



Town of Seabrook
Planning Board Minutes
Tuesday, September 17, 2013
NOT OFFICIAL UNTIL APPROVED

Members Present: Donald Hawkins, Chair, Roger Frazee; Francis Chase, Michael Lowry, Aboul Khan, Ex-Officio; Paula Wood, Alternate; Tom Morgan, Town Planner; Barbara Kravitz, Secretary; Paul Garand, Code Enforcement Officer; William Manzi III, Town Manager; David Saladino, RSG, Planning Board Traffic Consultant:

Members Absent; Sue Foote, Alternate; Jason Janvrin, Vice Chair; Dennis Sweeney;

Hawkins opened the meeting 6:30PM.

SECURITY REDUCTIONS, EXTENSIONS

There being none.

INFORMAL CONVERSATION

US FOODS

PROPOSED RELOCATION OF AREA DIVISION To POLAND SPRINGS PROPERTY

John Glynn, President of US Foods, Boston Market;
Jeffrey Barnes, Director of Corporate Real Estate
Timothy Gibbons and Dan Frigge, GSI Design

Hawkins invited the US Foods representatives to speak to their proposal. Manzi thanked the Board for entertaining this appearance, noting that the Selectmen had been briefed individually and all were very enthusiastic about the US Foods project and the potential for Seabrook. He thanked Morgan for meeting with the US Foods representatives earlier in the day, and introduced Barnes.

Barnes thanked the Board for the opportunity to speak at this meeting, stating that everyone at US Foods was very excited at the potential for coming to Seabrook for the long term. As Director of corporate Real Estate, he was based outside Chicago. Barnes explained that Glynn headed the Boston division based in Peabody, Massachusetts, Gibbons was the architect, and Frigge was the civil engineer with GSI, the outside design, build, and construction company. They wanted to introduce US Foods and let the Planning Board know that they are considering a very big and exciting project in Seabrook to renovate and redevelop the existing Poland Springs facility.

Barnes said that US Foods was one of the country's largest food service providers, responsible for bringing food to consumers at restaurants, health care facilities, hospitals, army bases, schools, universities, and the like. The company's revenues were \$21 billion, 65 distribution facilities across the country to serve every major market. They are interested in bringing their entire Peabody operation to serve the Greater Boston area and New Hampshire from Seabrook. The Poland Springs facility is a 505,000 square-foot dry facility. US Foods intends to convert that facility into a multi-temperature facility with dry storage for dry groceries, a large cooler for produce and fresh meat, and a frozen section for frozen foods. The investment expense in the building is estimated to be in excess of \$40,000,000, which US Foods would not take on lightly. This would be a long-term commitment, about which they are very excited. Currently there are about 275 employees in Peabody, where the 188,000 square-foot facility is older, tired and inefficient. They would expect to bring the entire facility up to Seabrook adding 75 -100 new positions to people in Seabrook, whom they expect would be qualified, for a total of about 350-375 employees.



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Barnes said internally they would be converting the building to a dry, refrigerated, and frozen foods warehouse. On the exterior footprint of the parking area, they would plan on adding a maintenance shop and refueling facility on the exterior footprint of the parking area, for light maintenance on the fleet of trucks including a truck wash and fueling. They understand that they have to go through the town zoning process. This fueling, maintenance shop would be engineered to the highest industrial standards; the engineers could speak to satisfying the regulations.

Glynn commended Barnes' overview of the company. US Foods was a nationally based company with footprints in health care, education, and chain and independent restaurants. They had operated in Peabody for 31 years, and had outgrown it about 10 years ago. They had looked at multiple facilities during the past six years, most recently in Taunton, Massachusetts. They see the Poland Springs building as a unique opportunity for a best option, keeping their employee group whole, and put them in a footprint that would be more centralized for their market; they service Maine, New Hampshire, and Eastern Massachusetts. They learned of this opportunity at the end of 2012, and would like to get a deal done with the community.

Barnes added that the lease on the Peabody facility would expire in May of 2015, and a \$40,000,000 construction would take some time. They have to make sure that they can exit the Peabody facility timely, by getting the Seabrook facility started in a timely way. The construction period would take roughly 12 months, so they need to be in construction in the first quarter of 2014. Additionally, Nestle, the successor to the property through Poland Springs, has given them a very tight window in which to decide whether the Poland Springs property can work for US Foods. Barnes said they were going to their Board of Directors the next week where they expect to have a go ahead, subject to getting all the permits and approvals needed. The Company is very excited about this opportunity. It was a unique opportunity to come across a 505,000 square foot facility that was built, permitted and site ready. They just need to make their internal renovations. They had a very tight time-line and intended to get back quickly in front of the Board and the Zoning Board of Adjustment, and do everything they had to do to keep the project moving forward. This meeting was a great chance to let the Board know who they were, and that they were excited about the opportunity.

Hawkins said the site was in the aquifer protection zone and would have to go to the ZBA, and asked if they would be requesting any other variances. Barnes understood that the only variances needed related to the refueling and the drive-through truck wash itself. Photos show it was above ground and had the highest current industry standards. He thought the town would be satisfied that they were doing everything that was feasible to protect the environment, once they saw the specifications behind it. Chase asked if this had been done elsewhere in the country with an aquifer. Barnes did not know, and asked Gibbons, who also did not know, but said they would do everything they could to protect stormwater that would be directed toward the aquifer; there would be a grease separator, and many containment fields.

Khan asked them to show the photos he'd seen of a fueling facility. Gibbons distributed a packet of photos of an above-ground facility constructed about 3 years ago near Austin, Texas. Hawkins appreciated the photographs, but said the issues about how to keep a spill contained would not be solved at this meeting. He thought this would be the primary issue for both the Board and the ZBA. If the ZBA gives the go ahead to proceed, the Planning Board would want to know how does a spill get contained, not just doing their best, which would not be good enough. This is the town's drinking water; he did not want to be part of something that meant no drinking water anymore. It really had to be a 100 percent type of guarantee set up where there would be back-



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ups on top of back-ups to make sure nothing like that ever would occur. He hoped they would think along those lines, because the one thing that had to protect was its water sources. Gibbons said they understood and agreed to do everything they could to protect the drinking water which would be directed to the aquifer. Khan referenced a prior meeting with the US Foods people and the Town Manager; the town would be excited to have US Foods in Seabrook. He requested the company make a plan for how to prevent any kind of accident or what would be done to contain something. He wanted to know that the company would make those plans.

Chase asked if they had thought about relocating outside of the aquifer – buying another parcel. Barnes said they had not. This was a unique opportunity to have such a large existing facility; 505,000 square-foot buildings that could be used for food purposes were hard to come by. Chase meant the fueling and maintenance facility. Barnes said they had not considered that because of the substantial investment for this project; also it was most logical and an efficiency measure to keep it on site. Frazee asked if the car washing was recycled. Barnes understood that 90 percent of the water was reclaimed and reused. Frazee commented that car washes did that. Barnes said all of the water not reused was that physically left on the truck when it leaves the wash bay. Frazee comment that this must be their perfect location, right off the highway. Barnes agreed, and said the [truck] traffic would not come into the town. Glynn had mentioned to Morgan and Khan that as a big nationally based company they were very environmentally sensitive to all the EPA and Quality Assurance. They would be good corporate citizens; their environmental person, Anna Fernandez, had viewed the site. If they could get a project going in Seabrook, they would meet the requirements of the town.

