considering a bus stop location. Morrill said the landscaping had been pulled back to allow snow storage. Janvrin suggested a note allowing for removal of snow from the site. Morrill said notes had been added indicating that the original landscaper for the Bank property would be present during the plantings installation and will make sure they are healthy stock. Hawkins asked about landscaping along Provident Way. Morrill said that was the grass slope to the drainage.

Morrill recalled the prior discussion about the type of business. They do not believe that a bank is a retail use, and have changed the notation to designate parking lot expansion for existing financial institution/office space which would require a 1 space per 200 square-foot minimum. Therefore, they will not seek a waiver. Hawkins asked Morgan to research this issue so that the Board could be consistent going forward. Janvrin thought that the zoning had referenced banks. Kravitz said that was for Smithtown. Morrill said there were 14 existing spaces and 22 proposed spaces=total of [32]. Hawkins wanted to know if the ordinance was defined well enough. Morgan said the categories could be made more specific. Hawkins wanted Morgan's specific recommendations for a future workshop. Morrill was looking for Morgan's review of the operations & Maintenance manual, and the Drainage. Morgan asked about a recordable mylar. Morrill said that was usually done after all of the comments and the and the Board's approval was in place.

Morrill then addressed the Technical Review Committee minutes – the first item was angle parking and a shallow turning range. Morgan said angle parking had extensive discussion at the TRC. Morrill said that following Chase's caution they had rearranged the spaces and created a one-way travel lane; he thought the flow was now better. The TRC had asked for angle parking, which the Applicant did not think was good for the customer. They wanted 90 degree parking for the future in the event the use changed. Lowry liked angle parking and was a customer. Mitchell said the Bank did not want angle parking; as the property owner he did not like it. Morgan asked for the down side of angle parking. Chase thought that angle parking at the Post Office was nicer for people backing up. Morrill said they liked the aesthetics of parallel parking when driving on to the property. Morgan noted that this was only about painting lines. Mitchell said the Bank agreed to remove two spaces and create the one-way flow, but did not want angle parking, Janvrin asked about handicap spots. Morrill pointed out the 2 spaces, and said the sidewalk had been added. Khan said there was a problem when people enter the drive while cars are backing out. Chase agreed, but said there was greater visibility. Morrill thought the new configuration was now safer for backing out

Morrill said the wetlands were now depicted and the wetland scientist stamp on the page. Utilities were now shown; there was an access agreement. The TRC wanted existing and proposed amenities to be shown, so the DDR sidewalks would also be on the plan. He wasn't sure if there had been another sidewalk question. Kravitz said the TRC had wanted assurance that there would be sidewalks for pedestrians wherever needed within the parking area. Morrill said the DDR proposed travel lanes and drainage would be depicted; construction was in progress. The



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

square-footages of existing and proposed impervious surfaces were added. Morgan wanted access to the drainage pond etc. Morrill will provide the notation. Snow storage depiction was added. The landscaping provision and architects stamp were notated.

Janvrin asked how pedestrians would get up Provident Way to the site given the swale; also the CVS sidewalk was not connected. Morrill thought the safest way would be a small sidewalk from DDR which could be like a cross-walk and also calm traffic. Wood said that would give walking access from DDR, and thought pedestrian traffic from DDR would be substantial. Hawkins said if development occurred across Provident Way, that would bring even more pedestrians. Mitchell thought that proposal made sense. Wood commented that walking north on Lafayette Road could be very scary where there were no sidewalks. Morrill said the two waiver requests were for light trespass and landscaping coverage. Hawkins said that light trespass was an issue from commercial to residential. Mitchell commented that land was coming to the Bank from DDR. Chase wanted some high grasses clipped for visibility. Mitchell voiced very strong objection to angle parking as not symmetrical and of concern because a potential 1.4 acre abutting project would need alignment. Khan asked about that cross-connection; Mitchell wanted cross-connects to the future DDR parcel, and said straight parking would serve this better.

