



Town of Seabrook Planning Board Minutes

Tuesday, June 7, 2011
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair; Sue Foote, Vice Chair; Jason Janvrin; Elizabeth Thibodeau, Alternate; Paul Garand, Code Enforcement Officer, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary;
Members Absent; Paul Himmer, Alternate; Michael Lowry, Alternate; Robert Fowler; Robert Moore, Ex-Officio;

Hawkins opened the public meeting at 6:40 PM

MINUTES OF APRIL 5, 2011

Hawkins said there was a piece of missing data on page 15 of the April 5, 2011 minutes and asked Morgan for the correct reference date. Kravitz asked if Morgan was satisfied with the recently submitted siteplan revision and, if so, for the reference date for the waivers. Morgan said the applicable reference date was May 18, 2011. Hawkins said the page would have the tree line. Hawkins asked for other comments; there being none.

MOTION:	Foote	to accept the Minutes of April 5, 2011 with the date of May 18, 2011 referenced in the waiver votes.
SECOND:	Thibodeau	Approved: In favor - Hawkins, Foote, Janvrin; Thibodeau,

MINUTES OF May 3, 2011 and May 17, 2011

Hawkins asked if for comments. Thibodeau asked that both minutes be held for the next meeting as she had not had the chance to read them. Hawkins said the minutes of May 3 and May 17 would be held for the next meeting.

SECURITY REDUCTIONS

Case #2007-11 Dalton Investment Company, Green Development Corporation
Attending: Michael Green;

Hawkins referenced a **letter from Michael Green requesting that the Beckman Woods security be reduced to \$125,825 from \$249, 050**, indicating that department heads had signed off on individual amounts to be retained. Hawkins asked if Morgan had any issues. Morgan said he met with Green and wanted to be sure there would not be any problems relating to street lights as there are in the Pineo Farms case. He thought there might be some confusion as to what the Town wants in re street lights that should be clarified before moving forward. Hawkins asked for a recommendation as to whether to Morgan wanted to deal with the issue at this meeting. Morgan said only that the Board should deal with the street light issue some time soon. Hawkins asked if the remaining Beckman Woods security would be adequate if the reduction were done at this meeting. Foote asked if the lights were identified on the plan, and recalled that there had been problems in the past because the electric company had to say where they are to be put. Also, Green had been instructed to get together with the street light committee; but there is no follow-up. .



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Green said this came up the last time he was before the Board. There had been talk of about 11 street lights but nothing came of this. He is ready to put in whatever lights the Board wants. For Beckman woods he thought that lights at the intersections and the end of cul-de-sac(s) would be appropriate. Foote agreed. Green said if the Board would direct that he would do that for Beckman Woods and the Pineo Farms. Hawkins preferred that Green submit lighting proposals for Beckman Woods and Pineo Farms so that the Board could reaffirm the positions. Green asked that the security reduction not be held up as they would do this work. Hawkins said he did not propose any hold-up, only to make sure of the intention. He asked for Morgan's view. Morgan thought that Green should be invited to return with the plans. Green suggested having the engineers mark up the plan sheet. Hawkins agreed. Morgan said a few Pineo neighbors had concerned so it would be a good thing to let them know in writing when the lighting would be discussed. Hawkins asked if Morgan wanted a public notice which he did not think necessary. Morgan said a regular postage letter would be sufficient.

Hawkins asked if Board members had a problem with reducing the security at this time. He thought this could occur, as long as the street lights were taken care of before the full security release; there being no objection.

MOTION:	Janvrin	to reduce the Case #2007-11 security for the Beckman Woods development from \$249,050 to \$125,825.
SECOND:	Foote	Approved: Unanimous

CORRESPONDENCE/ANNOUNCEMENTS.

Case #2010-14 Old Town Animal Hospital

Attending: Dr Christopher Baker;

Hawkins referenced a request letter from Baker for a change in the lighting plan. Hawkins recommended that Baker show the proposed changes before the vote, and the cut sheet and where they would go. Baker said there were 4 lights on the building and not in the yard area to reduce the impact on the neighbors. They focus downwards and are ok for safety and walkways using 100 watt night-friendly bulbs. Hawkins asked the cut sheets be included in the file. Janvrin asked if two light poles were being eliminated. Baker said they were. Janvrin said they should appear on the as-builts. Foote said the changed lighting is far more friendly to the environment in re light; pollution and scatter. She has driven by when they are on; they just light down the building. She supported removing the pole lights. .

MOTION:	Foote	to approve the Case #2010-14 Smithtown Animal Hospital request for a lighting change provided that the cut sheets are delivered for the case file prior to closing this case.
SECOND:	Janvrin	Approved: Unanimous

Hawkins referenced a **letter from Donald Felch expressing his interest but declining to serve as a Planning Board alternate because of a conflict on meeting nights.**



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Hawkins called attention to a **letter from NH Department of Transportation and a newspaper article indicating that the Demoulas North project would be brought forward**. Foote asked about the newspaper article. Hawkins said it indicated that Demoulas intended to bring the project back.

Hawkins referenced a notice from the NH Department of Transportation informing Kevin [[[Dow]]] of that New Zealand Road that they are scheduling the bridge widening on Route 107 and might want to go onto his land. .

