

EXETER PLANNING BOARD

MINUTES

NOVEMBER 18, 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, Vice Chairman Ken Knowles, Selectmen's Representative Bill Campbell, Members: 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**

**RICHARD AND SARAH SUGATT – PB CASE #21010**

**The application for a lot line adjustment between the properties located at 8 Whippoorwill Lane and 10 Whippoorwill Lane. The subject parcels are located in the R-2, Single Family Residential zoning district. Tax Map Parcels #85-16 and #85-17.**

Chairwoman Corson 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. Campbell 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. Tom Brouillette, LLS addressed the Board on behalf of the Applicant. He acknowledged that both of the property owners, Mr. Richard Sugatt and Mr. Stephen Schulthess were also in attendance. He described the existing conditions and noted how the properties were configured. He indicated that the Applicant(s) wished to relocate the common property line to run along the existing stone wall, therefore giving them better use of the property given the location of their homes.

Ms. von Aulock indicated that Building Inspector/Code Enforcement Officer Doug Eastman had raised some questions relative to the proposed configuration of the property lines and frontage (lot width) requirements. She also indicated that in reviewing the original Tufts subdivision plan (PB Case #9105), it had been discovered that there was a specific note (Note #16 on the plan, RCRD #D-21180) addressing the status of the "shared driveway" between these two properties. She stated that although the intent remains the same, she suggested that the Board table the application until the next meeting to allow for adequate time to check in with town counsel regarding this note and to make sure any action by the Board on this application would not be in violation of the previous approval. She also explained that it would be necessary to 'jog' the property line around the private right-of-way (ROW) to establish the required 100' of frontage (lot width).

***Mr. Campbell moved to table further discussion of the application until the Board's December 9<sup>th</sup> meeting; second by Mr. Knowles. VOTE: Unanimous. APPLICATION TABLED.***

Mr. Stephen Schulthess, 10 Whippoorwill Lane, inquired about there being any objection from the public; he noted that an abutter to the property was present. Chairwoman Corson indicated that the hearing was already closed. He indicated he would speak with the neighbor and explain the proposed adjustment.

**MON-KAL, LLC – PB CASE #21002**

**A continued public hearing on the application for a multi-family site plan review for the proposed construction of seven (7) detached single family units, parking and associated site improvements on the property located at 10 Columbus Avenue (former site of the VFW Hall off Veteran's Way). The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel #73-149.**

Mr. Christian Smith, P.E. of Beals Associates, PLLC addressed the Board on behalf of the Applicant. He indicated that the property owner, Mr. Sam Mukarkar, was out of town on business and unable to attend

this evening. Mr. Smith indicated that the plans had been revised based on the previous comments received from the Board and the recent site walk. He proceeded to review those changes as follows:

- Roof drains – note placed on the plan regarding downspouts
- Site distance issue along Columbus Avenue – note placed on plan regarding the relocation of lilac bushes on abutting property (Tax Map Parcel #73-150) and the town right-of-way
- Screening – additional stockade fencing added along the northeast and westerly boundaries approximately five-feet (5') off of the existing boundary line
- Relocation of deck/patio areas

Mr. Smith noted that he had just received comments from Underwood Engineers, Inc. (UEI) this afternoon and would be addressing their comments prior to final approval.

Ms. von Aulock stated that she had followed up with town counsel on the issue of the abutter lot line dispute and had been advised that it was a civil matter and not within the Board's jurisdiction. She also indicated that she had spoken with Ms. Giguere (UEI) today and with Town Engineer Paul Vlasich and noted that there were no red flags but there were multiple some technical issues that still need to be addressed. She proceeded to review the following recommendations outlined in her memo dated 11/18/10:

- Addition of a note to "Town Notes" on Sheet C-2 of the plan set stating "No parking is allowed along Veteran's Way" and also a reference to the same be placed in the Homeowner Association (HOA) documents.
- A Stormwater Maintenance Agreement be signed by the Owner and Engineer and that a Stormwater Maintenance Manual be developed and submitted for review and approval by the Town Engineer.
- The gravel driveway for the Exeter Monument Works, LLC should be defined with grading, proper turning radius and paved (to be consistent with the adjacent Hamel driveway).
- The existing two-story house directly opposite Veteran's Way (across the street) should be screened from head-lights. Some sort of landscaping allowance should be set aside for this purpose. Mr. Smith responded that he believed his client had something worked out with the property owners.