Hawkins asked for further comments; there being none.

MOTION:	Janvrin	to grant the Case #2013-06 requested waiver for light trespass on the adjacent lot.
SECOND	Sweeney	Approved: Unanimous

Hawkins noted that the Board's intention was not to impose landscaping standards on less than an acre. This parcel was a little over an acre, but was acknowledged as a model for landscaping in the town. He again said there would be nothing beyond the site if that big tree came down. Wood said that the window boxes added to the greenery. Mitchell said that if a next door project were landscaped to the standard of the Bank, that would add a lot to it.

MOTION:	Janvrin	to grant the Case #2013-06 requested waiver for the percentage of landscaping standard in the parking area given the design and window boxes, and because the Applicant agreed to have the landscape architect supervising the installation.
SECOND	Sweeney	Approved: Unanimous

Chase was strongly in favor of angle parking. Mitchell asked if there was a regulation that could require angle parking Khan noted that they were just expanding existing parking spaces in the way the spaces had been set. Lowry noted that there was existing angle parking on the back side. Mitchell said that was for the bypass lane and three drive-throughs where it made sense. Khan said that squared parking was norm in Seabrook; it worked everywhere. Janvrin did not want to dictate to a developer how they design their parking pattern; Sweeney agreed. Chase asked why the TRC had recommended angle parking which both Garand and Morgan favored. Wood asked for Garand's view. Garand said that one-way angle parking would make the traffic flow easier and would be safer. Lowry thought it would give better visibility. If there were a need



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

for a change because of an abutting project cross-connects, the board could decide if squared parking would be safer at that time. Lowry noted that angle parking had been done at Phantom fireworks for safety and flow. Chase said that with the one-way flow there would be a tendency to back out and turn the wrong way. Wood agreed. Janvrin commented that the police and fire departments did not object to the proposed parking. Lowry pointed out that they had not been at the TRC. Wood would consider the CEO's safety concerns. Hawkins asked for further questions or comments; there being none.

MOTION:	Chase	to follow the Technical Review Committee recommendation to require angle parking, and clip the area as appropriate for proper angle parking.
SECOND	Lowry	Denied: In favor – Chase, Lowry Opposed - Hawkins, Khan, Janvrin, Sweeney, Frazee;

MOTION:	Janvrin	to approve Case #2013-06 - Provident Holdings, LLC to expand the parking lot at 1 Provident Way, Tax Map 8, Lot 51-1, conditioned on: (i) an access easement being provided for water, sewer, and public works departments employees or representatives; (ii) sidewalks at the Provident Way entrance; (iii) providing security of \$5,000 for sidewalk construction; (iv) depicting the giant tree on the northeast corner of the plan or, if removed, to replacing it with a comparable size tree; and (v) the revised siteplan being entirely satisfactory to the Town Planner.
SECOND	Sweeney	Approved: Unanimous

OTHER BUSINESS

HAMPSHIRE INN REQUEST RE SPUR ROAD

Mark Wooley, Regional Manager

Hawkins said that Wooley wanted the Board to co-sign a letter to the NH Department of Transportation about keeping the Spur Road median open. Kravitz said that Wooley had been called about this agenda item. Janvrin reported that there had been a bad accident this week at the Spur Road intersection with Route 107 when a car trying to turn toward Route 1 was T-boned. Three ambulances and two tow trucks were called. Based on this situation, Janvrin was not willing to sign a letter. Hawkins said that making left turns into or out of Spur Road would require crossing 2 or 3 lanes of traffic without a light, as well as with a right turn allowed from Route 1 to the I-95 ramps. He did not think that Wooley could convince him that would be a safe thing to do; the state's position was no. The Board had listened to Wooley, who did write a sample letter. As



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

Woolley was not in attendance, Hawkins recommended tabling the matter. The request would be very difficult given that the roadway design and the contracts were done.