Case # 2004-49 – Almena Way

Hawkins recalled previous discussions concerning the Almena Way issue noting that it had apparently been resolved because the as-built had been delivered at this meeting. He asked how Morgan wanted to proceed. Morgan wanted to look at the as-built. Hawkins said that Morgan would view the as-built in advance of a vote at the June 21, 2011 Planning Board meeting. Hawkins reported that a meeting had been held with 2 residents and the developer over the phone.

Cases #2010-34 & #2010-35 Demoulas North

Appearing for the Applicant: Jim Lamp, J & CO; Ari Pollack, Gallagher, Callahan & Gartrell;

Hawkins said that the applicant's **request for a withdrawal of Cases #2010-34 and #2010-35** had been discussed at prior meeting. Since there was no policy, because this had never happened before, the Board took the time to put a procedure in place. However, because this application had been submitted proper to the policy the Board authorized him collect whatever information he could to submit a proposal for the refund. Hawkins said that everyone went through their time records and he has a dollar amount to propose.[Hawkins handed out his accounting calculations which comprised the actual case revenue amounts and the cost items including outside professionals, public notice, planning department, and Board costs]. The original application fees were \$32,902.50; the costs amounted to \$12,318.95. Hawkins asked for a refund appropriation of \$20,583.95 before asking for a check from the Town Manager. Janvrin thought this could be headed off if they are coming back with the proposal. Hawkins said there isn't a time frame and some of the money received had not been spent. He wanted to keep the process clean with a refund so that when they are ready with a new project there would be a new separate application

MOTION:	Janvrin,	to authorize a refund in connection with the withdrawal of Cases #2010-34 and #2010-35, the Demoulas north project, in the amount of \$20,583.95.
SECOND:	Thibodeau	Approved: Unanimous

Lamp expressed thanks. Hawkins said Kravitz will put the package together with back-up documentation in re the calculations. He hoped a separate project would be submitted in the future.



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Case #2011-08 – Proposal by Harold & Beverly Perkins, Ken Wilson, Valerie Brown, and the Town of Seabrook for lot line adjustments at 79 Centennial Street, and a proposal by Harold & Beverly Perkins and Valerie Brown for a 3-lot subdivision at Anchor Way and 79 Centennial Street, Tax Map 9, Lots 29, 33, and 34-3, continued from April 5, 2011; May 3, 2011; June 7, 2011;

Henry Boyd submitted a writing indicating that **Carolyn Perkins had been in attendance but was not feeling well, and requesting that Case #2011-08 be rescheduled.** Foote noted that there is an election on July 5, 2011 and that two members would be involved, and suggested putting it off. Hawkins said a Planning Board meeting always occurred on election days; he preferred to keep to the schedule and postpone if there is not a quorum. Thibodeau said meetings on election days used to be cancelled. Foote recommended that the July 5 meeting should be cancelled. Janvrin noted that notice had not yet been noticed. Morgan said the meeting could be convened and then continued. Foote said if four members had to be there the meeting might as well take place. Hawkins said that due to the occurrence of an election as well as the July 4th holiday, the July 5 meeting should be moved to Tuesday, July 12, 2011 at Seabrook Town Hall at 6:30PM.

MOTION:	Janvrin	to move the regular meeting of July 5, 2011 to July 12, 2011 at 6:30PM in Seabrook Town Hall.
SECOND:	Thibodeau	Approved: Unanimous

[Secretary's Note: Case #2011-08 was continued to July 12, 2011 at 6:30PM at Seabrook Town Hall.]

PUBLIC HEARINGS ONGOING CASES

Hawkins opened the public hearings at 7:10 PM.

Case #2011-03 – Proposal by DeMoulas Super Markets, Delta & Delta Realty Trust, and RMD, Inc. to demolish a 4,940 square foot donut shop, and to expand Southgate Plaza to encompass 156,838 square feet of retail space at 380-458 Lafayette Road, Tax Map 8, Lot 111; and Map 9, Lots 1 & 2, continued from January 4, 2011, March 1; 2011, March 15, 2011, April 5, 2011, April 19, 2011; topics: traffic, parking; stormwater drainage; landscaping, signs, lighting, wetlands, snow storage, outdoor sales, irrigation, architecture;

Attending: Malcolm McNeill Jr, McNeill, Taylor and Gallo, representing DDR Seabrook LLC;

Appearing for the Applicant: Jim Lamp, J & CO; Ari Pollack, Gallagher, Callahan & Gartrell; Earle Blatchford, Senior Project Manager, Hayner Swanson, and Rebecca Brown, TEC;

Hawkins said that the hearing for Case #2011-03 could continue to 9PM. He referenced a letter from the Department of Public Works Manager requesting that the stormwater issues not be discussed at this meeting because Altus was not done with its review of the revised plan. Hawkins asked for a few updates at this time including the Zoning Board of Adjustment hearings, the changes to the siteplan, the traffic meetings, and the Town Planner's latest memo.



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Blatchford said that since their last appearance on April 19 they decided to go to the ZBA for granting relief on the parking ratio for the entire site referred to drawings and the encroachment of some spaces into the Lafayette Road greenbelt. Both variances were granted by the ZBA. Additionally the DES wetlands permit was received and filed with the Secretary. He expected the alteration of terrain permit very shortly.