Mr. Campbell expressed his concern relative to the density of the project, and noted the close proximity of the units and patio/deck areas to the fence. He also commented that the snow storage areas did not seem adequate. He suggested the relocation of some plantings to provide a lawn area adjacent to the Exeter Monument Works property which would also provide for more adequate snow storage area.

Mr. Smith responded that if the snow storage areas become full, the snow would then be trucked off site and indicated that it was so noted on the plan. He also noted that the density of the project as proposed was two (2) less units than originally approved by the ZBA.

Mr. Knowles suggested that the plan note relative to drainage be revised to clearly indicate that the water run-off from the structures, roof drains, etc. shall be diverted toward the front of the property to ensure there will be no discharge off into the surrounding neighborhood.

In response to Ms. von Aulock's recommendation to prohibit parking along Veteran's Way, Mr. Knowles inquired where the overflow parking would go, most likely onto Columbus Avenue. Ms. von Aulock responded that Veteran's Way was a very narrow private way and the Fire Department had also expressed some concern. Mr. Knowles commented that he was not comfortable with putting the additional parking onto Columbus Avenue either noting that was also narrow (approx 21' in width). Mr. Smith inquired as to what the Board's consensus was relative to the issue. Ms. von Aulock commented that for a few times that it may occur, possibly cars will use the Exeter Bowling Lanes parking area.

Chairwoman Corson noted the limited distance between the units and inquired as to how construction of a unit next to an existing unit could take place safely. Mr. Smith indicated that the proposed structures would be constructed on slabs (no basement), and therefore eliminate the need for any major excavation. He also commented that the construction would all depend on the market.

There being no further discussion at this time, Chairwoman Corson opened the hearing for public comment.

Mr. Roger Black, 6 Spruce Court, expressed concerns relative to density, drainage, the impact to property values and the impact on the abutting properties from the melting of the snow storage areas in the spring. He pointed out what appeared to be the largest snow storage area being directly adjacent to his property and stated that given the existing drainage issues in the immediate neighborhood, this would cause an extreme impact in the spring.

Mr. Knowles concurred that the impact from the melting snow storage area identified by Mr. Black was a valid concern. Mr. Smith offered that the snow storage area could be revised and some additional grading in the area around the telephone pole (abutting Mr. Black's property) could provide for a better situation.

There being no further public testimony, Chairwoman Corson closed the public portion of the meeting and returned to Board discussion.

The Board proceeded to address the waivers being requested by the Applicant. Mr. Smith noted that the waivers were also noted on the cover sheet of the plan set. He provided the following for consideration:

- **Section 9.5.1.4.** requires no grading within five feet (5') of any exterior property line. Mr. Smith indicated that the only proposed grading that will be closer than five feet to an exterior parcel boundary was associated with road improvements at Veteran's Way and utility upgrades. He added that significant landscape features were proposed for screening where possible.

***Mr. Campbell moved to grant the waiver as requested by the Applicant; second by Mr. Knowles. VOTE: Unanimous. WAIVER REQUEST GRANTED.***

- **Section 9.1.4.9** requires roadways and fire lanes to be 24-feet in width. Mr. Smith explained that the proposed private road would have a paved width of 20-feet and would provide for safe vehicular ingress and egress to the proposed residential development and would be adequate for emergency response vehicles and expected traffic volumes. He mentioned that it was approximately two feet wider than the existing paved section of Veteran's Way and about four feet wider than portions of the existing gravel section. He also noted that the proposed reduced width would result in reduced travel speeds/traffic calming compared to a 24-foot pavement width.

Chairwoman Corson indicated that she did not believe a waiver would be required given the most recent amendment to this section of the Board's regulations (September 2010). Mr. Smith noted that the application had been filed in February 2010 prior to the adoption of the revised roadway regulations. He stated that the plans had been reviewed by Town Engineer Paul Vlasich and there had been no objection to the reduced roadway width.

***Mr. Campbell moved to grant the waiver, as requested by the Applicant, if deemed to be necessary; second by Ms. Woolhouse. VOTE: Unanimous. WAIVER REQUEST GRANTED.***

Ms. Woolhouse inquired about the elevations of the slab foundations. Mr. Smith indicated that they were so noted on the plan sheet.

Ms. von Aulock reviewed the possible conditions of approval as outlined in her memo dated 11/18/10.

The Board acknowledged that a boundary dispute existed and that it was a civil matter, and not within the jurisdiction of the Planning Board, however, it was requested that copies of any resolutions be provided to the Planning office for the file. Consensus of the Board was to also require the Applicant to return to the Board should the resolution render any lot line changes.