Hawkins asked about how many trucks would be in and out. Glynn said about 75, of which 40 would be inbound. They start at 1:30AM and ship out 35,000 – 40,000 pieces at night and receive about the same amount in. Frazee asked if a lot of waste was created inside the building, or if was all hard packaged. Glynn said it was mostly hard packaged; any waste like shrink wrap is recycled; there is very little food waste. Everything is contained; they are always in cold chain management; food safety is paramount; they don't want anyone getting sick in a restaurant. They have to adhere to USDA, FDA, local, and state inspection all the time, and have their own internal inspection with TetraTech, an outside monitoring group. They live up to the highest specs for food safety and quality assurance. Hawkins thanked US Foods for the presentation.

PUBLIC HEARINGS

Hawkins opened the Public Hearings at 6:50PM.

FINAL APPROVAL

Case #2013-16E – Proposal by Mirage Realty Trust and Medical Laser Technologies, Inc. to utilize the second floor of the building at 1 Walton Road for office use. The property is situated on Tax Map 10, Lot 24, continued from August 20, 2013, preliminary approval September 3, 2013;

Attending: Claude Elias, Medical Laser Technologies;

Hawkins said there were a couple of conditions to complete. Elias said these were the garbage container and the sign. They contacted their container contractor, who said the dumpster would be removed within a week. The sign company would have to use a crane to take the sign down. To be efficient they wanted to take the sign down and put up the new sign at the same time so as



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not to bring in the crane twice. They were trying to get the size that would be permissible. It would take about 10 days to manufacture the new sign. Hawkins said to meet with the Code Enforcement Officer to review the sign parameters so the new one would not be too big. He asked for Morgan's comments. Morgan related that the Board had asked him to look into the record of the prior tenant. In April of 2007 American Trust Mortgage Company proposed to use that building; the issue was whether there would be enough parking. The Board decided "...to tentatively waive jurisdiction pending the applicant meeting with the building and code enforcement officer on compliance and to return to the Board if more parking is needed...". Morgan said to the best of his knowledge they were never sent to return to the Board, so he assumed the parking was ok. Garand said parking was never an issue as people came into the building on varied schedules; the parking area was never filled to capacity. He was comfortable going forward with the same conditions as long as parking did not become an issue, and there would be no parking along Walton Road. Hawkins noted that no off-site parking was the town standard. With no other issues, the Board could take a final vote.

MOTION:	Chase	to grant final approval to Mirage Realty Trust and Medical Laser Technologies, Inc. to utilize the second floor of the building at 1 Walton Road for office use, conditioned on no parking on or along Walton Road. The property is situated on Tax Map 10, Lot 24,
SECOND:	Lowry	Approved: Unanimous

ONGOING CASES

Hawkins said that for this meeting, traffic would be the only subject; the Agenda would be followed for the order of presentation.

Case #2013-13 – Proposal by Scott Mitchell, Sea City Crossing, and IStar Seabrook LLC to demolish the McDonalds restaurant at 652 Lafayette Road and replace it with a 3,500 square foot medical office building and a 4,452 square foot retail building, continued from June 4, 2013, July 16, 2013, August 20, 2013, September 3, 2013;

Attending for the Applicant: Scott Mitchell, Jim Mitchell, IStar Seabrook LLC;
Appearing for the Applicant: Barry Gier; Jones & Beach Engineers; Jeff Dirk, Traffic Engineers, Vanesse & Associates;
Attending for the Planning Board: David Saladino, RSG; Kevin Russell, Mike Dugas NH Department of Transportation; David Walker, Rockingham Planning Commission;

Hawkins set the following order of procedure, and asked that questions and comments be held to the end of the presentations: 1. Presentation by the applicant; 2. David Saladino, RSG Associates, Planning Board traffic consultant, peer review; 3. Kevin Russell, NH Department of Transportation; 4. Questions by the Board; 5. abutters and others.

Gier said that Dirk would address the traffic. Dirk said their initial traffic impact assessment at the last meeting was based on the substitute project for the McDonald's site, which was not correct. McDonald's had been relocated to the other side of the [DDR] driveway, so from a traffic viewpoint the current site development was all new traffic. The proposed building is set up in three components: office and medical office, a retail component, and a restaurant. Accordingly,



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new traffic projections to reflect those uses had been provided; no credit would be taken for the McDonald's restaurant. They expected the project would generate 30 – 80 additional peak hour trips in new traffic to the area, which would relate to an exaction fee. Dirk noted that Saladino would have comments about how this calculation was done; this would have to be reconciled. The other item that the Board had asked them to relook at was the access configuration of the project which had changed from that originally proposed. Their traffic analysis looked at (i) the original approved configuration pre-dating the DDR development, (ii) a change in that access configuration in about 2001, and (iii) the current proposal. Dirk noted that the Board had asked them to return with pros and cons of each of the current configuration.

Dirk pointed out the elements of the proposed access configuration at the DDR driveway and New Zealand Road, and the traffic signal to be installed at that location. They propose a right-turn only in entrance off of the DDR driveway. Dirk said that location was consistent with what had previously been shown. The changed access related to the entrance further along the DDR primary driveway where a full-access driveway was proposed, south of the DDR 4-way intersection. They looked at the configuration prior to DDR, which had a cross-connection generally in that location providing access all the way through to Provident Way. He emphasized that that was when DDR was not there, and traffic patterns differed. Dirk said from the standpoint of benefits, this plan would keep the traffic associated with this proposal off of Lafayette Road. No new curb cuts were being created; they were using the curb cut that was being created as part of the DDR project. They would have benefits by way of an access to a signalized intersection, so that left turn maneuvers could be made in a controlled manner, which would be safer than with an unsignalized intersection. The right turn-only entrance was set back a sufficient distance from the signals, and would not impact the way the signal would operate. It was a sufficient distance for someone to enter, transition, and slow down for the site entrance, without causing backups out onto Lafayette Road.

Dirk said once the traffic enters the site, the circulation pattern creates a beneficial circulation pattern around the building; traffic would flow efficiently through the parking area and allows people to get access to the primary parking field; if they don't see a space they could circulate around without having to go out onto Lafayette Road. Dirk said the new connection did provide the cross-section out to Provident Way so that the traffic that wants to get to the site did not need to come out to the signal. It also would allow circulation into the other properties, their access to the DDR drive, and out to the Route 1 signal. Dirk noted that even with all the improvements, the intersection at Route 107 would operate over its design capacity; they would look at some things to try to improve that. The extent to which traffic would not have to go through that intersection would be beneficial from an operations perspective; people will try to avoid it. The primary driveway would be the DDR shopping center access to Route 1 going north or to the highway,

Dirk said that by taking their driveway out of the proximity of that 4-way intersection, they were moving some traffic along the DDR driveway sufficiently separated from the signal would maintain access to their property and remove their traffic from the 4-way intersection. The key was to make sure that where it was located was in the proper position in re the queuing that would occur i.e. they want to retain the benefit, and avoid blocking the driveway. Dirk said that, as Saladino had recommended, they needed to do that analysis to prove out their change in access location. Traffic should be entering at the back of the queue, not in the middle.

Khan wanted the NHDOT and RPC representatives to move to where they could see the drawings. [The easel was moved.] Dirk agreed with the additional work Saladino had asked them to do. They also had to look again at the trip generation, as this differed for types of restaurants; they needed to see if more trips were generated. He explained that internal capture dealt with



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how the traffic uses on the site interacted. They wanted to keep trips internal to the site when customers visited this site and the DDR site, and needed to estimate how much traffic would stay internal to the site, and not double count. He thought that factor would reduce the traffic estimate by about 10 percent; Saladino had asked them to prove that out. They also would do a capacity analysis of the intersection, to prove that the traffic would not queue up and block the driveway. They agreed that some testing needed to be done to prove out the design.