Blatchford said that Notes 14 -20 were added to the revised siteplan including stormwater maintenance, wetlands markers, dumpster operations, hours of operation, outdoor storage site lighting, no outdoor storage of flammable liquids, et al. The major layout change was widening the two right in/out so the driveway is not so close to Lafayette Road and adding more greenspace. Grading adjustments around the main drive were made including raising the site, adding curbing, extended sidewalks and crosswalks. They added an 8-foot stockade fence along one northern neighbor's lot and will replace the existing chain-link fence for better maintenance. A couple of catch basins were added per Altus as well as another at the southern rear for the overall drainage impact effort. Also the site demolition plans and orange construction fencing information for tree protection was also added. Also a revision based on stormwater calculations which before was 15 feet wide and 4 feet deep, now had more stone and was shallower without changing the volume. They changed three previously painted islands to landscaped for more greenery. Lamp said this closes off the area fairly well and channelizes the traffic. The snow storage had been changed to several smaller areas throughout the site. Morgan said that the ZBA variance carried a stipulation that they put snow piles in places that do not impede traffic. Janvrin said that exceeded the ZBA authority. Morgan said that is what they did. Lamp said the ZBA expressed concern about sight distance and the applicant asked that the direct that concern to the Planning Board. They would have no problem if the Planning Board directed them to look at this issue. They would work with the Board or Morgan to identify some parking spaces that could be used in the event of a winter like the last with a lot of snowfall. He said the ZBA was a little over their head on this issue, but the applicant did not see a problem in addressing this.

Blatchford said as previously discussed, an outdoor sales area had been added to the plan to show the sidewalk area. The added dumpster pads to the plan as well as several detail sheets for the temporary construction fence, the plunge pool, the manholes, and the 8 foot wood privacy fence, catch-basin structures. Substantial plantings were added to the landscaping plans, although not all of these are in the revised plans. Hawkins asked if these planting details are now shown on the revised plans. Blatchford pointed out where additional plantings and buffering were added at the employee parking lots for the neighbors; Also some general plantings were added pursuant to the waivers. Hawkins said he wanted to go over this detail as he is concerned about how close these plantings are to the neighbors. When it comes to the boundaries to the lot the Board wants to be sure there is a good buffering for lights and noise for the neighbors, especially around the employee parking lot. He was concerned about tree cutting. Janvrin said the concern was light infiltration if someone pulls into the lot at night and the lights hit the neighbors. Blatchford said the plantings should help a lot. Janvrin was concerned about the plain chain-link fence and asked if there could be slots to stop the lights from shining across. Foote commented that slatted fencing makes a horrible noise. Janvrin said he had seen black netting that filtered light.

Wayne Perkins said he and his brother were attending because their mother, Carol Perkins, also wanted a 150 to 200 feet 8-foot stockade fencing all along her property blocking the light as well as a chain link gate so she can access the store for shopping. Hawkins asked which lot this referenced. Wayne Perkins said it is the last house down. Carl Perkins said only a couple of old buildings gave her any privacy in the back yard. Thibodeau reiterated that vehicles will still have



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to pass in front of the buildings to exit; she felt this was dangerous. Foote noted they can use the right in/out or Boynton Lane. Thibodeau said that Mrs Perkins would not want to have to go all the way around when she exits the store. Having to run across the travel lane with a basket of food to the parking area was a traffic hazard; they have taken away the existing path. Foote said cars travel quickly along that driveway roadway. Thibodeau said they took away the right turn exit lane and made it more difficult. Foote said a lot of people used that turn lane and there will be more back-up. Janvrin pointed out the area in question where now people can pull right down across to Route 1 without crossing the face of the building. Foote said there will be about five cars stacked up at the right turn lane. Janvrin said the travel lane in question is directly parallel to Route 1. Foote said the currently cars can go to the right without a mandatory stop instead of a yield where a car can move on. Janvrin said the concern is whether there is any way the cars would not have to come across the face of the building to exit at the signal. Lamp said they had had a full connection, but the traffic engineers did not think it a good way to route traffic. He felt they had taken numerous steps to improve the traffic and perhaps a couple of steps the Board would consider backwards. They consider this an adequate and safe design that separates the truck and pedestrian traffic. Overall it is a better improvement to the traffic pattern.

Foote was less concerned about the [above referenced] travel lane because a vehicle could go across to the right in/out at the Irving station. Her greater concern was taking away the right yield turn at the signal because any day at 10AM there are two lanes fast heading south, and it's risky for someone wanting to turn north. Lamp said that change was made by the NHDOT for ADA and other reasons and not by the applicant. Foote said five years ago the NHDOT had approved this. Lamp said they were asked to reconfigure this and the crosswalks. They took away the three small island refuge areas and the turn lane because the plows hit them all the time. The Applicant actually wanted to keep that configuration but the NHDOT said it would be dangerous for a person with a handicap to be stuck on an island when a light changed. Brown said the queuing limits the number of cars at the squeeze, noting that this is a standard at most shopping centers. Foote said five cars will be waiting to go through the squeeze. Thibodeau commented that at a new Target store in Greenland vehicles can drive all along the front without driving by the stores. Janvrin thought the NHDOT needed to be alerted. Blatchford said that the lighting had been adjusted to eliminate the trespass as previously pointed out, as well as some tweaking to the lighting and relocating a couple of poles..

