

EXETER PLANNING BOARD

MINUTES

MAY 13, 2010

Chairman Lang Plumer called the meeting to order at 7:00 PM in the Nowak Room on the above date.

PRESENT: Chairman Lang Plumer, Vice Chairwoman Kathy Corson, Clerk Ken Knowles, Members: Katherine Woolhouse, Alternate Members: Gwen English, 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

EXETER CORPORATE PARK DEVELOPMENT LLC – PB CASE #2611

Attorney Charles Tucker of Donahue, Tucker and Ciandella, PLLC was present on behalf of the Applicant. He informed the Board that he was “filling in” for Attorney Donahue as Mike had tickets to the Celtics playoff game this evening.

Attorney Tucker made reference to correspondence to Chairman Plumer (and the Board) from Attorney Donahue dated April 22, 2010 in which Attorney Donahue was requesting the Board to consider modification of condition #11 of the conditional approval granted for this project. He recalled for the Board that the project was the proposed construction of a 27,000 s.f. office building on the property on the corner of High Street and Holland Way (TM #70-101). Attorney Tucker spoke of the recent change to RSA 674:39 IV, effective June 12, 2009, which allows an applicant four (4) years to undertake and complete the improvements shown on a site plan and also be protected from any further amendments to local regulations during that time.. He indicated that the Applicant did not believe it would be desirable to begin active and substantial development (e.g. tree clearing, roughing in driveway access) before there was an identified user for the site. He noted that they certainly did not want to risk having to leave the site in an incomplete condition until the commercial real estate market improved. Therefore, the Applicant was requesting that Condition #11 of the conditional approval received on March 8, 2007 be amended from two (2) years to four (4) years from the date of final approval.

At this time, Chairman Plumer opened the hearing for public comment; there was no public comment and the hearing was closed.

Ms. English moved to amend Condition #11 of the conditional approval granted on March 8, 2007 for the project to “four years” as requested; seconded by Ms. Corson. VOTE: Unanimous.

NATHAN LIEBENOW and SARAH ROE – PB CASE #21005

The application for a minor subdivision of the property located at 13 Douglass Way to create one new single-family residential lot. The subject property is located in the R-3, Single Family Residential zoning district. Tax Map Parcel #65-19.

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. ***Ms. Corson moved to accept the application thereby beginning the 90-day clock for the Board to act; Mr. Knowles seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.***

Mr. Liebenow and Ms. Roe addressed the Board and explained that their intention was to subdivide their existing property on Douglass Way into two residential lots, noting that the frontage of the newly created lot would be on Haven Lane. Mr. Liebenow stated that they had obtained a variance from the Zoning Board of Adjustment in January 2010 (ZBA Case #1391) for relief from the dimensional requirements, therefore allowing them to move forward with the subdivision process.

There being no questions from the Board, Chairman Plumer opened the hearing for public comment. There was no public wishing to speak, the public portion of the hearing was closed and Board discussion resumed.

Ms. von Aulock indicated that she had visited the site earlier today and noted that it was relatively flat. She asked the Applicant to describe the current drainage pattern on the property. Mr. Liebenow indicated that the water runs toward Haven Lane and down the street to the drainage area in the rear of the Robbins Auto Parts building on Portsmouth Avenue. He noted that the soils were very well drained.

Ms. von Aulock inquired as to the Applicant's intention with respect to the new lot. Mr. Liebenow responded that they plan to develop the new lot for themselves. Ms. von Aulock noted that the existing fence on the property (along Haven Lane) had an opening and asked if that would be the access for a driveway. Mr. Liebenow pointed out that the existing opening was located in the middle of the lot frontage and would not be used for the proposed driveway location. Ms. von Aulock indicated that a driveway permit must be obtained from the Department of Public Works (DPW) prior to a building permit being issued. She recommended locating the driveway further away from the intersection.

