

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

**PRESENT:** Chairwoman Kathy Corson, Vice Chairman Ken Knowles, Selectmen's Representative Bill Campbell, Members: Carol Sideris, Amy Bailey, Katherine Woolhouse and Gwen English (7:07 PM), Alternate Member Dennis Derby, 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**

**TUCK REALTY CORP. – (a/k/a “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.**

Ms. Woolhouse indicated that she would be stepping down for discussion of the application. It was noted that alternate member, Dr. Derby would now be a voting member.

Mr. Jonathan Ring, P.E. of Jones & Beach Engineers, Inc. was present to address the Board; he acknowledged that Mr. John Krebs, representing Tuck Realty Corp. was also present. Mr. Ring briefly mentioned that the proposal was for a 25-lot subdivision on Linden Street and had been to the Board multiple times over the last three years. He indicated it was last reviewed by the Board at their May 13<sup>th</sup> meeting at which time several changes to Sheet OS1 were discussed. He noted that the following changes had been incorporated into the plan:

- Side yard setback of individual lots has been decreased from twenty-feet (20') to fifteen feet (15') in accordance with the recent zoning change (March 2010) to Section 7.5.6 (D) of the zoning ordinance.
- The forty-foot (40') No Cut/No Disturb wetland buffer (from poorly drained soils) in accordance with Section 9.1.3 E.4. of the zoning ordinance.
- Note #17 was amended to clarify that the Yield plan was approved for 23 lots and that the Applicant qualified for an additional 10% density bonus to increase the number of lots to 25.

Mr. Ring also indicated that the agreement between his client and the Exeter River Cooperative Mobile Home Park had been finalized and submitted to the Town for review. Ms. von Aulock stated that the agreement had been forwarded to legal counsel for review. She noted that town counsel had some issues with the language in the agreement, although was comfortable with a conditional approval being granted subject to working out the details of the agreement.

Ms. Sideris inquired about the monetary value in the agreement being 'blacked-out'. Ms. von Aulock stated that the value was not a relevant issue for board consideration. Mr. Krebs concurred and noted that it was a private agreement between the two parties, although had been submitted for review at the Board's request. A question arose as to the validity of the agreement with there no being full disclosure. Ms. Bailey suggested that the phrase "for consideration paid" could be substituted for the actual monetary value if the parties agreed. It was suggested that this issue be discussed with legal counsel as part of the review.

Mr. Knowles asked for clarification regarding the number of lots being proposed. Mr. Ring responded that the yield plan had been approved for twenty-three (23) lots and the Applicant qualified for a density bonus for two (2) additional lots, for a total of twenty-five (25) lots. He referred the board to Note #1 and Note #17 on Sheet OS1 of the plan set.

Ms. von Aulock recalled for the Board that the application was tabled in October 2009 until all NH DES concerns had been addressed. She indicated that Mr. Krebs has kept the Board updated as to the status of the project on several occasions since. Subsequently, there have been some slight changes to the

plans, and the Applicant has been successful in addressing all concerns and will be responsible to comply with all the NH DES conditions of approval.

Mr. Knowles inquired about NH DES Wetlands permit. Mr. Ring reviewed the list of NH DES permits obtained and their dates of approval as indicated in Note #4 on Sheet OS1.

Mr. Knowles requested that Mr. Ring review the landscaping plan. Mr. Ring represented that there would be a total of twenty-two (22) street trees planted --- one tree for each of the lots located beyond the curve in the roadway (Lots #4 – 25). He noted that Lots # 1, 2 and 3 did not require additional plantings as the proposed roadway was heavily treed. He also reviewed the proposed lighting and pole locations.

There being no further Board discussion, Chairwoman Corson opened the hearing for public testimony.

Ms. Leona Nelson, Peach Street (Exeter River Co-Op MHP) addressed the Board. She requested a copy of the agreement with the contract price disclosed (not blacked out as submitted to the town). She indicated that she felt she was, as a member of the Co-Op and according to their bylaws, entitled to this information. She made reference to a specific section of their by-laws and provided the Board with a copy of the referenced section. She indicated that she had requested this information from the Co-Op Board of Directors on two separate occasions, and had been told that there was no agreement.