Lamp said the islands are the problem, and asked the Board if it would think about adding a short widening for a right turn lane that would accommodate two or three cars, if they could convince the NHDOT to approve. He recommended doing this without creating delta island. The Applicant would do this but they would lose some open space. Foote said if there is not a dedicated right-turn people will drive around the back side of the new retail space because it is quicker and will shoot out that exit. Hawkins asked what changed from the original planset. Lamp said in the first round of NHDOT comments Hawkins asked why the island was a problem. Lamp said it was because they needed a refuge for someone crossing. Janvrin surmised that it would take about five seconds longer to cross. Brown said the NHDOT concern was not how much time it took to cross, but that it was through an unprotected open area where they would have to stand and wait. Lamp asked if the alignment could remain the same; Brown said maybe it could. Lamp asked if the Board would bless their going back to the NHDOT to ask for the right-turn lane if they could meet their regulations. He did not want to do this without the Board indicating this would be acceptable. Hawkins liked this proposal and did not see the need for the island. Lamp said they would have to stripe for crosswalks. Janvrin wanted to leave the configuration the way it was.

Foote said a right turn yield going north toward Railroad Avenue would make a big difference because 95 percent of the people leaving the Demoulas south plaza go north toward Railroad



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Avenue and/or the Beach. Only the Massachusetts plates that don't know about this go south. Thibodeau agreed. Blatchford said there would have to be adjustments for pedestrians crossing safely. Brown said they would have to avoid a trap in the middle to get a pedestrian across the road at the signal Janvrin asked about the push-button in the middle. Brown said that would allow someone in the middle to get across. Janvrin asked about the crosswalk from the Kohl's to cross Route 1, and asked about a pushbutton in the center. Brown pointed out how the button would work and where it would stop traffic. Janvrin thought it made no sense He asked if there were a crosswalk from the Lowe's to the Demoulas plaza. Brown said there will be a signal on both sides. Brown said originally NHDOT wanted a pushbutton but now want it removed and the walk time extended. Janvrin said even now going north a right turn can be made even without a stop light. This means that if the traffic going north is stopped a vehicle can make a right turn when someone is walking across. Lamp said that happens anywhere in the country [with right turning-in lanes]. Janvrin noted that at the Wal-Mart there is a red arrow prohibiting turns and asked if that had been talked about. Brown said it had not.

Lamp asked if it was alright to pursue improvements to get some space for a right-turn lane. Hawkins asked if this was to add a third lane. Lamp said he was trying to create a short right turn separate from the left and the through-left and ask NHDOT for this improvement, although it will take up some open space. Hawkins asked if this would be a through left, a left-turn, and a short right lane. Lamp said it would. There would be room enough so that people turning left will know that others could be turning right. The only reason this was changed was that the NHDOT wanted it; they have no problem going back. Foote thought that with the existing traffic count there would not be enough stacking room if the space if the right-turn lane were taken away. Brown said that they looked at that area recently at RSG's request, and there is enough room for the stacking. Lamp said that anything they do will only be an improvement so they will address this with the NHDDOT and confer with RSG. Janvrin asked if there would be two right turns; Lamp said there would not. Foote noted that some people do pull around the right-turn land into the center lane going north; this happened to her that morning. They do not necessarily go straight. Thibodeau said that was an illegal turn. Hawkins said without an island it would be worse. Janvrin asked whether a rumble strip could be used. Lamp said there are a number of devices that could be used; they will consult with the NHDOT and return with a proposal approved them which he thought would be satisfactory to all. Hawkins asked if the Board was in agreement. By consensus: Hawkins, Foote and Janvrin endorsed contacting the NHDOT about these issues; Thibodeau did not citing her other traffic concern.

Lamp understood that there would not be a drainage report at this meeting, but wanted the Board to know that Blatchford had met with Jim Kerivan of Altus. Hawkins asked for an outline of what was discussed, and was pleased that their discussion was moving forward. Blatchford said he met with Kerivan and Eric Saari and several misconceptions were settled. The engineers again measured the water table in mid April and the only change from the prior November was near the Boynton Lane area; it has been addressed. There was no material effect on other areas except for a rise in wet weather in the rear. They have adjusted the plans and the drainage study without any change in the net run-off and volume. Blatchford left a message for Kerivan asking for a call if there were any questions as he reviewed the revisions so the dialog could continue. Hawkins said when Kerivan is at a meeting, he wanted to go through his and the DPW Manager's issues and hear that they are satisfactorily resolved to his satisfaction. Hawkins asked for other Board questions re the stormwater drainage, expressing his concern about the pond that is so close to Lafayette Road. He asked if Foote had other issues.



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Foote agreed with the concern for safety at that pond if someone should wander off the sidewalk, because plans look nice but in reality are different. For example the deep fall-down contours at the Boynton Lane lights was not evident from the plans. If someone rolled down them they would hit obstructions. She thought they may have measured from existing grade, but the hole was not expected. Blatchford said they have used guardrails and buffer plantings in such circumstances although not required by the NHDOT. Janvrin asked whether they would consider benching in the area as the town is developing a village concept with people walking from store to store and pedestrian safety. Blatchford did not think that a first choice for benches, also noting that they have considered mosquito control. Janvrin said there would constantly be water in that area and wondered if there could be a floating fountain to keep the water running and be aesthetically pleasing. Foote was not for mosquito control because the area is the headwaters of Sheppard's Brook into Cains Brooks. Mosquito larvae are part of the food chain which would be interrupted if they are destroyed. Janvrin agreed. Lamp said they only offered this. Foote said to make the pond a functioning wildlife habitat for frogs, newts, salamander that eat the mosquitoes.