Hawkins explained that the Board's concerns were whether the right-in entrance about 80 feet from Lafayette Road was far enough; he thought that previous discussion said that 80 feet met the requirement. The Board's other concern, was about taking a left-hand turn to exit the property, i.e. was that an appropriate spot for that exit, or should it be someplace else. Hawkins said that the Board was not the experts, and would take their cue from the experts. He asked for Saladino's comments.

Saladino had done the peer review on behalf of the town, referencing the RSG report. He did not see significant stacking concerns at the right-in because it was likely to be low volume. They could not evaluate the left turn, without seeing the queuing calculations. Overall, circulation seemed to flow and was designed appropriately. There was a question about the kind of restaurant use, which would affect the trip generation characteristics. He expected that the internal capture, and calculation of the exaction fees would show in the next iteration. Hawkins asked the if the striping to the east of the DDR driveway island was correct as shown, or should be something else. Saladino said it was ok, and did not see issues there. Khan asked for Saladino's feeling about the left turn exiting into that lane. Saladino it was probably not the ideal location if there were no constraints. But given this particular parcel, where it lands at the new access to DDR was probably the best place. Looking at the stacking would be really important. Khan asked if Saladino knew about other businesses going into DDR in front of the Walmart, and how much traffic that would generate. The main question was if the left turn was safe. Saladino said it was not as safe as it would be if signalized on its own. He thought the traffic would be moving slow enough on the access road which is flat and had clear sight distances. Given the scale and size of the development he did not see major issues; it was not ideal, but probably the best that could be done for the site.

Khan thought the second entrance was quite close to the building, and asked if the exiting and entering could be shifted farther east. Saladino said there would be some stacking and wouldn't want to get too close to the intersection. The traffic analysis to be done would give a clearer vision of how this would look on a Saturday afternoon. Khan thought the cross connection was too close to the building. Saladino thought it was offset enough. Chase asked if the current plan was better than the first plan submitted. Saladino said it was better in re removing some of the traffic from the main intersection within the DDR site, rather than forcing all of that traffic through the intersection. Chase wanted to make the road safer and less congested; he was still concerned about the left turn messing up the traffic flow. Saladino did not have significant safety concerns. It was hard to know about potential congestion, without knowing how the traffic lines would look; he expected to see this in the next iteration, and discuss it at the next meeting on traffic.

Lowry asked what the traffic volume would be going out that exit. Saladino thought between 40 to 50 per hour, i.e. about a car a minute. Lowry asked about the combined flow if the tied together i.e. the Pizza Hut, CVS, and the development across the street. Dirk thought that would be about double, and said it would be an opportunity for shoppers going north; perhaps some traffic calming should be done, although less desirable. Lowry's issue was safety. Saladino said cars had to exit somewhere, so the count would probably be a wash. Morgan favored cross-



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connections, but thought that this one could have significant volume. He was concerned that it would be a straight-away that would tempt people who were frustrated and in a hurry to drive faster than they should – in a parking lot. Saladino wanted to think more about this, and people backing out of parking spaces. He thought with one or two cars a minute, it seemed manageable. If it is significantly greater, it would be more of a concern. Morgan wondered if it would be more prudent to design that corridor so that it wasn't being straight. Saladino said that would certainly help to slow down cars, but would introduce some safety issues and confusion among drivers; snow plowing would also be affected.

Chase was concerned about supply trucks backing up, citing that tractor trailers were not allowed on one site because backing up caused all kinds of problems. He asked what problems would be created with trucks backing into the delivery spot near the entrance. S. Mitchell said that could be controlled by having deliveries off peak hours. Dirk did not think there would be a large volume for deliveries, although even one during a high volume time period could cause a problem. He reiterated that S. Mitchell said the delivery times could be controlled. Chase said if a truck were going out the other side – to the right - it would not be a concern at any time of day. Chase thought the trucks would come from I-95 to the DDR driveway, and back in right away. Saladino said if deliveries were off peak hours, the congestion flow would not be a concern. S. Mitchell said they put a lot of thought into the plan, and did not want their trucks delivering during peak hours. Saladino suggested submitting a turning analysis. Chase thought the size of trucks mattered. Dirk said they would probably be semi, smaller size; a food delivery truck to a restaurant might be a semi tractor-trailer. Dirk said they would do the analysis and show the trucks sitting in the dock, and make sure they are not hanging out.

Hawkins asked if Russell had concerns. Russell said NHDOT had not yet reviewed the peer review, and wanted to know if the concept plan differed much from what he had seen before. They would like to see a turning template to see if it works. He thought that having trucks center on off-peak hours was a great idea. He thought the queues at the second driveway would be the big issue; cars should not sit in the middle, not being able to back up. Before further commenting, he wanted to see what the queues would be; they might be bad in one direction and not the other. It might be better to push the driveway one way, or not having it there at all. Hawkins commented that the total peak numbers for the DDR site was 2200; it would be a little busier than one a minute. J. Mitchell said that entry would be from two directions. Hawkins thought it would be important to see where they would come from. He thought DDR envisioned this to be the primary driveway; he did not know how the distribution had been split up between two entrances. The analysis of the flow would get that. Russell said they did not see a lot that could be done for the DDR property, but thought the extraction fee would be appropriate for this site. He noted that the NHDOT thought that adding in the McDonald's in the first submission was not appropriate.

Hawkins asked for other comments from the Board. He asked that Dirk work with Saladino and the NHDOT, so that the next time they came to the Board for traffic everything posed and suggested should be ready. He hoped the next traffic session for this project would be fairly short. Saladino asked if there were the potential for another tie in. Hawkins asked for Garand's view. Garand said the McDonald's had a right in-out on Lafayette Road and a rear entrance on the northeast side of the lot. Gier said that would access the DDR drive, and not Lafayette Road. Garand said the only access entrance would be the one on the Garand said the only access would be the one in the siteplan. Chase noted that the traffic analysis was counting the number of cars on the lot. If the size of the building were shrunk and the landscaping changed, the parking would change. Hawkins said those were open subjects, not yet determined.



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Hawkins asked for other questions; there being none. He continued Case #2013-13 to October 1, 2013 at 6:30PM in Seabrook Town Hall; the subject will be the site review.

October 15 would be a Planning Board work session. The case would then return for the November 5, 2013 public hearing.

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

Case #2013-15 – Proposal by Arleigh Greene, GRA Real Estate Holdings, LLC and Waterstone Retail Development, Inc. to demolish existing buildings on Tax Map 8, Lots 54-2, 54-4, 54-5, 54-7, 54-8 and 90, and to construct a 168,642 square foot shopping complex with associated parking and access drives, continued from July 2, 2013, July 16, 2013, September 3, 2013. The topic for this meeting is the Traffic study and peer review.

Request for application fee reduction, continued from August 6, 2013

Chevy Chase Road Relocation Request

Attending as the Applicant: Arleigh Greene, GRA Real Estate Holdings; Doug Richardson, Waterstone Retail Development;

Appearing for the Applicant: Barry Gier, Jones & Beach; Jeff Dirk, traffic engineer, Vanesse & Associates

Attending for the Planning Board: David Saladino, RSG, Traffic Consultant; Kevin Russell, District 6, Mike Dugas, Chief of Preliminary Design, NH Department of Transportation; David Walker, Rockingham Planning Commission;

Hawkins set the following order of procedure: 1. Presentation by the applicant; 2. David Saladino, RSG Associates, Planning Board traffic consultant, peer review; 3. Kevin Russell, NH Department of Transportation; 4. Questions by the Board; 5. abutters and others.