Ms. Sideris noted that there were no signatures on the document. Mr. Krebs indicated that the agreement had not been executed and was still under review by Town Counsel. Ms. von Aulock mentioned that the issues with the “null and void” occurrences need to be worked out.

Mr. Dale Webster, President of the Exeter River Co-Operative MHP Board of Directors stated that there was an agreement “in principle”, pending minor revisions that the attorneys will work out, and until the agreement is executed, there was no agreement.

Mr. Don Woodward, also a resident of the Exeter River Co-Op MHP, commended the Applicant for their patience and diligence in addressing the abutters and board members comments and concerns.

With respect to the request for full disclosure of the agreement between the Applicant and the Co-Op MHP, board consensus recommended that the resident(s) should deal with the Co-Op Board of Directors directly. Chairwoman Corson commented that it was very unfortunate that people within the Co-Op MHP were not aware of the agreement, and that they (the Co-Op Board of Directors) were reluctant to provide the information.

There being no further discussion, Chairwoman Corson closed the public testimony portion of the hearing.

Ms. von Aulock stated that there were no waiver requests to be acted on. Mr. Ring noted the waivers previously granted were outlined in Note #11 on Sheet OS1.

Ms. English inquired about the school bus route. It was represented by Mr. Ring and Mr. Krebs that most likely the bus would stop on Linden Street to pick up children from the subdivision. It was represented that a bus shelter was being provided.

The Board reviewed the possible conditions of approval outlined in a memo prepared by Ms. von Aulock, dated 7/8/10.

***Dr. Derby moved to approve the subdivision application of Tuck Realty Corp. for the proposed “Linden Commons” 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:***
  - Final landscape and lighting plan shall be resubmitted for review and approval by the Town Planner.***
  - Homeowner Association documents shall be submitted for review and approval by Town Counsel.***

- **The final plans shall incorporate delineation of the forty-foot (40') No Cut-No Disturbance buffer (in accordance with Article 9.1.3 E.4. of the Exeter Zoning Ordinance).**
  - **All NH DES permit numbers and dates of approval shall be noted on the plan. All conditions of NH DES approval(s) shall be met.**
  - **In the event the subdivision is sold, the new owner shall meet with the Planning Board to review the conditions of approval (as indicated in Note #14 on Sheet OS1)**
  - **The conditions of this Planning Board approval shall be noted on the final plan (on the sheet to be recorded).**
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: Performance bond, applicable impact fees (water/sewer, school and recreation), water /sewer connection fees, inspection fees, recording fees and other agreed upon improvements;**
  4. **An executed Subdivision Agreement shall be submitted for Board signature;**
  5. **All required notes be on the plan as stated in section 7.5, including 7.5.5 regarding wetland regulations and 7.5.16 regarding grading, drainage and erosion and sediment control.**
  6. **All on-site improvements shall be completed prior to any Certificates of Occupancy (CO) being issued with the following exceptions:**
    - **Finish course of pavement and sidewalk.**
    - **Granite bounds. (Note: An executed Certificate of Monumentation must be submitted prior to final performance bond release.)**
  7. **If phasing of the project is requested by the developer, a plan shall be submitted for review by the Technical Review Committee (TRC) and approval by the Planning Board prior to any site work commencing;**
  8. **A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing. The following documents and/or plans must be submitted for review and approval by the Department of Public Works (DPW) prior to the preconstruction meeting:**
    - **Stormwater Pollution Prevention Plan (SWPPP)**
    - **Final plans for underground utilities (electrical/telephone/cable)**
  9. **The Applicant shall meet with the Town Assessor to develop a list for location addresses of all new units.**
  10. **All conditions of this approval shall be met within one year and all site improvements to be completed within two years from the date of final approval.**

**Motion was seconded. VOTE: Unanimous. Ms. Woolhouse abstained. CONDITIONAL SUBDIVISION APPROVAL GRANTED.**

**JONES & BEACH ENGINEERS, INC. (for Altid Enterprises, LLC) – PB Case #21004**

The application for a non-residential site plan review of a proposed parking lot expansion at 100 Domain Drive. The subject property is located in the R-1, Single Family Residential zoning district, Tax Map Parcel #88-5.