Ms. von Aulock noted that she had reviewed the ZBA minutes and that there had been no abutter concerns. She indicated that she was aware of a drainage issue across the street from the subject property and did not want the proposed development of this new lot to add to the problem. She asked if the Applicants were agreeable to installing a dry well or rain garden on their property to relieve any potential drainage problems; the Applicants agreed.

Mr. Knowles moved to grant approval of 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 Planning Board case number be added to the plan;***
 - The conditions of this approval shall be noted on the plan (on the sheet to be recorded).***
 - As part of the building permit process, all new and/or revised driveways must be reviewed and approved by DPW and a driveway permit be obtained.***
 - A plan depicting the proposed dry well/rain garden detail shall be submitted and reviewed in conjunction with the building permit process.***
- 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, recording fees and other agreed upon improvements.***
- 4. An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan;***
- 5. The Applicant shall meet with the Town Assessor to confirm location address of the new lot; and***
- 6. 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.***

Motion was seconded by Ms. English. VOTE: Unanimous. CONDITIONAL APPROVAL GRANTED.

TUCK REALTY CORP. (aka "LINDEN COMMONS" SUBDIVISION) – PB CASE #2711

A continued public hearing on the application for a lot consolidation of Tax Map Parcels #95-67, 95-78 and 95-79 located on Linden Street; and a proposed 25-lot residential open space subdivision of the 44+/- acre parcel created by the consolidation (a/k/a "Linden Commons"). The subject properties are located in the R-2, Single Family Residential zoning district.

Mr. Jonathan Ring, P.E. of Jones & Beach Engineers, Inc. was present to address the Board on behalf of the Applicant. He also acknowledged that Mr. John Krebs, of Tuck Realty Corp. was present. He indicated that the last presentation to the Board on this project was December 3, 2009. He provided a brief summary of the project and the various permits obtained in conjunction with the project noting that there had been some changes to the NH DES regulations mid-stream through the project.

Mr. Ring indicated that the plans would be revised to comply with the new wetlands and open space regulations adopted by the town in March 2010. (Article 9.1 Wetlands Conservation District – 40' No-

Cut/Disturb wetland buffer and Article 7.5.6 Single Family Open Space Development Internal Setback Requirements, subsection D.) He stated that the Applicant was agreeable to these revisions even though the project was grandfathered for acceptance. He mentioned that a time line for the project was originally submitted in text form in December 2009, and had since been revised to a flow chart format. He proceeded to review the dates of meetings with various boards and associated changes to the plans.

Ms. von Aulock noted that in May 2009, Jones & Beach had provided a written list of all plan changes. She recommended that an updated list of all plan changes be prepared and submitted to the Planning office prior to any approval being granted. She also requested that the details and/or conditions of the permit approvals (specifically the May 2009 NH DES Alteration of Terrain permit) be placed on the plan, and reference be made in the appropriate documents (i.e. Homeowner Association documents) for such restrictions such as the use of fertilizer, etc.

Mr. Knowles commented that a more detailed time line, including a short summary of each entry, would be much more beneficial to the Board in recalling the past discussions of the project.

Mr. Ring proceeded to review each of the plan sheets in the March 2010 plan set and highlighted the following:

- Waiver granted for cul-de-sac exceeding 1200' in length. Road width of 22' depicted on yield plan
- Rain gardens located in the center of each cul-de-sac
- No longer proposing porous pavement due to the change in State regulations
- Sidewalk along the right hand side of the roadway
- Yield plan was approved in April 2008 for 23 lots
- Applicant qualifies for 10% density bonus increasing number of lots to 25
- Plan profile details of sewer line and pump station all reviewed by DPW, Underwood Engineers, Inc. (UEI) and NH DES
- Lighting and landscaping notes have been added to plan

Ms. Corson reiterated her concerns of the proposed development being within the flood area and safety of the potential property owners. Ms. von Aulock stated that given the storm damage that occurred this winter she would suggest that the developer be requested to add at minimum, one (1) street-tree in front of each home. Mr. Knowles commented that doing so would only enhance the development. Ms. von Aulock noted that tree planting requirements, as outlined in Section 9.7.4, were at the discretion of the Board. Mr. Krebs stated that there would not be expansive grading along the roadway and that the first 1200' of the proposed roadway would remain heavily treed. He made reference to Note #25 on Sheet L-1 which calls for ten (10) street trees to be installed after review of project lot clearing and at the discretion of the Town Planner. Ms. von Aulock suggested that one street tree be placed in front of each lot beginning at Lot #25. It was represented that Note #25 (on Sheet L-1) would be revised to read "up to 22 trees".