Gier introduced the attendees and asked Dirk to speak to the traffic. Dirk said that a very detailed peer review [by the Planning Board's traffic consultant] was helpful; they needed to make adjustments. Hawkins asked Dirk to begin by explaining their process – how they put together all the information they presented in their Traffic Study. It was important to see how they got from the DDR site to this site in terms of building the traffic volume. Dirk added that would also explain how they came up with some of the improvements. Dirk referenced many projects that the NHDOT was undertaking on the state highways and the turnpike; a very large development was also taking place that interacts with the Applicant's project as well as all of the road improvements in the area. They had to follow many standards in preparing the traffic study. As the project was on a state highway, they started the process with a scoping meeting with the NHDOT through Russell's office; He believed the town had been invited to that meeting. The purpose of the meeting was for the NHDOT and the Town to have an understanding of the land uses, access points for the property, and what's proposed for the site. They also provided the NHDOT with preliminary estimates of the expected volume of traffic that would be generated in the study area. As a result of that meeting the NHDOT provided them with a scoping determination based on the



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information provided, saying what intersections and time of day periods they should analyze, and asked them to also create future horizon projections. The scoping determination also spelled out the road improvements and other developments they had to consider in the traffic study.

Dirk pointed out nine intersections that the NHDOT said would have significant impact, and wanted them to include in their analysis. They were also told that the state and the town had expended significant monies to improve intersections; there needed to be an understanding of how this project would affect those improvements, and whether additional improvements, above and beyond, were needed. The particular nine intersections were: (i) the Route 107 interchange with I-95, (ii) on and off ramps from I-95, (iii) the Route 1 and Route 107 intersection, (iv) Provident Way, (v) along Route 1 from Railroad Avenue up to New Zealand Road, (vi) the Staples driveway with a number of curb cuts into the site, (vii) the Chevy Chase Road intersection with Route 1, (viii) the intersection of Provident Way and Chevy Chase, (ix) the proposed DDR driveway intersection. NHDOT asked them to look at the weekday evening peak hours – 4 to 6PM, and Saturday mid-day periods, to see how the predominant traffic hours would affect the same conditions on the roadways. Dirk thought this was similar time periods to what DDR looked at. Adding the Applicant's impacts to the DDR figures would give the overall impacts.

Dirk said the horizon impacts they were asked to look at was how the existing traffic patterns were flowing in 2013; and the pre-construction work on Route 107. He thought that not much of that activity impacted Route 1. They were required to look at an opening condition in 2014, and a 10 year projection – 2024, both with and without the project. The road improvements they were asked to consider were the completion of the Bridge, signalization of the ramps; the work on Route 107 extending up to the Route 1 intersection; the improvements of that intersection, and extending up to New Zealand Road and the signalization of that intersection. Dirk said NHDOT future projects were also planned for south of Railroad Avenue, and south of Route 107; these projects were included in the analysis on the assumption they would not be completed in time to be included in this analysis. However, they did look at how their proposed improvements in that area would relate to the NHDOT improvements. The thought was to do specific roadway improvements only once, so as not to be ripped up.

Hawkins recalled that when the Planning Board rejected the DDR project originally, it was because there was no mitigation on Route 1 south of Route 107. When the town finally came to agreement with the state and DDR, part of that understanding with the state was that that section would be done. At first the expectation was in the 2014-15 range; not it appears further out. Hawkins said that had to happen because the volume cannot get to the south because of the bottleneck; this was an important improvement for this project. Dirk thought the revised traffic analysis they still had to do would prove that out. It would also prove out that even if the DDR Improvements are built there would still be some issues. He expected that as the Board's consultant recommended, the NHDOT would want more work to be done in re the traffic and improvements. That section had to be improved; it's a bottleneck even with scheduled improvement. The Applicant needed to advance that, because the site won't work if their customers cannot get there.

Dirk said that during the peak 4-6PM weekday period, the Applicant's development would add a little less than 550 peak hour trips over what exists today, and with the DDR development. During the highest Saturday hours the development would add about 800 trips. Dirk said that additional roadwork and mitigation would have to be done as part of this project to accommodate those traffic flows. They went through the DDR peak hour figures to see how they assigned their traffic. Dirk said in terms of usage, DDR was more of a regional draw. The Applicant would have some regional traffic, but would be more locally focused so the trip patterns would be a little



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different. About 45 percent of the project's traffic would be coming from the interchange area and going to flow into the project site; about 25 percent of that traffic would come from the south, about 25 percent would come from either north or south of the project; a smaller amount would come from Railroad Avenue.

Dirk said once traffic got into the Route 107 intersection, it would access the site (right-in) from Provident Way; there would be a full-access driveway opposite Chevy Chase Road. Dirk said that Saladino was correct in recognizing that the current traffic study had to catch up with the site plan. The trip pattern would shift a little bit because one driveway would now be eliminated. The balance of traffic would enter through the Staples driveway, and a smaller amount through Chevy Chase. They would also reanalyze the traffic flow through the Staples driveway, as well as look at the DDR exiting traffic in re Provident Way. They found that the Railroad Avenue intersection operated well with the signal, although they did recommend making some signal timing changes. He noted that there would be added capacity due to the Route 1 NHDOT improvements, as well as with the improvements made at the I-95 on and off ramps. They would be adding traffic and would need to retime the signals to accommodate the traffic flow.

Dirk showed a preliminary concept traffic drawing in re the Route 1-107 intersection, stating that that had been done since the traffic study was submitted. Additionally, the NHDOT has provided them with the roadway plans on Route 1, so they would make some adjustments and update the traffic study. They do see a need for additional lanes coming toward the project entrances on Provident Way. They do see the need for a double left-turn lane for traffic coming south from Route 107 based on traffic volume and the issue of queuing to process the traffic at that location. They would be widening into the median area, and do a corresponding widening on Provident Way which would then narrow down. This would not need a signalized entrance at that location. as it would be a right turn one-way into the site; DDR would have a right-turn out. There would need to be some reconfiguration of the signal equipment at the intersection. The relevant plan that went to the NHDOT was meant to relocate one signal arm away from the area that might have to be widened. Unfortunately, that installation was already completed, so they would have to move the foundation to have a longer mast arm. There would also be some reconfiguration of sidewalks, curbing, crosswalks and pedestrian accommodation did not meet current standards and accessibility guidelines. .

Dirk said the access that would line up opposite the CVS driveway would be full access. They would do some work to avoid traffic coming out into the middle of the queuing. Another lane on Provident way may be needed. Dirk said that even if this project were not done, the intersection would be over capacity. They would be doing some work to bring the volume to capacity ratio in line to 1 or below; right now it is close to 2. Hawkins asked why that ratio did not correlate more closely with the capacity utilization letter levels. Dirk said they measure two different things. He thought the Letter grade would remain an F, but that the volume to capacity ratio would show an improvement. Dirk understood that there would be a need for widening onto some property to complete the NHDOT project's 5 lane cross-section, bicycle and pedestrian areas. They want to achieve a portion of that cross-section, if not all of it. He noted that the dimension for widening on Route 1 south was about a 10-foot strip from the west side. However, the Applicant controlled some property on the east side, and would look at whether some of that roadway widening could come from the east side. If so, they could allow some of that improvement to take place as part of their project, to fit into the ultimate cross-section that NHDOT would provide.

Khan asked if Chevy Chase Road would be right in-out. Dirk said the desire is to leave it as full access, as the traffic study analyzed, because of how close it was to the intersection, the queuing that would happen, and the short distance to store if someone wanted to make a left turn in. The



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issue is that there are existing businesses that currently had full access; this would be a restriction in access. Right now the proposal was to leave it as a full access driveway, and to install a signal at the Staples entrance where the bulk of the traffic would go, and to encourage its use. He pointed out the current access to the existing businesses; a right in-out would impede their business. Khan asked if they had done a traffic count during May, June and July for one of those businesses. Dirk said they had not done a specific count; they did a seasonal adjustment for the peak season; NHDOT had identified the adjustments to make. They did not have the volume of left turns at that location; he will see if there might be some historical information available.