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

Mr. Jonathan Ring, P.E. of Jones & Beach Engineers, Inc. was present to address the Board. He acknowledged that Mr. David Flynn of Altid Enterprises, and Mr. Mike Monks, their real estate broker were also present. He proceeded to identify the property as a 32-acre parcel adjacent to NH Route 101 and straddling the Exeter /Stratham town line. He indicated that currently there was a 220,000 square foot building situated on the site consisting of a two-story warehouse space, a single-story manufacturing space and a two-story office space; he noted that the building had previously housed the former Apollo,

Hewlett Packard and Tyco uses. Mr. Ring stated that the proposal was in the process of being reviewed by both towns, and noted that his client had already been through a preliminary consultation and first public hearing in Stratham.

Mr. David Flynn addressed the Board and presented some background as to what initiated the proposed parking expansion. He indicated that the majority of the existing parking was located on the west side of the building and would not be desirable for a tenant locating at the opposite end of the building, noting that it was approximately a ½ mile walk. He briefly reviewed the layout of the building and how it worked for the former uses. Mr. Flynn stated that the building has been vacant for about 1 ½ years and they were hoping to attract multiple tenants to lease portions of the building.

Mr. Ring briefly reviewed the original plan submitted with the application and noted that Stratham had requested that the driveway be relocated to off the cul-de-sac to provide more landscape and buffer area. He stated that he had met with his client, Ms. von Aulock and Stratham Town Planner Lincoln Daley to discuss the use of porous pavement construction. He also noted that the proposal had been presented to the Exeter Conservation Commission (ECC) at their May 11<sup>th</sup>, 2010 meeting and received a favorable review and the application was forwarded to NH DES for further consideration.

Mr. Ring proceeded to review the various sheets in the site plan set. He noted that the site currently had 791 parking spaces and that 207 additional spaces were being proposed. He identified the proposed areas for porous pavement and standard asphalt treatment and represented that notes regarding the detail and maintenance of these areas were called out on the plan. He also indicated that signage would be placed on the site identifying these locations. Mr. Ring then pointed out the two (2) wetland impact locations and the required buffer areas; he stated that the 5,500 square feet of wetland impact would require both a conditional use permit and NH DES approval. He also noted that the test pit locations and the pit results were referenced on the plan. Mr. Ring continued and described the proposed drainage improvements, noting that the plans had also been reviewed by Underwood Engineers, Inc. The proposed lighting and landscaping plans were presented and detail sheets were reviewed.

With respect to the parking requirements, Mr. Ring indicated that Stratham's regulations require parking spaces to be 10'x 20'; he noted that the Stratham Planning Board had granted a waiver to allow spaces to be 9'x 19' as Exeter requires. He mentioned that during discussion there had been a suggestion by the Stratham Planning Board that maybe the Exeter board might consider a waiver for 9'x 18', which Stratham would support, in an effort to decrease the width of the parking area.

Mr. Ring made reference to his waiver request letter, dated April 14, 2010, and gave a brief summary of the waivers being request in conjunction with the proposal, as follows, and indicated they were noted on Sheets C-3 and C-4:

- Section 7.4.7 and 9.6.2 – Natural features
- Section 9.5.1.4 – Grading within five feet (5') of an abutter
- Section 9.7.5.6 – Curbing for traffic islands
- Section 9.9.2 – Wetland setbacks (40' No-Cut/No-Disturb buffer)

He also reviewed his letter requesting a Conditional Use permit, dated April 14 and revised May11, 2010, that had been submitted for the filling of wetlands and work within portions of the forty-foot (40') no-cut/no-disturb buffer area.

Mr. Ring indicated that his client would be requesting a proposed zoning change for consideration at the March 2011 town meeting to rezone the Exeter portion of the property to I-Industrial to be consistent with Stratham zoning. He indicated that the property was originally developed in 1984 with a variance granted by the Board of Adjustment for the industrial use.

Mr. Ring referred the Board to Sheet OS1 and explained that an equal number of parking spaces would be removed from the southwesterly portion of the site and the area would be loamed and seeded. He noted that the gravel access road for use by the Exeter DPW would be maintained.