Lamp said it is necessary to move forward on these issues. They must meet the DES requirements for wet ponds which have to have some depth. They are trying to address the issues at Lafayette Road the best way they can but at some point there needs to be closure. They cannot do impervious pavement because of high groundwater. They think they have a proposal that is overall a vast improvement over what is there for a 30,000 square-foot expansion. Blatchford said that the ponded area over the property line is less than they are proposing to fill. Foote said those wetlands in the 1970's were not wetlands. They became wetlands because of the sheet flow; it did not used to be wetlands. Blatchford said it is an existing condition in the neighborhood, not that they are introducing it. Morgan's concern was that they could be making the mosquito problem worse than presently. He hoped they would put some proposals on the plans. Lamp said they received comments the day before and had asked what the town had done with other projects on this issue because they did not want to propose something unacceptable.

Foote said most recently it is the timing of the big box impact. Home Depot, Lowes, and Kohl's all have very large functioning ponds behind them. They have interceded into groundwater with storage above it. They function as a pond, with plantings for shade so it doesn't get too hot, and are on a graded slope so turtles etc don't slide back. They were very well engineered as a functioning pond. Blatchford said these are smaller versions. Foote said one pond has three small mallards. Blatchford said they put in waterfall islands, shade trees, verdant pools etc. Foote preferred a wet pond close to Route 1 rather than the deep hole and cement blocks as near Boynton Lane. Her concern was for people walking late night along Route 1 who might land in the hole. Carl Perkins asked if the intent was for another Route 1 culvert. Foote said no.

Perkins wanted to address the fencing request for his mother. Hawkins said they would recommend that and wait for a response from the applicant. They need to look at an appropriate length to combat the lights and noise. Carl Perkins said if they tear down the old block buildings, his mother's land will be wide open Hawkins asked where the proposed fence was; Blatchford pointed it out. Hawkins said the Perkins are proposing they wrap the fencing around the corner for some distance. Lamp said he heard 200 to 250 feet. They have existing roadway and are cutting down some trees, but to go for the whole length is a huge cost expenditure. He pointed out the small area that would be affected. Carl Perkins said they were also making an above ground sewer system. They were willing to take down a couple of barns that are eyesores if there could be fencing. Janvrin's concern was a commercial vehicle coming up the northern driveway; at some point it would make a turn to the south. He wanted some kind of light



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management from the corner until the headlights lights were no longer pointing at the Perkins house. Hawkins said at some point the headlights would not be pointing at the house. Lamp pointed out the area and proposed carrying the 8-foot fence around the corner in the back to mitigate the headlights and improve what is there now. Blatchford thought that mitigation would be more than adequate. Janvrin asked how many feet would be added.

Lamp pointed out the back area and suggested fencing of from 80 to 100 feet along the back which he thought would be a vast improvement. Foote said they were offering to run the fencing on the back side up to about the compactor pad. Hawkins said that would take the light away from the Perkins property as the truck would already have made the corner. Lamp added that they are replacing the chain-link fence along the entire rear. Blatchford reminded about the requested gate. Lamp said that would be fine but needed to look at the liability issues re the gate. Wayne Perkins said people cross his mother's property to use the gate. Foote noted that many people in the neighborhood walk to Market Basket. Thibodeau said that many from the senior housing walk to the Market Basket. Hawkins thought what Lamp offered would be a reasonable compromise; the chain-link would be there for the rest of the length. Lamp said the gate would be left where it is, but asked whether the Perkinses wanted a gate or a gap. The Perkinses wanted a gate and said Lamp's proposal this would be ok.

Hawkins said as the stormwater would be discussed at a later time he wanted to address other matters. Blatchford asked to address the requested waivers letter dated 2011. Hawkins recommended that Blatchford read the existing minutes to be sure that the specifics for the language relating to the lighting request accurately reflected the Board's vote re 2 light poles and one to be removed. He noted that page 1 of the request letter reiterates the Board's votes of April 5, 2011, and asked Blatchford to walk through the new requests. Blatchford said one request is related to Article 8 of the Site Plan standards and is related to the ZBA decision re the parking ratio, and the other is for maintaining the dimensions of all of the existing parking spaces; the new parking spaces in the disturbed area are 10 x 18. Hawkins said the Board had acknowledged that they would not require a restriping of the parking area. Kravitz noted that the regulations had been restructured and the correct reference would be to "Section" and not "Article".

MOTION:	Janvrin	to waive the Section 8 (d) of the Seabrook Site Plan Regulations for Case #2011-03 to allow the dimensions of the existing parking spaces to remain as is, as presented on June 7, 2011.
SECOND:	Hawkins	Approved: Unanimous

Blatchford said the second waiver request relates to the NH DES wanting the granite curbing in the areas adjacent to the existing wetlands and the stormwater to be changed from vertical to sloped so that the turtles can climb over it. Thibodeau commented that she has turtles traveling through her property and it is a pretty steep climb. Janvrin was concerned that the new right in/out be vertical curbing. Blatchford said they would. Foote said it is only for the areas that touch the wetlands or the grass. Hawkins asked if there were issues. Morgan said to accommodate the turtles.



