

EXETER PLANNING BOARD

MINUTES

APRIL 22, 2010

Vice Chairwoman Kathy Corson called the meeting to order at 7:00 PM in the Nowak Room on the above date.

PRESENT: Vice Chairwoman Kathy Corson, Clerk Ken Knowles, Selectmen's Representative Bill Campbell, Members: Carol Sideris and Katherine Woolhouse, Town Planner Sylvia von Aulock and Deputy Code Enforcement Officer Barbara McEvoy. It was noted that all board members in attendance would be voting.

NEW BUSINESS: PUBLIC HEARINGS

PAUL R. SLEMP – PB CASE #21003

A continued public hearing on the application for a minor subdivision of the property located at 4 Beech Hill Extension to create two new single-family residential lots. The subject property is located in the R-1, Single Family Residential zoning district. Tax Map Parcel #32-6.

Ms. von Aulock addressed the Board and noted that Mr. Slemp had called the office earlier in the day and explained that he was unable to attend the meeting this evening due to a family emergency. She indicated that she would review the changes to the plans as well as the discussion with town staff regarding the unresolved issue of the proposed private drive. She briefly recapped that the proposal was for a minor subdivision of an existing 44+/- acre parcel creating two (2) additional residential lots with frontage along the existing ROW. She indicated that the wetlands on the property had been delineated on the plan and noted that adequate uplands were provided to support the proposed residential development.

Ms. von Aulock indicated that there had been two meetings held with town staff to discuss the private right-of-way (ROW) issue and some standards have been proposed for in-house review. She noted that Mr. Knowles had also attended on behalf of the Board. She stated that it was agreed that the existing ROW was to be relocated slightly (away from the abutter) and would be widened to sixteen feet (16') in width and paved with a one-foot (1') gravel shoulder on each side from its entrance off of Beech Hill Road Ext. to the first proposed lot; the second section of the road (accessing the second lot) would be eighteen feet (18') in width and permitted to be just gravel, and beyond that point (access to the existing residence) to remain twelve feet (12') in width as it currently exists. Ms. von Aulock also indicated that two construction alternatives (detail sheet in file) had been recommended by Town Engineer Paul Vlasich to replace the detail as noted on the plan. She noted that no wetlands issues were associated with the ROW improvements, although a waiver for grading within five-feet (5') of the property line would be necessary for along the middle portion of the roadway.

Ms. Sideris inquired if anything had transpired between the Applicant and the abutting property owner with respect to possible relocation of the abutters' driveway with access onto the private ROW. Ms. von Aulock indicated that there had been no further consideration of the idea. Mr. Campbell stated that if the issue were to arise in the future, he would expect that the Board would have to opportunity to review it again.

There being no further discussion at this time, Acting Chairwoman Corson opened the hearing for public testimony; there was none. The public hearing was closed and the Board discussion resumed.

Mr. Campbell moved to approve the waiver from Section 9.5.1.4 for grading within five-feet (5') of the property line as recommended by Ms. von Aulock; second by Mr. Knowles. VOTE: Unanimous. WAIVER REQUEST GRANTED.

Acting Chairwoman Corson reviewed the possible conditions of approval, dated 4/22/10, provided by Ms. von Aulock.

Mr. Campbell moved to approve the minor subdivision, as presented, subject to the following conditions:

1. **All requests of the Planning Board to be addressed, including but not limited to the following:**
 - **The conditions of this approval shall be noted on the plan (on the sheet to be recorded).**
 - **The proposed driveway typical detail section shall be revised to reflect the alternative design approved by the Town Engineer.**
 - **The 'Declaration of Common Driveway Easement and Restrictions' shall be reviewed and approved by Town Counsel and referenced in the individual lot deeds.**
 - **Any waiver requests granted by the Planning shall be depicted on the plan.**
 - **Wetland markers to be installed (at edge of wetland) prior to any site work or logging commencing.**
 - **The 40' "No-Cut/Disturb" wetlands buffer delineation be added to the plan and to be flagged on the site prior to any site work and/or logging commencing.**
2. **All final revisions to the plans or related documents required by Town Departments, Town Counsel and their consultants to be addressed;**
3. **All appropriate fees to be paid, including but not limited to: applicable impact fees, inspection fees, recording fees and other agreed upon improvements.**
4. **An executed Subdivision Agreement shall be submitted for Planning Board signature;**
5. **An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan;**
6. **All on-site and off-site improvements shall be completed prior to any Certificates of Occupancy being issued;**
7. **The Applicant shall meet with the Town Assessor to develop a list for location addresses of all new units.**
8. **All conditions of this approval are to be met within one year and all site improvements to be completed within two years from the date of final approval.**

The motion was seconded by Mr. Knowles. VOTE: Unanimous. **CONDITIONAL APPROVAL GRANTED.**

FELDER-KUEHL PROPERTIES, LLC – PB CASE #2522

A public hearing on the request for an extension of a previously approved site plan for the proposed construction of a three-story commercial structure (footprint area approximately 7,200 square feet) with parking and associated site improvements. The subject property is located on Epping Road, in the C-2, Highway Commercial zoning district. Tax Map Parcel #55-75.