Ms. von Aulock inquired as to what the parking requirement was for the previous use, noting that the question was also asked at the Technical Review Committee (TRC) meeting. Mr. Ring indicated that he

had reviewed the 1984 Planning Board file although was unable to find a plan depicting parking or any reference to the number of spaces required at that time. He stated that he had met with Code Enforcement Officer Doug Eastman and Ms. McEvoy to review the current parking regulations. He noted that without a specific user it would be difficult to determine an accurate number of required spaces, and just as difficult to calculate the number for a mixed use. Mr. Ring represented that after discussing several potential tenant scenarios using the current parking requirements, Mr. Eastman had indicated that he found the existing 791 parking spaces satisfactory for the site.

Ms von Aulock also had several questions regarding the current maintenance of the existing fire pond.

Continuing, she stated that she also reviewed the 1984 Planning Board file and had provided the Board members with some relevant information from the early 80's project. She noted that she felt it was important to look at the changes the property has been through over time. She indicated she had visited the site on three (3) occasions and believes there must be a better way to design the parking expansion without the entire disturbance as is being proposed. She stated that utilizing already disturbed areas and not the most beautiful portion of the site would make more sense. She suggested the Board schedule a site visit to view the existing parking area and the visual beauty of the pond and wooded area.

Dr. Derby commented that he did not believe in convenience being the driving force for development of the proposed expansion; he stated that the area had not been developed previously due to wetlands. Ms. Bailey inquired about the possibility of using the under-utilized parking areas of other adjacent buildings. Ms. Woolhouse added that from her daily experience of accessing the park she noted that the Timberland lot was not fully utilized and that perhaps a crosswalk providing access this lot would be an option.

Mr. Knowles asked for further clarification of the discussion with the Stratham Planning Board regarding the consideration of eighteen-foot (18') parking spaces. He suggested that the Applicant consider the area to the north of the building for proposed parking expansion instead of removing trees in the central drive area and creating the visual of a 200+ vehicle parking lot (with building behind it) from Route 101.

Ms. English inquired as to the Applicants' intent for occupants. Mr. Mike Monks responded that ideally they would like a single tenant, but economically they were more apt to get several smaller tenants. Chairwoman Corson commented that any changes in how the building was being used could change the parking requirements.

Mr. Flynn responded that they were hoping to keep the warehouse, office and light assembly use, as well as office use in the two-story portion of the structure (approx 100,000 s.f.). He indicated that they were proposing an additional 185 parking spaces. Mr. Ring distributed a conceptual layout plan dated 7/8/10 and mentioned that they would look further into the parking calculations.

Ms. von Aulock reminded the Board that tonight's meeting was the only meeting scheduled for July; she suggested that possibly the Board may consider another meeting this month, as the first meeting in August was dedicated to the Capital Improvements, and this application would have to be tabled until the August 26<sup>th</sup> meeting. It was decided that the Board would meet again on Thursday, July 22<sup>nd</sup>. ***A site walk was scheduled for Thursday, July 15<sup>th</sup> at 8:00 AM.*** Ms. von Aulock offered to contact Stratham Planner Lincoln Daley and inform him of the dates and extend an invitation to join the site walk.

There being no further discussion, ***Mr. Campbell moved to table further discussion of the application until the July 22<sup>nd</sup> meeting; second by Mr. Knowles. VOTE: Unanimous.***

#### **MASTER PLAN CHAPTER – “HISTORIC & CULTURAL RESOURCES”**

**A continued public hearing on the proposed 'Historic & Cultural Resources' chapter of the Town's Master Plan.** (Copies of the proposed document are available at the Planning Department Office.)

Ms. Julie Gilman addressed the Board and reviewed the changes made to the chapter, noting that the majority of the revisions were only to update the document as it was originally drafted in 2003.

***Ms. English moved to accept the chapter, as revised, and adopt it as part of the Master Plan document; second by Dr. Derby. VOTE: Unanimous.***

Ms. von Aulock indicated that the next step in finalizing the master plan document was to schedule a public workshop, facilitated by Rockingham Planning Commission (RPC), to review all of the recommendations. She anticipated this would occur in September 2010. She also mentioned that a new chapter on "Energy" was being proposed for next year.