Dirk said the bulk of the roadwork will take place at the Staples driveway. They are widening Route 1 from Chevy Chase to about 200 feet south of the Staples driveway, which would allow the installation of the traffic signal at the Staples driveway. About 45 percent of their traffic would enter and exit that way. They need the signal to process the exiting left turns, otherwise there would be long queuing and safety would be an issue. That intersection did meet the warrants for a traffic signal installation to control the traffic, as long as there was appropriate geometry and separation to other signals along the corridor. That improvement was planned as part of their project. Hawkins asked for the distance from that signal to the Route 107 signal. Dirk said about 600-700 feet, outside of the influence area of the signal. Another consideration was the number of driveways in the vicinity of Perkins Avenue, and how that signal and queuing relate to them and their existing access. The signal design would have to accommodate those access points. He noted that from the left turn coming into the property, there was a short distance to Perkins Avenue; perhaps a center turn lane could be squeezed in for left turns into the property or Perkins Avenue.

Chase asked if there was a camera at the Route 107 intersection, and if they proposed a physical camera for the Staples signal for police and fire. Hawkins thought all intersections would have this. Dirk said this would be whatever the town asked for subject to NHDOT approval. The cost would be incidental. It would be included if it was beneficial and the town wanted it. Chase's concern was for the Police and Fire Departments to control the traffic to get out. Dirk said also when vehicles leave the light would turn green. Chase said a camera was important for the fire and police departments to see what signals they need to activate to get rid of vehicles to get across to the west side. Hawkins noted that cameras at the Route 107 intersection were part of the DDR project; it could be seen at the fire station. Chase thought this was necessary, and thought a camera should also be at Railroad Avenue to get across to the west side. Hawkins thought that Railroad Avenue was also part of what was proposed for the DDR project; the new light would have to be discussed. He thought that work was being done. Dirk said if NHDOT approved, there would be a camera to avoid blind spots. The new Staples signal would have to be interconnected with the Route 107 and New Zealand road signals, i.e. the Route 1 system of signals all had to be coordinated; they would do the retiming. Hawkins thought the highway signals were also included in that coordination, because of the 1800 cars per hour coming out of the DDR site. Dirk said they would figure out what the system would be, and do the retiming as part of this project.

Chase thought the distance from the Route 107 intersection to the McDonald's was a lot less than to the Staples. Dirk discussed the various distances. Chase thought a light on Provident Way would serve to disburse the traffic. Morgan asked if the entrance across from the DDR driveway on Provident Way was right in only. Dirk said it was. Morgan said one theme during the DDR extensive review was that with two big shopping centers, they would like to keep as many cars off Route 1 as possible. The Board said to make sure that there was coordination with the shopping center to the south, so that people can cross conveniently and efficiently, because there seemed



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an obvious course of traffic between the two large new shopping centers. He was disappointed not to see a more robust attention to this. Chase said people would go across, and behind the CVS, to go to the mall; they would not go onto Route 1. He thought all kinds of traffic would pile up there to go to the mall. Dirk said that had not looked at that; that would require a signal. Dirk thought that there was a desire from others on that road not to have a signal there; as the engineers, they did what they were asked to do and were not privy to that decision. Morgan asked who would know about this – if it was the developer or NHDOT. Dirk thought it was a cost impact.

Richardson said it was also a lot of entry from DDR over to their project. They thought that with what they had provided as well as at the CVS, there was enough circulation. They did not want to be conflicting with the 700 cars coming out of their driveway. Morgan said that a signalized intersection would be controlled. Their focus was the Staples driveway and the improvements to the Route 1 corridor. They would be offering road widening land that would prevent having to get easements on the other side, and getting up to the 5-lane standard. They would be putting in a rather substantial section. Greene added that was the kind of direction they had gotten from the Selectmen and the Planning Board – to put the energy into Route 1 south. Also the nuclear power plant was against a light on Provident Way. Morgan said that from time to time they could disagree. Greene said they had been concentrating on Route 1 south.

Khan asked to revisit the Staples entrance, and then the total number of entrances going to the project. Dirk said the first driveway to turn into after the Staples entrance, was a fast food restaurant. There would be two more driveways, and an interior parking area. There would be curb-cut to the fast food restaurant, curb-cut to the west of the retail building, and two more for a central parking area around the buildings. There was another curb-cut to the east, and also to the main retail building and also at the back – for 7 curb cuts off of the Staples driveway. Hawkins thought the fast food restaurant looked very close to the signalized intersection, and asked if they had considered a shared driveway further back, away from a busy intersection with 45 percent of the traffic. Dirk thought they could address that along with Saladino's comments on the circulation and the loading. Chase asked if there would be a turn into Chevy Chase on route 1 south. Dirk said they were not proposing to limit that access. Chase asked if the state was proposing to limit that access eventually. Dirk said yes.

Hawkins asked Saladino for comments. Saladino referenced his 12-page peer review, and spoke to the main points. He expected to see configuration modifications due to the elimination of one of the driveways. The technical comments would be discussed with Dirk. Saladino said the question for the Board when asked to approve a project, was that it did not adversely impact safety and public welfare i.e. what was the proper level for the traveling public. The question for the Board and NHDOT was the proper level of congestion for the Route 1 and Route 107 intersection, noting that Dirk had talked about bringing the volume capacity ratio down close to 1. They would prefer it to be below 1 so that queues were not increasing with each cycle. In the past he had looked at what it would take to actually accommodate projected flows; it's a big intersection with a lot of traffic moving through. They will have to look at Dirk's revised congestion analysis without the project and then with the project with improvements. He noted that Dirk's analysis showed that after all the level of service would be F and above 1. Hawkins asked if the recommendation was to be below 1. Saladino said .9 was what many aim for. Hawkins asked if above 1 would be unacceptable. Saladino said above 1 would be beyond the threshold of acceptability.

Hawkins asked if that was the way the NHDOT looked at it. Dugas explained he was involved with Russell in more complex projects. In general, they would like to see 1 or less for volume capacity; sometimes it isn't reasonable to expect that. To accommodate that would take more



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lanes, which would not be possible. Hawkins asked if that could not happen, would the result be backed up traffic in all directions. Dugas said it grows as traffic continues to grow; sometimes it simply isn't possible to reasonably get good operations. He noted that this would not be 24-hour condition; it's a 1 or 2 hour occasion. It is a common situation in built-up areas, not just in Seabrook. Hawkins asked if it exists in other locations around the state. Dugas said in the state and throughout the country; in many places they would be happy to have level of service F.

Saladino had questions about the access at the Staples driveway. They noted about 60 feet of storage for a left turn in. The capacity analysis showed an average of 150 feet of queuing. One concern was that during an average condition the queuing would spill back to two lanes. It is a tight situation with Perkins Avenue, going from a two-way center left turn lane to a tight access in both directions. Saladino asked if this had been allowed by the Staples property owner; he presumed they hadn't gotten this far without speaking with them, as this would be crossing over into someone else's parcel. The Route 107 intersection had been modeled as a level F upon opening. It would be hard to know just how people would enter; having a long queuing was not necessarily desirable. He commented that some entry would be greeted with the back of a building, which he assumed would be the loading area; this would not be ideal from an entry perspective. Hawkins asked if it would make more sense to put the full access driveway back and signalize it across from the DDR entrance. Saladino thought that a focused access opposite the DDR entrance made sense; he expressed concern about the short left turn distance on Route 1.

