

EXETER PLANNING BOARD

MINUTES

NOVEMBER 4, 2010

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

PRESENT: Chairwoman Kathy Corson, Selectmen's Representative Bill Campbell, Members: Carol Sideris and Katherine Woolhouse, Alternate Members: Clerk Lang Plumer, 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

There were no public hearings scheduled.

OTHER BUSINESS

FELKON, INC. – PB CASE #2318

Mr. Bob Felder was present to address the Board regarding his property located on Industrial Drive (Tax Map Parcel #54-2) for which he had obtained a conditional site plan approval in November 2003 for the proposed construction of a 5,800 square foot manufacturing/office building and associated site improvements. He indicated that the conditional approval has been extended on several occasions (including a second public hearing) and was due to expire again on November 18, 2010. He acknowledged that he was aware that there had been changes to the Town's zoning regulations, particularly the most recent revisions to the Wetlands Conservation Overlay District section, which would effect this proposal. Mr. Felder stated that he was still interested in developing the property and was looking for guidance from the Board on how to proceed to keep the approval active.

There was an inquiry as to the subject approval being eligible for an extension in accordance with the 2009 revision to the RSA (674:39) which has recognized the current economic hardship on developers. Ms. von Aulock indicated that the Planning Office would follow up on the request and speak with Town Counsel, if necessary. She noted that she recollected the proposal, and suggested that Mr. Felder return at the Board's December 9th meeting and provide the Board with information on how the new wetland buffer regulations will impact the project. Mr. Felder agreed to return to the Board on December 9th, 2010 with plans showing an overlay of the Wetlands Conservation Overlay District (WCOD) for Board review. He was requested to submit an updated abutters list to the Planning Office for abutter notification for this meeting.

Mr. Felder thanked the Board for their time and provided a brief update on the progress of "The Meeting Place" project on Epping Road currently under construction. He offered to give the Board members a "walk-thru" tour of the facility and also noted that he planned on having an open house later in November. It was noted that the arrangements would be coordinated with the through the Planning Office and passed along to the Board(s).

PROPOSED ZONING AMENDMENTS FOR 2011 TOWN MEETING

Ms. von Aulock reviewed the following list of proposed zoning amendments with the Board. She indicated that a couple of them still needed a little fine-tuning but that the next version the Board would see would be the final version before posting for public hearing.

1. Cemeteries: Add State Regulations – See attachment.
The Board found the proposed language satisfactory for consideration.
2. Amend Article 12.4 LIMITS OF APPROVAL, as follows:

All approvals granted by the Board of Adjustment shall only be valid for a period of ~~three (3)~~
five (5) years from the date such approval was granted; provided, however, that once
substantial completion of the improvements, modifications, alterations or changes in the
property or use contemplated by the applicant's petition have occurred in compliance with the

terms of the approval, the rights of the owner or of the owner's successor in interest shall vest and the three year limitation of validity of the approval shall not apply.

Ms. Sideris pointed out that the last sentence of the section still refers to the "three" year limitation and should be changed to "five" to be consistent.

3. Revise 2.2.50 Mixed Use definition: clarify existing definition;

"Any structure containing two or more uses. The street level may contain one or more permitted uses within the zoning district in which it is located. All other levels of the structure may contain residential uses (one or more dwelling units).

Ms. von Aulock indicated that this proposed amendment did need some rewording to clean it up. She indicated that she would consult with legal counsel for appropriate language.

4. Rezone Tax Map/Lot # 88-5 (100 Domain Dr) from R1 to Industrial - See attachment.

The Board found the proposed change acceptable. It was suggested that the proximity of the Sterling Hill buildings to the subject parcels proposed for rezoning be checked. There was also some concern regarding the status of the parcel owned by the Town of Stratham and questions about its access. Ms. von Aulock indicated she would check with Stratham Town Planner Lincoln Daley on the matter.

5. Notice of Public Meeting: Reconsideration of notifying public meetings via signage. – no proposed language, placed here for discussion.

Board discussion ensued. Ms. von Aulock provided the Board with a display of a sample sign used in another town (actually "city", believed it was Nashua). Chairwoman Corson reiterated her opposition to the "public notice" sign proposal for several reasons, noting that it was an undue burden on the town budget, the town staff and the applicant whose application was under review. Previous consensus of the Board was that there was merit in keeping the public informed, although the current notification process for land use applications/reviews was sufficient. Mr. Plumer suggested that with the current technical resources available to the town, a "regular" TV spot for Land Use boards to advertise such applications would be worth looking into.