Janvrin wondered if in the interests of hospitality the state would provide signage along Route 95 at no cost to the Inn which felt its lifeline was being cut off. Hawkins thought the board could request that type of assistance, but was very hesitant about sending people across two traffic lanes. Khan said the letter request should have come to the Board more than a year ago when perhaps something else could have been done. Knowing that the contracts and construction were well underway, he thought that a letter signed by the town would appear foolish at this point. Hawkins said that the Board needed to listen to and understand the business concerns, even if it did not agree. Janvrin said that businesses had to pay for directional signs; he thought in this case, the state could provide this gratis to help people get to the site, because the Inn's main access would be cut off. Hawkins said the subject could be discussed in a meeting taking place with Steven Ireland of NHDOT later in the month. It would be a tough situation for the Inn. Chase wondered if the state would put many signs on I-95 because of the large number of stores to be built. Frazee thought the Inn would lose a great deal of business.

ROCKINGHAM PLANNING COMMISSION MEETING

Khan said that the RPC would have its May meeting at the Seabrook Library on May 8 at 7PM. Everyone would be welcome. Hawkins would give the Planning Board development report for Seabrook, as Khan would be at the Legislature in Concord. Wood asked how many board members would attend, and if it had to be posted as a Planning Board meeting. Janvrin said this was an open RPC meeting; no board posting would be needed. He noted that four members of the Planning Board served as Commissioners.

CHALLENGE GRANT PROGRESS

North Village Neighborhood Meetings

Hawkins said that meetings had been held with Rocks Road, Adams Park and West Side neighbors for feedback about what the residents like, or did not like, and what they wanted to see changed. The responses were fairly consistent, particularly about traffic. They were very good, open discussions. The next meetings would be with business owners. During the summer the Subcommittee would consolidate the feedback and hold a discussion meeting(s) before making recommendations to the Planning Board for potential ordinance changes that could be brought to the 2014 Town Meeting. this meant a lot of work to be done. All I meetings would be open to the public.

Route 107 Grant Planning

Hawkins called attention to the recent grant award for the most important work that would be done in re Route 107. He thought that if gambling is approved by the legislature, it would only be a matter of time before that area would be inundated with new development. Janvrin requested that this grant area be called "Crowtown", which was the historical identification [as was Smithtown]. Khan agreed.

SAFE ROUTES TO SCHOOL

Chase said that the finance manager, Lilli Gilligan, would become state certified for SRTS training. He expected the first round to be for a 100 percent grant; thereafter it would be 80/20. Engineering bids would be submitted to Selectmen. The competitive process approvals are



Town of Seabrook Planning Board Minutes

Tuesday, May 7, 2013

NOT OFFICIAL UNTIL APPROVED

expected in August. Khan asked if the work to be done had been identified. Chase said a number of projects had been identified; the number to be submitted would depend on the costs. Khan asked if one could be the cross-walk. Chase said that was discussed, but would be far above the budget.

RAILTRAIL PROGRESS

Janvrin said there would be a meeting next week about John Starkey's "punch list" of objections in re the draft Rail Trail management agreement, so that the town's positions were clear before approaching the state. Hawkins asked if other towns were working on this. Janvrin said that Salem, Londonderry and Derry have fast tracked the boiler plate language, and warrant articles were passed in the towns, which are paying the full cost. Seabrook will be seeking money grants, or possibly exchanging the steel for trail work. Hawkins said that the state had agreed to purchase the rail from Hampton to Portsmouth, and asked if Seabrook is communicating with the northern towns. Janvrin said the Kravitz had reported that Hampton and North Hampton might form groups as Seabrook had done.

Morgan asked how the trail would have a through route. Janvrin said the plan was to skirt Arleigh Green's property, as well as Hannah Foods and DDR, then onto the Rocks Road bypass road, and through David Benoit's possible conservation property, and back onto the tracks at the Hampton Falls line.

ADJOURNMENT

Hawkins asked if Charles Mabardy, still in attendance, had comments or questions; there being none.

Hawkins adjourned the meeting at 9:45 PM.

Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board