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MOTION:	Foote	to waive the Section 8 (I) of the Seabrook Site Plan Regulations for Case #2011-03 to allow sloped granite curbing to replace vertical curbing in the areas adjacent to the wetlands and greenspace as otherwise designated for the benefit of the wildlife on June 7, 2011.
SECOND:		Approved: Unanimous

Blatchford said the third waiver request is in connection with the driveway at Boynton Lane which is 27 feet. They wanted to line up with the existing sidewalk to better accommodate customers, fire apparatus and turning trucks and proposed a 24-foot width and to move the service drive about 20 feet back in connection with widening Boynton Lane. Janvrin drives commercial trucks and said it appears from the truck turn drawings that trucks turning out of the service lane have to go into the oncoming traffic on Boynton Lane to make the turn. But vehicles coming into the property have to do the reverse. His concern was that if one truck was entering and another departing, the line of sight would be limited to and from the service area behind the new retail space. Lamp said this could be seen all the way from Route 1. Janvrin said one truck would have to back up and the other would have to queue because the other would have to cross in front of it. He thought it did not make much sense for a 52 foot trailer and an 18 foot truck to have to back up. Blatchford said the truck leaving the site would have a stop sign and would be the one to back up; the truck on the public street would not back-up.

Janvrin wanted to know why the same turning radius would be used for both trucks. As a truck driver he thought that would not be a safe situation, and asked for the distance to Route 1 because he wanted to determine the line-of-sight distance up to the intersection. Lamp understood but did not share the concern. He said if turning points had to accommodate two 52-foot trucks independently nothing would be built. It was common practice and happens all the time. In such a situation the trucks are going 4 or 5 miles per hour and the driver has to be aware of his position. It is not a life and limb or safety situation; it is a courtesy issue that the drivers have to work out. There would have to be a 60-foot curb cut which he did not think the town would want, and which the applicant thinks would be unnecessary. Blatchford did not share the conflict concern as the same situation currently exists. Janvrin said that currently there is not a new store at the southern end of the building and the line-of-sight goes all the way to Route 1. He felt that by the time he would see the oncoming truck he would have traveled too far and would have to back up. Blatchford said the back-up would be to the service area. Janvrin said he would already be in the entering truck's lane. Lamp said that all the Market Basket trucks go in the same direction so the only trucks this situation would be the other stores.

Janvrin said that after expressing his view, he would leave the issue alone. Lamp wanted to resolve this issue for the Board's comfort level. Foote was concerned that when trucks exit to Boynton Lane they would have to occupy both of the street lanes for quite a distance. She acknowledged that Boynton Lane is not traveled nearly as heavily as Railroad Avenue which was unexpected; small vans were promised. Now there are tractor-trailer trucks from Route 1 pulling into the Richdale and backing straight across into the opposite store parking lot; sometimes this take 15 minutes. She worried about an ambulance being delayed by a jackknifed trailer as occurred a few weeks previously, and that this could happen on Boynton Lane. Brown said the distance was not the same. Foote asked the Applicant to make the situation better. Lamp said that they were, by widening the street. Foote said a truck would still be occupying both lanes. Lamp said there was no way to say that, even if nothing was added to the building, two trucks couldn't overlap in the right-of-way. Foote did not care about what happens on private property, only about the swing onto the public road. Lamp said trucks have a sign on the back



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alerting that they make wide turning swings. This occurs because they are oversized. The Town asked for the road to be widened and the applicant is doing that. They cannot solve this entirely, but are proposing to make the situation better. Brown added that most of the time there would be standard delivery trucks. They were designing for the largest trucks expected on the site. For the most part trucks could be side by side, but the few very large trucks would have to overlap; they are making things better by widening the roadway before they get to the service area, so trucks should not be in conflict.

Garand said there are a lot of children in that area, and asked about sidewalks. Foote added that although Boynton Lane is currently a dead end, in the future it could be opened up to Liberty Lane.

At this point the Applicant is planning for a little-used dead-end, but in 10 – 15 year Boynton Lane would be as busy as Railroad Avenue. She was not concerned about overlaps on the Applicant's site; her concern was the overlapping on both sides of the public road when trucks turn. Brown said this wasn't happening at this time. Foote said that did not used to happen on Railroad Avenue. Just because it wasn't happening at this point did not mean that they couldn't do something to prevent or reduce the impact in the future. Brown said they were doing this by widening the road. Janvrin asked if the existing driveway was 20 feet. Foote asked if adjusting the green area sweep next to the new retail store could be adjusted to make it a little wider for truck turning. Thibodeau asked if it could be made one-way. Lamp said it could not because the trucks and dumpsters come from different directions. Blatchford pointed out there was not room for a turn-around in the back.

Janvrin asked how many trucks make deliveries to store fronts; he counted one when he walked there. Lamp did not know but assumed that most deliveries were to the rear. Janvrin said the turn radius needed to be left for the fire trucks, but asked for signage indicating that he largest truck that could deliver to the front of the building would have no more than 26,000 lb be posted at Boynton Lane, customer entrances, the right in/out, and at the building corners. This would mean that trucks of more than 26 feet could not deliver to the face of the building. Lamp did not see a problem with this. Janvrin said this would mean that any truck over 26,000 lbs would have to deliver to the rear. Coca Cola and bread trucks would not be affected by this and could do front deliveries. Morgan said this should be notated on the plans. Morgan reminded about the waiver request.