6. Remove Article 5.31B Lot Merger Clause according to legislation that has recently passed.

~~B. Notwithstanding that it may be a lot of record at the Rockingham County Registry of Deeds, as of December 1, 1980, any undeveloped non-conforming lot of an owner which abuts another non-conforming lot or lots of that owner shall, by operation of law, be merged with said non-conforming lot or lots so as to form a conforming or nearly conforming lot. Except where both non-conforming lots have been developed for use as a principal residence, no non-conforming lot abutting a non-conforming lot or lots of the same owner shall be conveyed or otherwise transferred without complying with the merger requirements of this paragraph, by submission of an appropriate plan to the Exeter Planning Board, prior to recording at the Rockingham County Registry of Deeds.~~

The Board found the proposed language satisfactory.

7. Revise Section 9.3.4 Use Regulations – subsection C. Reference to "permitted as a conditional use, under Article 9.3.4.G.2 should read Article 9.3.4.G.1 and "or a permitted use under Section 9.3.4.I." added for clarification.

C. Building Setbacks: No building (except a structure permitted as a Conditional Use, under Article 9.3.4.G.2
1. Exeter Shoreland Protection District Ordinance – Conditional Use **or a permitted use under Article 9.3.4.I. Permitted Uses**) septic system or septic system leaching field, (except a repair or

reconstruction) shall be constructed on or moved to a site within 300 feet from the shoreline of the Squamscott River, Dearborn Brook.

As previously noted, the amendment was at the request of the Zoning Board of Adjustment (ZBA) for clarification. The Board found the proposed language to be acceptable.

8. Add to Article 2.2 a definition for “in-law/extended family” unit as follows:

In-law/Extended Family unit is a residential unit intended for extended family only. It is permitted where ever single family uses are allowed (or within single family uses located in non-residential districts) and must adhere to the following stipulations:

- a. The in-law unit shall be designed so that the appearance of the building remains essentially that of a one-family dwelling and that new entrances be located on the side ore in the rear of the building.
- b. The in-law unit shall not exceed 720 sq. Ft.
- c. Off-street parking shall be provided for at least 4 vehicles.
- d. The in-law unit shall be recorded by deed addendum at the Registry of Deeds, indicating that the unit is not to be used as a rental unit.
- e. Prior to any renovations, the owner shall provide evidence to the Building Inspector that septic facilities are adequate for both units, according to the standards of the Town and NHDES.

Ms. von Aulock explained that the proposed amendment was at the suggestion of Town Counsel given the term “in-law/extended family unit” is not defined in the ordinance. She noted that if the Town wishes to continue to have an allowance for such a use, it must be defined. Board consensus was a good start.

9. Amend Section 9.4 – Floodplain Development Ordinance in accordance with recommendations by Jennifer Gilbert of NFIP (National Flood Insurance Program) – See attachment.

Ms. von Aulock indicated that this amendment was recommended as a result of town officials meeting with Ms. Gilbert and reviewing our current Floodplain Development Ordinance. She indicated (as noted by the tracking changes) that many sections have been deleted due to the fact that these sections are not applicable in Exeter. It was recommended that these revisions be made at the next Town Meeting. Board consensus was the proposed language was acceptable.

10. Amend Article 5.7.7 and 5.7.8 of the Historic District Sign Regulations to further clarify the titles of each section by adding the phrase “**Zoning Districts**” to the end of each title, to read as follows:

5.7.7 Sign Ordinance for the Historic District - Commercial **Zoning Districts**

5.7.8 Sign Ordinance for the Historic District - Residential **Zoning Districts**

Board consensus was that the language was acceptable.

Ms. von Aulock concluded the discussion by indicating that she would be following up with Town Counsel on some of the proposed language. She indicated that the Board’s next meeting, on November 18th, will be the last opportunity for any further discussion of the final wording to be posted for public hearing. She noted that the first public hearing is scheduled for Thursday, December 16th, 2010.

APPROVAL OF MINUTES: October 14, 2010.

It was noted that Chairwoman Corson called the meeting to order and not ‘Chairman Plumer’ as indicated. ***Mr. Campbell moved to approve the minutes of October 14, 2010, as written, with the one correction as noted; second by Mr. Plumer. VOTE: Unanimous.***

TOWN PLANNER ITEMS

Ms. von Aulock announced that the Pumpkin House in Newmarket received approximately 245 trick-or-treaters and everyone enjoyed the newest feature of the holiday display, the "Zip-line" spider.

REPORTS ON "OTHER COMMITTEE" ACTIVITY - None

CHAIRMAN'S ITEMS - None

There being no further business before the Board, ***Mr. Campbell moved to adjourn; second by Mr. Plumer. VOTE: Unanimous. The meeting was adjourned at 8:15 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, November 18th, 2010 at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

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

:bsm

Amend Article 6, SUPPLEMENTARY USE REGULATIONS, by adding a new section entitled:

6.18 CEMETERY REGULATIONS (proposed new section)

6.18.1 Purpose

Under RSA 289:3 (III) the State of New Hampshire has established certain statutory setbacks from burial sites, burial grounds and cemeteries in the absence of local zoning regulations. This section is intended to serve as said local regulations.