Saladino said that the site plan regulation criteria say driveways had to be under 20 feet in width, which would be very narrow for a commercial development. He suggested that the Applicant could request a waiver from that requirement. He thought the board might want to consider that the NHDOT allows up to 50 feet for driveways. Also the regulations allow no more than 2 driveways; with the elimination of one driveway, it is now 2. Saladino would be looking for information on exaction fees. Hawkins asked if Dirk and Saladino were on the same page about what had to be restudied or reviewed. Saladino thought it best if they talked about this. Dirk said they had no disagreement with Saladino's comments and what they need to do. Chase asked if there was a problem in putting a light on Provident Way, and if the town had control of that road. Greene said that road is town controlled, but somewhere east of that DDR driveway it reverts back to the power plant. Hawkins asked if the study had considered the power plant shift change for exiting of the workforce. He asked if that would play a significant role, as it is one of the two in and out locations and a lot of people worked there. Chase said the shifts were 6:30 or 7AM, and 3:30-4PM. Dirk thought they had put road counts there; he will check this. Hawkins just wanted them to be aware that there are a lot of people going in and out for a short period of time. Khan added that every 18 months they close for refueling and bring in about 2000 workers for this operation; there can be big lines. Dirk was familiar with such operations and said it becomes a traffic management rather than a design consideration. He will look at the shift changes, which should have showed up in their 72 hour count. Chase asked if a traffic light improves traffic flow. Dirk said it would impede the straight traffic flow, but would improve the turning at intersections and driveways. Chase thought a light on Provident Way would improve the flow at the Route 107 intersection. Dirk said the signal timing could be set so as to never introduce more traffic in between the intersections than the signal could process. Chase thought a light on Provident Way would be a major improvement.

Khan wanted to have the responses from the engineers about the issues raised at this meeting. Saladino said it would be the Staples intersection and the very short left turn lane; also whether there should be full access or a right turn exit only with a raised median, where the plan shows a full access. Saladino was concerned that at a raised median there was about a car length stacking, which means that there would be a back up on Route 1 as soon as one car is in the



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queue. Without a signal, that person could be waiting a long time. He thought there was an opportunity to shift some of the traffic. Khan asked Saladino how the possibility of the developers supplying land on the east side of Route 1 for the widening would work. Saladino thought that would only work for part of the widening. Whether the widening happens on the west or east side, it wouldn't address the proximity of Perkins Avenue to the Staples access. Hawkins said the problem would be coming from the south to turn left into Perkins, and coming from the north turning left into Staples. There would not be enough room for both queues. Going into Perkins would be 1 or 2 cars, and would not be an issue. Sharing a center lane in that close proximity could be an issue. Saladino agreed, and thought there would be stacking. He wondered if it were possible to widen to a six lane section to carry a full turning lane in both directions.

Hawkins wondered if a solution might be an island or a small median to split the queues so there wouldn't be the confrontation of cars. Saladino commented that the queue space would be very short. Khan wondered about having no left turn in from the north, and having cars leaving the project make a left turn only. Saladino said that would be a question for the Applicant; it would eliminate that issue. Dirk said they would think about the combination of all of the suggestions, as well as looking at the driveways to find what would be acceptable. Perhaps the access configuration could force traffic to another point to better distribute the traffic. Chase asked if Chevy Chase access would be eliminated with the state's work on Route 1. He hoped so otherwise it would be a death waiting to happen. Hawkins said that was not known; Dirks had not heard of that possibility. Dirk thought there might be a median. Hawkins said part of this review process was to establish how that road would operate. Dirk commented that they are trying to fit their improvements into the NHDOT plan. It was a right in-out in their study. Chase was concerned about people coming south, trying to turn into Bob's. Hawkins asked if the NHDOT design was completed for Route 1 south of Route 107.

Dugas said the preliminary plan was essentially the same as shown last November; it widens the roadway to the west to add the fifth lane – the missing southbound through lane from the vicinity of Perkins toward Home Depot. The public hearing would be in November. Dugas said because the widening would affect a dozen commercial properties, the time to complete the plans and acquire that commercial property would take about 2 1/2 years. They were envisioning going out to bid in the fall of 2016 – construction in the spring of 2017. They would love to accelerate this, but want to be realistic with their time estimates because commercial acquisitions and appraisals can take a long time and be expensive. Hawkins was concerned about the Chevy Chase full access, and asked if the median extended further south than currently. Dugas did not think so, but would leave a current design drawing. They were concerned about queues at that intersection. Dugas said the roadway at Chevy Chase would not change much. He thought even with the existing condition, it was not ideal to have a full access driveway in that position – less so as the volume increases. Chase asked if the median would be extended. Dugas did not think the plan showed that yet, but it was a valid concern to take a close look at. He hears the town's concerns with that remaining open because of the safety of the south turns into Chevy Chase.

Khan said at the NHDOT presentation in 2012, they said things would be done in 2013, with construction starting in 2014. The DDR project would open in 2014. Khan asked why the change to 2017. When the DDR project was reviewed there was always a problem at the Perkins Avenue gridlock. The NHDOT explained that there would be immediate relief for this project, 2017 was not mentioned. Khan said the Memorandum of Understanding with the town, the state and DDR was signed. He asked for the reason of the delay. Dugas said the biggest part was that they took a realistic look at how long it would take to acquire all that property, and they were trying not to be unrealistic. That number of commercial acquisitions could be very complex, expensive, and take a long time. Khan said that with the applicant's project and the DDR project, it would really be a



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Mess until 2017. Dugas agreed, and thought they had unrealistic estimates of the time frame when the memorandum was put together. Also the environmental review process has been protracted due to issues with contamination and potentially with historic properties. There are a lot of loose ends to tie up.

Dugas thought that Saladino had summed up the concerns with the project's traffic study. The NHDOT was concerned about preserving at a minimum Route 1 and route 107 and not continuing to degrade them with more traffic without mitigating that impact. They would have detailed comments. There needed to be adequate width to accommodate turning vehicles. They also notice that the layout of Route 1 to the north of the intersection was stealing away some of the original. In re the proposed Staples driveway, he thought most people would agree that there was a benefit to disbursing the traffic. They were concerned about the shortness for left turns into the site and into Perkins, noting that was the only access into Perkins. They were also concerned that the extra southbound through lane probably could not fit within the right-of-way. At this meeting he first heard of an effort to shift that widening to the east, so maybe that extra width could be accommodated. Dugas said when their comments were finalized, they would be offered to District 6 who would disseminate them to the town and the Applicant.

Khan asked Dugas to comment on the Provident Road traffic signal that Morgan raised. Dugas said that was a town road and did not want to be in the middle of that discussion, and would defer to the experts. Khan referenced the many years of argument with DDR until an understanding. He asked Dugas if the developer and the Town of Seabrook could help NHDOT to improve the west side of Route 1, and could this question be put to NHDOT officials. It will be a really bad situation when Walmart opens. Dugas did not think anything could be done until the strip of land was acquired. He wondered if there was enough money set aside to buy that property; they would not know that until negotiate to buy the properties. He did not know if the time line could be accelerated. If they had ideas they would be willing to talk about acceleration, which they would love to do. They want to be realistic about how long it would take for the purchase.

Hawkins noted that the DDR plan had included 4 lanes, not 5, and asked if there was significant impact that this project would make that the current design could not handle. Dugas said was not. They found that the impact on Route 107 at the interchange wasn't substantial. NHDOT's interest was on Route 1. Chase asked Dugas if the traffic flow would be improved with a light on Provident Way i.e. would it control it better. Dugas said it gives the possibility of metering the traffic and having a better rein on it as it departs the site. Generally, it would be a matter of viewpoint. .