Chairman Plumer asked Ms. von Aulock if the abutters and public had been duly notified; Ms. von Aulock responded affirmatively. He asked if the application was complete enough for the Board to consider; Ms. von Aulock indicated the application was complete. ***Mr. Knowles moved to accept the application thereby beginning the 90-day clock for the Board to act; Mr. Campbell seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.***

Attorney Michael Donahue, of Donahue, Tucker & Ciandella, PLLC was present on behalf of the Applicant; he acknowledged that Mr. Felder was also present with him this evening. He began by explaining that the current economics and real estate market was the driving force for his client's request to extend the conditional approval granted for this commercial project. He noted that he was requesting a two-year extension and respectfully requested that the Board grant a waiver from Section 6.9.3. of their regulations. Attorney Donahue reviewed the criteria outlined in Section 13.1 of the regulations with respect to granting of the waiver. He stated that the projects would remain integrated with the proposed improvements on the commercial site benefiting the residential development to the rear. He also noted that the applicant had obtained a variance from the Zoning Board of Adjustment in March 2010 (ZBA Case #1395) granting relief from the three-year limitation on the special exception that had been granted for the height, and therefore remains in compliance. .

Mr. Felder briefly updated the Board on the construction progress. He indicated that the commercial development was currently listed with two real estate brokers. The site work for the residential development was moving along and Building #1 was under construction. He noted that the completion

date for the first residential building was November 2010, although he was hoping for occupancy in time for the school year.

Mr. Knowles inquired if any of the new zoning changes would affect this property. Attorney Donahue responded that there had been none. Ms. von Aulock acknowledged the revision to RSA 674:39, adopted in June 2009, in which the state has recognized the economic lull and extended the time frame in which the developer must achieve substantial completion of the improvements. She indicated that all subdivisions and/or site plans approved by the Board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed six (6) years after the date of approval to complete such improvements.

There being no further discussion at this time, Acting Chairwoman Corson opened the meeting for public testimony.

Mr. Don Woodward, a resident of Exeter, spoke in support of the request and commented that the proposed development was a great plan.

There was no further testimony; Acting Chairwoman Corson closed the public portion of the meeting.

Mr. Knowles moved to grant a waiver from the provisions of Section 6.9.3 limiting the extension of conditional approvals, as requested; seconded by Mr. Campbell. VOTE: Unanimous. WAIVER REQUEST GRANTED.

Mr. Knowles moved to grant an extension of the existing conditional approval for this project for a period of two (2) years, as requested, noting the approval would expire on May 11, 2012; seconded by Mr. Campbell. VOTE: Unanimous. EXTENSION (2-year) OF CONDITIONAL APPROVAL GRANTED.

OTHER BUSINESS

APPROVAL OF MINUTES: April 8, 2010

Mr. Knowles requested that on page 2 under the Kingston Rd. (Duke) conditional approval, condition #1 should reflect the request that "the 40' no-disturb buffer be marked in the field with high visibility construction/snow fence during construction". ***Mr. Campbell moved to approve the minutes of April 8, 2010, as amended; seconded by Mr. Knowles. VOTE: Unanimous. Ms. Sideris abstained. MINUTES APPROVED.***

TOWN PLANNER ITEMS

- Public hearing for the adoption of the remaining Master Plan chapters (Historic & Cultural Resources, Transportation and Housing) has been scheduled for the May 13th, 2010 meeting.
- Reminder: NH OEP Annual Spring Planning & Zoning Workshop coming up on Saturday, May 8th, 2010. She noted that it was being held in Nashua this year and as in past years, she would be presenting her Plan Reading class. She encouraged Board members to attend and noted that she had funds budgeted to cover the cost. Anyone interested in attending should contact the office.

REPORTS ON "OTHER COMMITTEE" ACTIVITY - None

Mr. Campbell gave a brief report on the Volunteer Fair that was held on Saturday, April 10th, 2010.

CHAIRMAN'S ITEMS - None

There being no further business before the Board, ***Mr. Campbell moved to adjourn; second by Mr. Knowles. VOTE: Unanimous. The meeting was adjourned at 7:45 P.M.***

Respectfully submitted,

Barbara S. McEvoy
Deputy Code Enforcement Officer
Planning & Building Department