6.18.2 Definitions

The terms "cemetery", "burial site", and "burial ground" shall all have the definitions, which are provided in RSA 289:1.

6.18.3 Structure Setback

No building or structure shall be constructed within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery. Underlying zoning may require a greater setback for structures, in which case the greater setback will apply.

6.18.4 Access Way and Utilities

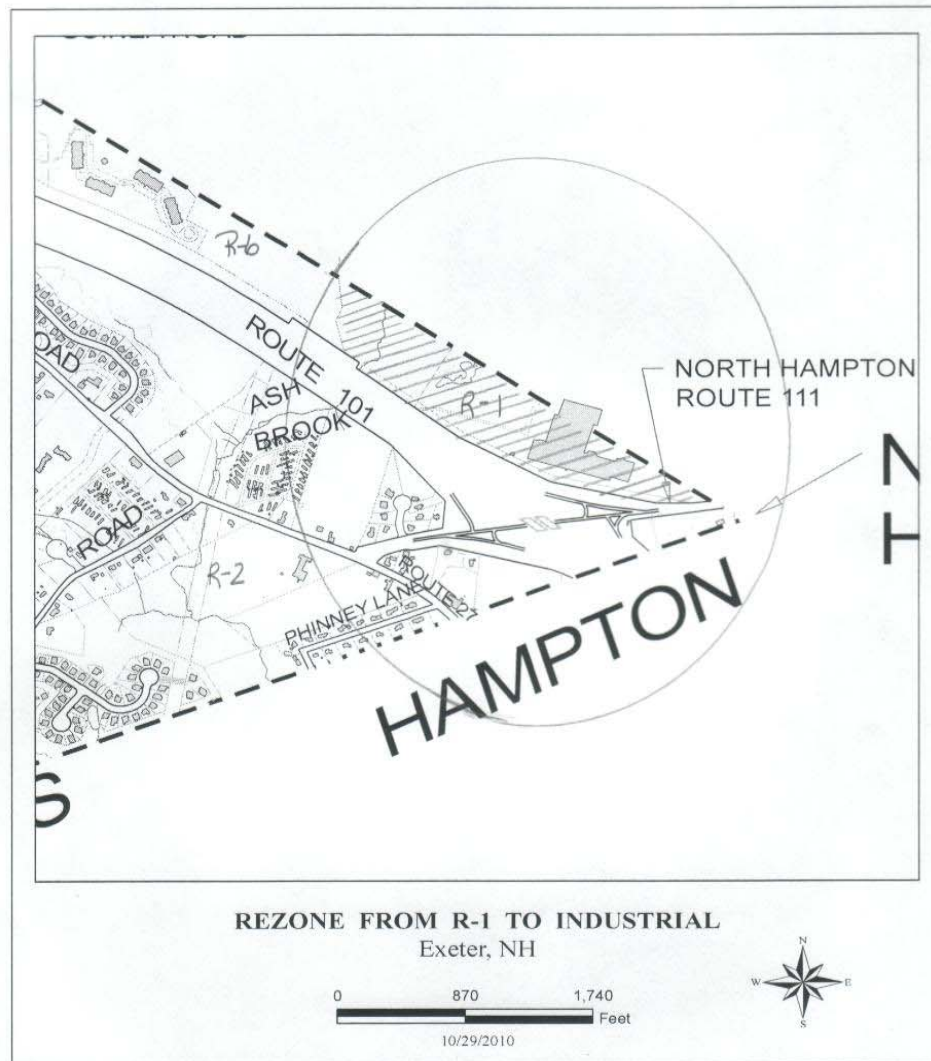
No driveways and utility services (either above ground or underground) may be placed within 25 feet of a known burial site or 25 feet of the boundaries of an established burial ground or cemetery.

6.18.5 Special Exception

Where the foregoing restrictions present practical difficulties to the use and enjoyment of adjoining properties, the Zoning Board of Adjustment may grant special exceptions from these provisions provided that:

- A. The proposed use must have approval of both the Board of Selectmen and Cemetery Trustees.
- B. Such proposal does not impair the integrity of the cemetery walls, facilities, drainage, or other physical attributes.
- C. The proposed use does not diminish the general solemnity and solitude of the cemetery setting. In this regard, the Board may require appropriate buffering or screening from such proposed use.
- D. The proposed use does not pose a public safety hazard to the cemetery or patrons thereof.
- E. There are no practical alternatives to the proposed use.

Amend Article **3.2 ZONING MAP** by rezoning Tax Map Parcels #88-3, #88-4 and #88-5 from an R-1, Single Family Residential zoning district to an I-Industrial zoning district. (See map below.)



***These Minutes are subject to possible corrections/revisions at a subsequent
Exeter Planning Board meeting.***