Chase said that people who live in Seabrook travel Route 1 all the time; it's their main artery. If DDR had a lot of people waiting for that light that would be so. It made sense to him that it would flow better. Dugas said it generally made sense; it would depend on the analysis. It could be that DDR would dominate the traffic flow by turning right. Chase suggested a no right turn sign. Dugas thought that that traffic would be dominated by DDR's traffic, and would not be as positively controlled at that light as that of the project. Saladino suggested a round-about. Dugas said that would require more property. Khan asked Dugas to comment on a left turn only to the south from the Staples light. Dugas asked if that was to preserve the left turn into Perkins Avenue. Hawkins thought that could be done with a short median to let people into Perkins. Dugas said that could have some validity. Sacrificing the left turn at Perkins was a concern, because it was the only access from the south.

Saladino noted that one aspect of the Corridor Study was public transit. Probably the nature of public transit would not be highly conducive to this project until 2017; perhaps some of the traffic up to 2017 could be captured or reduced with some shuttle service. Walker said that transit along



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Route 1 had been talked about for years; he was not aware of anything for the immediate future. COAST, which would be the entity to provide such service, was pretty well using the full extent of their available funding. There would have to be an influx of money to fund such a service. COAST does have an interest in running the service along Route 1. Several of the towns along the corridor, including Hampton, Hampton Falls and Seabrook would like this service, so it would be a possibility. He usually recommends some access or space for transit stops be provided in the sites that were being designed along the corridor. Hawkins asked if this meant in the site, or in the corridor, and asked what the transit companies want to see. Walker said they want it to be as efficient as possible, something where they could pull off to the side or the shoulder but still stay on Route 1 without blocking traffic and letting riders quickly off and on. That way their stopping time would be as short as possible.

Dirk remarked that a lot of thought went into the Corridor Study, which envisioned a light at New Zealand Road, but not at the Staples; the Perkins Avenue neighborhood was related to the Railroad Avenue signal. Hawkins asked if Perkins Avenue could exit by going south. Chase thought that would be a recommendation of the North Village subcommittee. David Baxter said someone going out of Perkins could take a left before getting to Sovereign Bank, or come out at the light and take a U-turn on Route 1. Hawkins said they were not trapped. Baxter said getting in was the problem i.e. hanging a left turn at Chevy Chase. Baxter said in other parts of the state U-turns were built in at the signals. Hawkins asked if the route 107 intersection would be big enough to handle a u-turn. Dirk said the problem comes with the left turns conflicting with the right turns i.e. who had the right of way at the time. Walker thought the corridor Study did extend the median further south than it is now, and try to make the interconnection south at Railroad Avenue. Hawkins commented that the wanted interconnections were laid out on a map; the trouble was getting them there.

Walker thought that signal coordination was part of the DDR planning. He suggested that the next step would be beyond signal management for adaptive signal control, something much more dynamic than just making sure the timing was set at the beginning, to respond to heavier and lighter flows of traffic. The Town had done some great work on Access Management, and should continue that. In some places it might be necessary to ratchet down the access in order to preserve the follow on Route 1. Hawkins commented that the goal was for shared driveways, but that was so hard to get to as development happened in spurts and not all at once. This is mapped out would take a long time, but might take 30 years.

Chase was still concerned at the traffic from the left turn at New Zealand Road, and thought the flow would be better if DDR traffic came out to Provident Way. That was another reason for a light on Provident Way. He would rely on the traffic people to analyze this issue to find the best solution to problems in the future. Hawkins asked for further comments from Russell. Russell said his comments would be similar to what had already been expressed. He would provide comments which usually would focus on driveway access and eliminating some access points. His goal was to limit conflict points. Russell thought the process was going in the right direction by directing traffic toward Provident Way - maybe a light on Provident Way; He liked to see slower speeds and lower volumes, and thought trying to move some traffic from the Staples driveway to Provident would be worthwhile to look at. Russell will put his comments in writing, probably within the next week or two.

Hawkins asked that the traffic experts work together to resolve as much as possible before coming back before coming back to the Board for the traffic discussion. He asked that the NHDOT be included for the ideas so that they are also on board with the recommendations. Chase asked if Staples was in agreement in taking their land on the east side of Route 1.



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Richardson said they were in agreement in writing, and it was also a shared easement driveway by default. Chase clarified that he wanted to know the Staples' view in re the expansion of Route 1. Richardson said they had that right too. Their intention was for all across the Staples lot and their property up to Chevy Chase. Hawkins asked if roundabouts would be a possibility somewhere in this project. Richardson said they would investigate this at Provident Way, noting that Dirk said that would require more of their property. Hawkins commented that probably could not apply to Route 1. Dirk said a design could be done, but it would be for a big, big roundabout.

Khan recalled that he was on the Planning Board in 2008 when DDR came to the Board, and he had asked if there was a possibility of bringing a ramp from I-95. Now he wondered if that could occur for this project, other than Route 107.

Hawkins continued Cases #2013-14 and 2013-15 to October 1, 2013 at 6:30 PM in Seabrook Town Hall. There would be a lot to cover at that meeting. The topic for that session is to continue the site work review including the Town Planner and Technical Review Committee comments. The traffic would go along at its own pace, and would probably be brought back to a meeting devoted to traffic; the same with landscaping. Hawkins noted that the second meeting in October would be a Planning Board work session, Case review would then continue to the first meeting in November.

Hawkins recessed the meeting at 9 PM, and resumed the session at 9:05PM.

OTHER BUSINESS

Case #2008-23 DDR Sidewalk Issues

Hawkins said the sidewalks discussion would be continuing, and commented that he had tried to call Jim Grafmeyer, but had not yet reached him. The Board wanted to find some common ground and to find a solution. He thought this would also come up with the Waterstone project. The town had already accepted the west side of Route 1 going south to Railroad Avenue. Having Applicants move sidewalks onto their property was something to think about. Garand asked if there had been any thought to not issuing building permits until the sidewalk issue was resolved. Hawkins said a number of options had been explored with the Board's legal counsel. The preference would be to get a resolution that everyone could buy into including DDR. He did not want to be spending money on lawyers getting sued because the process was held up for whatever reason. The Board knows there is a conflict; there is a Memorandum of Understanding with the state. This was a situation where everyone is pointing to everyone else to take care of this.

Garand said until it is resolved, why would permits continue to be issued that are reliant on that infrastructure. Hawkins said that in the Settlement Agreement the real stopping point was that the infrastructure had to be done to get occupancy. He did not think there was anything that allowed stopping the process because of a disagreement on one particular piece or another. Hawkins believed the Board's attorney would say to keep working on a resolution among the three parties. Hawkins thought that was the thing to do. Either the Settlement Agreement or the MOU said that all of the DDR Phase II infrastructure, not including Route 1 south, had to be completed. He



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recalled that the question had been resolved as to what if one portion of the Bridge didn't have the top coat. Hawkins thought that occupancy was the point at which things would become a problem. In the meantime he was seeking a resolution that DDR, the state, and the town could buy into, and wanted to keep working toward that. He understood from Russell that the state would be standing pat, as was the town and the developer – and there were no sidewalks.

Hawkins explained that the MOU outlined what everyone would do, but there was no discussion of the town taking responsibility for maintenance on sidewalks that were on state land. The town had an agreement; the state is saying it wanted to add to that agreement after the fact. That did not fly with the town or DDR, and everyone was sitting pat and could not come up with a solution. It would not be settled at this meeting. The discussion would go on, and hopefully the state would return and talk with DDR and the Town; so far the state just says this is the way it is. Hawkins thought that a political solution would be all that could change the issue i.e. getting the representatives to land on the state. He noted there was a representative on the Board. Khan said he had asked Morgan after the last meeting to write legislation to introduce in the next session. Chase said that the sidewalks in the Market Basket looked nice. Hawkins agreed, and thought that getting sidewalks off the roadway was an improvement. He asked what would happen at McDonald's - DDR did not own the land and he did not think McDonald's would not sign an agreement with the town to take the responsibility, DDR said it was not their land so what could they do about it. The situation was at a point where sidewalks were being torn out for road maintenance, and the state refuses to put them back where they were.