MOTION:	Janvrin	to waive the driveway requirements to allow the access drive in to be in excess of 20 foot width on Boynton Lane, the service drive to be no greater than 24 feet width, and the customer entrance no greater than 32 feet as depicted on June 7, 2011.
SECOND:		Approved: in favor – Hawkins, Foote, Moore, Thibodeau, Sweeney, Fowler, Chase;

Foote asked why customers with relatively short vehicles were being given up to 32 feet and the tractor trailers that need the big swing limited to only 24 feet. Janvrin asked if a wider drive would help. Lamp said it couldn't hurt to have it wider and suggested a maximum of 40 feet. Janvrin asked what that would do to drainage. Lamp said it would be negligible. [Janvrin withdrew his motion in favor of the motion below.] Morgan asked why the customer entrance needed to be at 32 feet. Morgan asked why the customer entrance would be 32 feet. Janvrin said this was for fire apparatus turns. Morgan asked if the Fire Chief had commented on this. Janvrin said he had not been at the technical review. Lamp said they discussed this and he did not have a problem.



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Foote thought they would go up Railroad Avenue to the intersection. Morgan asked Lamp to submit a writing from the Fire Department. Lamp said he would

MOTION:	Janvrin	to approve the driveway regulations part E to allow the access drive to be in excess of 20 foot width on Boynton Lane, the service drive to be no greater than 38 feet width, and the customer entrance no greater than 32 feet as described on June 7, 2011.
SECOND:	Foote	Approved: Unanimous

Hawkins noted the time at 9 PM, and continued Case #2011-03 to July 12, 2011 at Seabrook town Hall. The priority items would be stormwater and traffic. Hawkins understood that the traffic issues were close to agreement and hoped the same for the stormwater. He asked Morgan if there were other outstanding issues. Morgan noted he had prepared a memorandum on miscellaneous items. Hawkins asked if the applicant had Morgan's memo; they did. Lamp said they would prepare a written response. Hawkins said that Morgan's memo and landscaping would also be on the July 12 Agenda. Hawkins asked for questions from the Board.

Janvrin understood that the NHDOT wanted the Town to take on the maintenance of sidewalks and the Town did not want to do this on the state right-of-way. He asked if the NHDOT was requiring sidewalks. Lamp said it was a town requirement. Probably the Applicant needs to write to the Town indicating that if the Town takes on the maintenance, the Applicant will maintain the sidewalks along its Lafayette Road frontage. Hawkins said the NHDOT wants the town on the hook because they do not want to chase an applicant. That is the town's issue because it does not want the liability for accidents even if it is maintained properly. Lamp said it is a "catch 22". Foote said the NHDOT would not allow crosswalks on Route 1 unless there are sidewalks at a light. Now they say they won't put in the sidewalks so how is someone to get from one side to the other. Janvrin said it is the town's regulations. Foote said the state would not allow the town to do a sidewalk at the community center where children cross regularly. Lamp did not want to get between the state and the town. Janvrin favored omitting sidewalks from this plan with a waiver. Hawkins said this would be on the discussion list; it was not an issue to walk away from.

McNeill asked to comment; Hawkins invited him to do so. McNeill said that this process was intriguing and recalled that when DDR's progress was going forward the applicant's representatives indicated that whatever DDR did along Route 1 would affect them and their projects and as such it was very important in re common facilities along the Route 1 Corridor and Route 107 there be appropriate assessments and exactions to address the impacts of projects. McNeill said he had read various letters from the NHDOT and some of the materials in re the Planning Board's consideration in re the town's exaction and site plan regulations as well as other exactions for the Route 1 Corridor. DDR's sole request is for fair, equitable and consistent in re the application of the site review regulations and off-site requirements, so that there can be reasonable mitigation to get this project and other Demoulas projects that may come along integrated into the Corridor system. All they are looking for is fairness, equity and reciprocity in the treatment of this applicant.

Hawkins responded that he did not believe that the Planning Board had any other intent than to be fair to all of the applicants. They had gone to considerable length to try to get the calculation done correctly and fairly and consistently. It is not always easy, but this will be discussed in much more detail at the July 12 meeting. Hawkins believed that the Board had done just what McNeill had asked by treating them like any other applicant. The Board recognized the need to improve the infrastructure and was asking each applicant to participate at the appropriate level.



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For this plan of about 30,000 square feet he thought the requested exactions were probably appropriate for the size of the project. McNeill said they would attend the next meeting with comments. Pollack responded that after five months of meetings and after expert consulting by the applicant's experts and peer review and agreement among the consultants that the exactions and [impact] fees to be placed on this applicant are agreed upon as reported in Morgan's memorandum, DDR was coming to the meeting to essentially ask the rules be applied fairly to this applicant. He certainly understood that turnabout is fair play and this is an exciting way to gain some amount of retribution, but simply asking the town to deliver fairness and due process from the applicant's perspective does not preserve issues for appeal. McNeill thought that an interesting comment, but said his client would participate as the applicant did in its process. It was never alleged [during the DDR process] that [the applicant's] comments, insights and observations were inappropriate or not well placed. Similarly, comments made by Demoulas representatives were made part of the record and considered in the final determination of the case. McNeill said they are attending and expect to be heard. Given the past experience [with the Board] they know they will be heard.