Mr. Knowles inquired about maintaining the new 40-foot (40') No-Cut/Disturb wetland buffer. Mr. Ring indicated that the rear yards of Lots #1, 2, 6, 7, 18, 19 and 25 would be affected and referred the Board to Sheets C-7 and C-8 of the plan set. He did note that the structural setback was still fifty feet (50').

Ms. English inquired about the proposed lighting. Mr. Krebs commented that the street lighting would be similar to that at Blackford Place. She asked about possibly eliminating the light pole closest to the wetland area crossing. Board discussion ensued relative to suggested relocation of light poles in several areas. It was agreed that the light poles at the entrance to the development and along the curve of the roadway would remain; others along the road could be relocated subject to review by Ms. von Aulock. Ms. English also inquired about the location of fire hydrants.

There being no further discussion at this time, Chairman Plumer opened the meeting for public testimony.

Attorney Patrick Arnold, representing the Exeter River Cooperative Mobile Home Park, addressed the Board and indicated that they had reached an agreement with the Applicant (developer) with respect to the emergency access road and that said agreement had been executed. He also stated that the Co-Op had no position on any other issues relative to the proposal.

Ms. von Aulock inquired as to the details of the agreement and specifically asked if a “gate” was being proposed. It was represented that a gate was being proposed on Linden Commons property. Although neither party had a copy of the agreement, it was stated that a copy would be provided to Ms. von Aulock for the file.

Ms. von Aulock recalled from earlier discussions relative to this issue that a gate on the Linden Commons property was not an option the Board was willing to accept. Mr. Krebs commented that it made the most sense being on their property and within the town right-of-way (ROW); therefore the town would have control of the emergency access.

Attorney Arnold requested that the Board consider as a condition of approval that an executed agreement between the parties be submitted to the Town for review and approval. Consensus of the Board was that the Applicant and the Exeter River Co-Op MHP resolve the issue prior to any approval being granted.

Mr. Don Woodward, a resident of the Exeter River Co-Op MHP, addressed the Board and stated that he would reserve his comments until the next meeting given the lengthiness of tonight’s hearing. It was represented that the Board would prefer to consider his testimony this evening. Mr. Woodward indicated that the gate was being requested for protection of their roadways and residents, with particular concerns relative to during the construction phase. He extended his appreciation of the developer’s efforts for the protection of their well by controlling the road drainage, the reduction of lighting within the development and all the accomplishments made by the developer during the review process.

For clarification, Attorney Arnold noted that the concerns mentioned by Mr. Woodward did not reflect the position of the Co-Op.

Mr. Ring inquired about the turn-around time for revised plans. He indicated that he would have a memorandum prepared outlining all of the plan changes prior to the next meeting,

Ms. English inquired about the ‘yard waste area’ previously proposed. Mr. Krebs indicated that it had not received a favorable review by the Conservation Commission. He noted there was existing open space area (currently where a fenced garden is located on the Caron property) where it could be located. He offered to keep it on the table if the Conservation Commission wished to review it again.

Mr. Knowles moved to table further discussion on the application until the Board’s next meeting on May 27th, 2010; the motion was seconded. VOTE: Unanimous. APPLICATION TABLED.

MASTER PLAN CHAPTERS – PUBLIC HEARING

A public hearing on the proposed updates of the following chapters of the Town’s Master Plan: Historic & Cultural Resources, Transportation and Housing. Copies of the proposed documents are available at the Planning Department Office.