Garand commented that the Market Basket sidewalks did look good, but if people park next to them in the internal parking area, the nose of the vehicles go over the sidewalk and actually block travel. Hawkins thought Garand was right about in the employee parking lot; that should have been addressed. Garand said the nose of some trucks are two or three feet wide. Hawkins said the Board would have to keep that in mind when looking at site reviews. Garand said the sidewalks along Route 1 looked very nice. Chase said to change the parking lot requirements so the curb was out further and there would be grass in between. Russell said in his experience with other towns, NHDOT goes and plows and puts the snow up on sidewalks of the town that are actually maintaining these. In developments similar to those in Seabrook, Portsmouth, Hampton now at the planning stage, he tries to explain that the snow was being put on the cars. Then there was a big battle with the snow removal. They would be reviewing plans for any developments in Seabrook. He wanted to help out if there is a resolution to the sidewalk conflict, so that issue did not happen. He would put into writing that they are required to provide a snow easement – i.e. that the state or the town could place the snow on their property. He was taking that into consideration with some towns and would like to do that with Seabrook too.

Case #2008-23 DDR
Procedure for Drive-Through Restaurant

Hawkins said that DDR was requesting a Panera Bread drive-through, and had asked if that required an application to the Planning Board. Their plan approves retail use inside the building, inside the envelope up to 440,000 square feet. In the plan that got approved by the Court, it did not have restaurants or drive-through restaurants, so they are requesting both. The question for the Board was if it would ask them to come back and put in an application for that use. Obviously, there was a traffic difference for retail to restaurants. Hawkins asked for Morgan's view. Morgan agreed with Hawkins description, adding that the ITE Manual shows that drive up restaurants tend to generate more traffic. He thought that the traffic experts appearing earlier would agree. It would have an impact on the total traffic; he did not know how much. Hawkins said there was no



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plan before the board, so it did not know either. He thought DDR would say that the court allows them to build inside the envelope, noting that this meant retail. Hawkins asked Morgan if it was his view that the Board was within its rights to ask them to come back to review a plan for a drive-through restaurant. Morgan said that the potential change in traffic volume would give the Board that leverage, if it so desired.

Khan asked if that would apply to the proposed Market Basket plan. Hawkins commented that Market Basket was in the process of doing that when they withdrew; they got approval for retail and were coming back for a restaurant. Hawkins said that was a change of use and they were coming to the Board. However there was no court case; Market Basket was just following the regular rules. The difference was that with DDR there was a court settlement that they could build what they want inside the envelope up to a maximum square feet. Chase said no restaurants and no drive through. Hawkins said that meant retail, and asked if there was enough of a difference to bring them back and ask for the details for what they would be doing. Chase thought it was. Hawkins asked if anyone had a contrary view. Khan thought the board had reviewed enough for the DDR project. At this point they should come back to let us know what they were doing, but he did not think they should be blocked. Hawkins did not think the Board would be blocking them, but would be asking them to relook at the traffic flows. He did not want a battle over re-landscaping and other things. This would be a change of use for one part of the building site. Hawkins thought the traffic light on Provident Way could be talked about, but this would be the opportunity to talk about this particular site; they would not be talking about all the rest of it.

Khan also wanted to know who was coming and what they would be doing e.g. the number of seats, so that the Board had that knowledge. Morgan said if the numbers show that they were increasing traffic, mitigation could be discussed. Chase asked if this was in the box. Hawkins said it was in the envelope, and not one of the outparcels. Hawkins asked if a motion was needed. Morgan said a motion would make the record clear.

MOTION:	Hawkins	to request that DDR, Case #2008-23 return to the Planning Board to explain their Panera Bread proposal with a full application for that site.
SECOND:	Chase	Approved: In favor - Chase, Hawkins, Khan, Frazee; Abstained: Lowry

Case #2009-23 DDR re a Pet Smart store

Morgan called attention to the letter in the packet from DDR describing the Pet Smart business which would include dog grooming, not just dry goods. DDR had asked him if this would trigger any review by the Planning Board. Morgan told them in his view it did not, but it was the Board's call. Khan wanted them to return to the Board so any questions could be answered. Hawkins recalled that the Board said for things that were significantly different would come to the Board, for review based on the recommendation of the Town Planner and CEO. He asked if a pet store was a significant enough change in operation to warrant a return to the Board. Morgan was fine with this, but felt the Board should be made aware of it. Khan said that was why the Board should be able to ask questions. Hawkins thought it was a subject for the neighbors inside the mall. He asked for Garand's view. Garand's questions were that if animals were allowed on site, would there be feces in the dumpsters, what were the hours of operation, how many dogs would be on site for grooming, would people be dropping the dogs off and then picking them up, i.e. what



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would be the impact to the area. He agreed that it was a retail base, but it was accessory; he wanted to know the impact.

Garand said some pet supply stores had a lot of floor area, and not that many customers. But how many groomers would be on staff, and what square footage would be dedicated to that service. He wanted to have something tied down in re odors. Hawkins asked if there were another way to get that feedback. Could a letter describing how they operate be requested. Morgan recommended delegating authority to the building inspector. Garand did not want anything more on his plate at this time. Morgan suggested a conversation with DDR about the questions he had raised. Garand said they had come to him first; he directed them to the Planning Board. Khan said they could come for a short meeting with the Board. Morgan said that Hawkins had asked his opinion as to whether it was warranted; he did not think so. Khan said when there is doubt about a business, the Board asked them to a meeting; he thought this situation should be no different. Morgan said that was the Board's prerogative. Hawkins said they could be invited for a conversation to respond to the Board's questions; he was not looking for an application. The Board could decide whether an application for a change of use was warranted. He thought their position would be that this is retail, and they were entitled to do that business. Chase asked if this included boarding; Morgan said it did

Kravitz said DDR was hoping to discuss items on October 1, 2013. Hawkins asked if they wanted to discuss whether an application would be required. Kravitz said they knew that would be discussed at this meeting. They were hoping that what they had presented would be sufficient to come back on October 1 for a conversation. Hawkins thought they wanted to know if they had to turn in an application; that had been discussed. He noted that the Panera Bread proposal involved traffic and a change of use, so an application was appropriate. If a conversation was wanted at the beginning of a meeting, he would not have a problem. Kravitz asked Morgan if DDR had been aware that the Panera Bread might require an application. Morgan had discussed that possibility, and DDR was aware of that. Kravitz asked if they could come in on the Pet Smart at the next meeting. Hawkins had no problem with a brief discussion, to get some answers about what they had intended. .

MOTION:	Khan	to request DDR Case #2008-23 to return to the Planning Board on October 1, 2013 to respond to questions about the Pet Smart business.
SECOND:	Chase	Approved: In favor – Hawkins, Khan, Frazee, Chase; Abstained –Lowry;

Khan asked for a vote to accept the September 3, 2013 Minutes

MOTION:	Lowry	to accept the Minutes of October 3, 2013, as written.
SECOND:	Chase	Approved: Unanimous

SECURITY REDUCTIONS

There being none.

CORRESPONDENCE/ANNOUNCEMENTS



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Hawkins announced that the Long Range Planning meeting for the state would take place at the Seabrook Library on October 7, 2013 at 5:30PM to 7:45PM. One of the previous meetings was well attended, another was sparse. He looked for good attendance in Seabrook, noting that this was not just for Planning Board people. Townspeople and businesses representatives would be welcome

Hawkins adjourned the meeting at 9:30 PM.
Respectfully submitted,

Barbara Kravitz, Secretary,
Seabrook Planning Board