Break at 9:05 to 9:20PM

Case #2011-07E.2008-03 – Proposal by Francis Chase to revise an approved site plan and to seek a conditional use permit to allow residential use in a commercial building at 12-16 New Zealand Road, Tax Map 7, Lots 71 & 72; continued from April 5, 2011;

Attending: Francis Chase

Hawkins said at the April 5th minutes Chase was asked to take his request to the Zoning Board of Adjustment because the Planning Board could not make a decision based on the number of units requested. He asked Chase for the ZBA decision. Chase provided a copy of the ZBA decision approving 5 [residential] units. Foote asked if all the units would be residential and retail. Chase said they would. Janvrin said that essentially this was a multi use application. Foote noted the Master Plan Steering Committee was working on enabling such use. Janvrin commented that there was not yet an appropriate definition in the regulations. Hawkins asked Morgan for questions. Morgan had none and recommended approval.

MOTION:	Janvrin	to approve Case #2011-07 Francis Chase to revise an approved site plan and to seek a conditional use permit to allow residential use in a commercial building at 12-16 New Zealand Road, Tax Map 7, Lots 71 & 72
SECOND:	Foote	Approved: Unanimous

OTHER BUSINESS

Hampton Falls – Poker Room, 1 Lafayette Road

Morgan said from reading press accounts he thought the Hampton Falls Planning Boards were very supportive of the Poker Room, but he has since been told that is not necessarily so. There are some concerns and reservations. Specifically he asked how close the parking would be to the town line and was told 10 or 15 feet. Janvrin asked if the property boundary was the town line. Morgan said the town line goes through the property; the same owner owns on both sides of the line. Janvrin attended the Planning Board meeting which was continued to this month as there were three waiver requests, two of which were withdrawn at the request of the Board. The remaining waiver request was to double the parking spaces going from 97 to 194 spaces. They had no public comment, although he was asked about Seabrook's concerns after the meeting.



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Janvrin told them that for a request to double parking there would have to be a new traffic study to determine how many trips per hour. Over a certain threshold would require an exaction fee.

Janvrin said that Hampton Falls has no exaction fee and that would fall under the NHDOT driveway permit. NHDOT's response was that the applicant inferred there would not be a significant increase in traffic. He thought that a new traffic study should be required for doubling the parking. NHDOT would make the exaction determination. Janvrin thought about 75 percent of the cars would come from Seabrook and the site is just over the border. If Market Basket has to pay an exaction so should 1 Lafayette Road. He proposed the Seabrook Planning Board write a letter to the Hampton Falls Planning Board and the NHDOT asking to reopen the driveway permit based on doubling the spaces and requiring a new traffic study and exaction. Morgan said he spoke to the person at NHDOT who said they told him there wouldn't be much more traffic. Morgan told him to have a look. Hawkins said if traffic was not going to be significant, why would they need to double the spaces. They got the permit based on half the spaces and now want to double it, and wouldn't that call for a contribution for improvements on Route 1. Morgan said a letter could be written but it should go to the NHDOT. Hawkins agreed; they should be treating everyone along Route 1 the same. Thibodeau asked where the new spaces would be. Janvrin said out to the back. Thibodeau said they have carts, maybe for valet parking. Janvrin said they were leasing spaces across the street at the Lucas greenhouse. He wondered about declaring a regional impact through the RPC; Hampton Falls would have to request this. He would bring this up at the next Hampton Falls meeting.

Foote said currently the back is mostly permeable surface. Parking in the back for 100 cars would be impermeable and would appear to slope toward the trailer park east and into Seabrook. Knowing the stormwater treatment facility would be important because if any of it flows into Seabrook is an MS 4 town. Janvrin said the owner would also own all sides of the property. Seabrook is an abutter and should bring up that issue. Their ZBA request included (i) parking area surface greater than 15 percent, (ii) allowing parking 10 feet from property line, and (iii) less than 100 feet from poorly drained soil. The engineer representing the owner stated that he is a wetlands scientist and is ready to stamp the plan saying it is poorly drained soil but not wetlands; 100 feet away would not be a problem. Janvrin had an issue with that. Foote was not sure of the standards on poorly drained soils. Wetlands would also have high water table and vegetation. If it had been clear cut for many years it wouldn't be a wetlands, but in the future it might support the vegetation and then would be a wetlands. Foote was concerned about the EPA strict regulations for MS 4 towns because if the owner does not take care of this the town must. Janvrin said if there is any sheeting into the trailer park that would be an added problem. Hawkins asked how such problems in neighboring towns are treated, Thibodeau thought nothing happened. Foote said it is the receiving town that has to resolve similar problems with nitrogen.

Hawkins asked Morgan to write to NHDOT saying the Board believes there should be some exaction for Route 1 and the Bridge, because a good part of that traffic would be using the Bridge and/or Route 1.

Hawkins asked for other business; there being none. The next meeting would be a work session with certain Master Plan Chapters and one case for acceptance.

Hawkins adjourned the meeting at 9:35PM.

Respectfully submitted
Barbara Kravitz, Secretary, Seabrook Planning Board