#### **SITE PLAN AND SUBDIVISION REGULATIONS – PROPOSED AMENDMENTS**

##### **Continued public hearing on proposed amendments to the Site Plan Review and Subdivision Regulations.**

This public hearing was tabled until the Board's July 22<sup>nd</sup>, 2010 meeting.

#### **OTHER BUSINESS**

##### **HOLDING COURT, LLC – PB Case #2906**

The Board reviewed correspondence from Mr. Jeff Clifford P.E. of Altus Engineering, Inc., dated May 27, 2010, requesting a one-year extension of the conditional approval granted on June 25, 2009 for the Exeter Tennis Facility to be located at 19 Continental Drive.

***Mr. Campbell moved to grant the one-year extension as requested; second by Ms. Sideris. VOTE: Unanimous. ONE-YEAR EXTENSION OF CONDITIONAL APPROVAL GRANTED.***

##### **TUCK REALTY CORP. (a/k/a Town Lyne Square subdivision) – PB Case #2911**

The Board reviewed a memorandum from Town Engineer Paul Vlasich, dated 6/17/10, recommending a bond reduction in the amount of \$41,953.00 for the project. It was represented that the remaining bond balance would cover the costs of outstanding site improvements outlined in Mr. Vlasich's memo.

***Mr. Campbell moved to grant the bond reduction, as recommended; second by Ms. Sideris. VOTE: Unanimous. BOND REDUCTION GRANTED.***

##### **WRIGHT LANE SUBDIVISION – PB Case #2910**

The Board reviewed a memorandum from Town Engineer Paul Vlasich dated July 6, 2010 regarding a bond reduction request for the project. It was noted that DPW concurred with the request with the exception of the 20% retainage being reduced. Mr. Vlasich's recommendation was to reduce the bond in the amount of \$59,418.85.

***Ms. Sideris moved to approve the recommended bond reduction, as presented; seconded by Mr. Campbell. VOTE: Unanimous. BOND REDUCTION GRANTED.***

##### **SANDY BROOK CORP. (a/k/a "Forest Ridge" subdivision) – PB Case #2319**

The Board reviewed a memorandum from Town Engineer Paul Vlasich, dated July 8<sup>th</sup>, 2010, in which he authorized the release of the performance bond for the project, subject to the developer providing a maintenance bond in the amount of \$372,688. (in accordance with 12.3 of the Board's regulations - amount not to exceed 15% of the improvement costs). Mr. Vlasich also noted in his memo that maintenance bonds typically are required for a period of two (2) years, however, due to the curbing situations that arose during construction, additional guarantees would be required for the curb installation. Ms. von Aulock noted that there was an outstanding balance, in the amount of \$2072.50, for inspection fees associated with the project.

***Ms. Sideris moved to approve the performance bond release, as recommended by the Town Engineer, subject to the following conditions:***

- ***The developer shall provide the Town with a Maintenance Bond in the amount of \$372,688. to cover the maintenance of public roads and other public improvements, as applicable, for a period of two (2) years and as further required by the Town engineer, and***
- ***Payment of outstanding inspection fees, in the amount of \$2,072.50, made payable to the Town of Exeter.***

***Motion was seconded by Ms. Bailey. VOTE: Unanimous. PERFORMANCE BOND RELEASE GRANTED.***

**APPROVAL OF MINUTES: May 27, 2010.**

***Mr. Campbell moved to approve the minutes of April 22, 2010, as presented; second by Mr. Knowles. VOTE: Unanimous. Ms. Bailey and Dr. Derby abstained.***

### **TOWN PLANNER ITEMS**

Ms. von Aulock reminded the audience and viewers at home about the Revolutionary War Day Festival coming up next Saturday, July 17<sup>th</sup>. She encouraged everyone to get out and enjoy the day of festivities. She also mentioned that she would have a craft table set up in the Town Hall for anyone who wished to visit.

**REPORTS ON "OTHER COMMITTEE" ACTIVITY** - None

**CHAIRMAN'S ITEMS** - None

There being no further business before the Board, ***Mr. Knowles moved to adjourn; second by Mr. Campbell. VOTE: Unanimous. The meeting was adjourned at 9:40 P.M.***

Respectfully submitted,

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

:bsm