***Mr. Campbell moved to grant conditional approval of the site plan for Columbus Avenue Commons (MON-KAL, LLC) subject to the following conditions:***

1. ***All requests of the Planning Board to be addressed, including but not limited to the following:***

- a. ***A note be added to the plan indicating that all drainage flow (including that from the structures and/or roof gutters) shall be diverted toward the front of the property so as not to discharge off the property into the surrounding neighborhood;***
  - b. ***A note be added to the plan indicating that the existing lilac bushes on the north side of the entrance to the proposed access road, which are partially located within the town right-of-way (ROW) and on the abutting property (Tax Map Parcel #73-150), shall be relocated to provide adequate site distance to the north along Columbus Avenue;***
  - c. ***Additional landscaping shall be provided to screen the property directly adjacent to the Veteran's Way access road (9 Columbus Avenue, Tax Map Parcel #72-155);***
  - d. ***The driveway access to the Exeter Monument Works, LLC property (Tax Map Parcel #73-148 be defined (i.e. grading, proper turning radius) and paved;***
  - e. ***A Stormwater Maintenance Manual and an executed Stormwater Maintenance Agreement (signed by the property owner and engineer) shall be submitted for review and approval by the Town Engineer;***
  - f. ***Should the resolution of the private boundary line dispute between the Applicant and abutting property owner (Exeter Monument Works, LLC – Tax Map Parcel #73-148) render any lot line changes, the Applicant shall be required to return to the Board for further review.***
2. ***All final revisions to the plans or related documents including homeowners association 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, sewer/water connection fees, inspection fees, recording fees and other agreed upon improvements;***
4. ***An executed Site Review Agreement shall be submitted to the Planning Office for Board signature;***
5. ***All on-site improvements shall be completed prior to any issuance of certificate of occupancy (CO) with the following exceptions:***
  - ***Finish course of pavement and sidewalk.***
6. ***A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing.***
7. ***The Applicant shall meet with the Town Assessor to develop a list for location addresses of all new units; and***
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.***

***Mr. Knowles seconded the motion. VOTE: Unanimous. CONDITIONAL SITE PLAN APPROVAL GRANTED.***

## **OTHER BUSINESS**

### **PROPOSED ZONING AMENDMENTS FOR 2011 WARRANT**

Ms. von Aulock gave a brief summary of the items she followed up on subsequent to the discussion of proposed zoning amendments at the last meeting; she noted that all changes had been reviewed by Town Counsel. The Board reviewed the proposed amendments, as outlined in the document dated 11/5/2010, and made the following changes:

- Article 9.1.5 Permitted Uses (Wetland Conservation Overlay District), proposed subsection G. was revised by adding the word “uncovered” to further describe the term “decks” and adding a requirement for a ten-foot (10') setback from wetlands.
- The ‘landscape’ use (plantings such as trees and shrubs) included in subsection G. were removed and added as a separate subsection (H.) to this article.

Ms. von Aulock noted that she had contacted the Town of Stratham about the proposed rezoning of the 100 Domain Drive site (TM#88-3) and adjacent properties (TM#88-4 and 88-5). It was confirmed that the adjacent property (TM#88-5) that was also located in both towns, that the Stratham portion was currently in conservation.

Consensus of the Board was to post the proposed amendments, as presented in the "Revised as of 11/5/10" document and further amended this evening for public hearing at the Board's December 16<sup>th</sup>, 2010 meeting (to be posted 12/3/10).

**APPROVAL OF MINUTES:** Action on the minutes of November 4, 2010 was deferred to the Board's next meeting.

### **TOWN PLANNER ITEMS**

Ms. von Aulock announced that another holiday season was upon us and she would again be donating a holiday stained glass piece for raffle with all proceeds going to the local fuel assistance program under the direction of Welfare Director Sue Benoit. She displayed the "Warm Winter Star" piece and also mentioned that a gift basket was being donated by the welfare office. She indicated that tickets were available at the Planning office --- \$2./ticket or 3 for \$5.00.

Ms. von Aulock also mentioned that the GFWC (Junior Women's) Craft Fair was this Saturday, November 20<sup>th</sup> at the Cooperative Middle School in Stratham from 9:00 – 3:00 PM.

### **REPORTS ON "OTHER COMMITTEE" ACTIVITY**

Mr. Knowles reported that he had attended a benefit event sponsored by the Greater Seacoast Workforce Housing Coalition at Epoch earlier this week.

He also indicated that he attended the Exeter Development Commission (EDC) meeting this morning and the members were looking forward to copies of the Master Plan being received.

### **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 8:15 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, December 9<sup>th</sup>, 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