Mr. Dave Walker, with the Rockingham Planning Commission (RPC), presented the ***Transportation*** chapter to the Board. He noted that extensive work had been done on the chapter since 2005 with good participation from Ms. von Aulock and Town Engineer Paul Vlasich throughout the review process. He reviewed some of the highlights of the chapter and noted that a great deal of updating was necessary.

Ms. von Aulock thanked Mr. Walker for his assistance and suggested that the Board be given some time to digest the document, and allow time for the public to review and comment before any final action is taken.

Mr. Cliff Sinnott, Executive Director of the RPC, spoke regarding the ***Housing*** chapter of the Master Plan. He also provided a brief overview of the materials in the chapter and reiterated that an extensive amount of revision was necessary.

Ms. von Aulock spoke briefly of the “new” chapter, ***Historic and Cultural Resources***, noting that its content was very exciting. She indicated that she had worked on this chapter with Scott Bogel, also with RPC. She announced that he was a proud new dad and was at home this evening “helping out”.

She reviewed the next steps to be taken in the Master Plan process including the preparation of a summary outlining the recommendations of all chapters, a public workshop to review the visioning sessions and recommendations, and creating a CIP proposal for funding to start the whole process over again.

Ms. Corson moved to table action on the Master Plan chapters until the Board's May 27th (and possibly June 3^d) meeting to allow adequate time to review the content of the chapters; seconded by Ms. Woolhouse. VOTE: Unanimous.

OTHER BUSINESS

NH RIVERS MANAGEMENT AND PROTECTION PROGRAM – Request for Letter of Support

Ms. von Aulock recalled for the Board that Ms. Theresa Walker, also from the RPC, had spoken with the Board back in January regarding the proposed nomination of the Squamscott River to the NH Rivers Management and Protection Program (RMPP). She noted that Ms. Walker had indicated that as part of the process a letter of support would be requested from the Board; she indicated that Ms. Walker was now requesting that letter if the Board was interested in providing one.

Ms. Corson moved to authorize Chairman Plumer to draft and execute a letter of support for the nomination, as requested. Motion was seconded by Mr. Knowles. VOTE: Unanimous.

ELECTION OF OFFICERS

It was represented that Ms. Corson had previously been nominated to serve as Chairperson. Mr. Knowles was nominated to serve as Vice Chairman and Mr. Plumer to serve as Clerk; all nominees accepted. ***Ms. English moved to approve the following slate of officers, as nominated, for the upcoming year:***

- ***Kathy Corson, Chairwoman***
- ***Ken Knowles, Vice Chairman***
- ***Lang Plumer, Clerk***

The motion was seconded by Ms. Woolhouse. VOTE: Unanimous.

APPROVAL OF MINUTES: The minutes of April 22, 2010 were not available for review and action was deferred to the May 27th, 2010 meeting.

REPORTS ON “OTHER COMMITTEE” ACTIVITY - None

CHAIRMAN’S ITEMS

Chairman Plumer mentioned there had been an interesting discussion at the monthly RPC Commissioners meeting regarding the potential impacts of the rising sea level and climate changes in New Hampshire.

TOWN PLANNER ITEMS

- “Road Less Salted” workshop at the Great Bay Discovery Center in Greenland, NH this morning. She noted that it was very well attended not only by representatives from Exeter and surrounding towns, but also by private contractors and landscapers and property management companies.
- NH OEP Annual Spring Planning & Zoning Conference took place on Saturday, May 8th. She reported that her plan reading/coloring class was very well attended and that Ms. Sideris was one of the attendees. She encouraged all Board members to attend one of the OEP sessions in the future. She noted that the next scheduled conference would be in the fall – stay tuned !!
- Ms. von Aulock reported that the maple syrup vendor at the Farmer’s Market (on Thursday afternoons) had incredibly delicious ice cream treats !!

There being no further business before the Board, ***Mr. Knowles moved to adjourn; motion was seconded. VOTE: Unanimous. The meeting was adjourned at 9:45 P.M.***

Respectfully submitted,

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

:bsm