

EXETER PLANNING BOARD

MINUTES

DECEMBER 9, 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: Carol Sideris, Katherine Woolhouse and Gwen English (7:10 PM), Alternate Members: Clerk Lang Plumer, Pete Cameron, Town Planner Sylvia von Aulock and Deputy Code Enforcement Officer Barbara McEvoy. It was noted that all board members in attendance would be voting with the exception of Mr. Cameron.

NEW BUSINESS: PUBLIC HEARINGS

As there were no representatives present for the Sugatt application (PB Case #21010), Chairwoman Corson indicated that the Board would proceed with Mr. Felder's request, PB Case #2318 followed by Sugatt lot line adjustment application.

FELKON, INC. – PB CASE #2318

A public hearing on a request for the extension of a previously approved non-residential site plan for the proposed construction of a manufacturing/office building and associated site improvements on the property located at 10 Industrial Drive. The subject property is located in the I-Industrial zoning district. Tax Map Parcel #54-2.

Mr. Bob Felder addressed the Board and explained that he had obtained conditional approval for this project in 2003 and had been granted multiple extensions to date. He noted that the November 18, 2010 expiration date had passed, although he had been advised prior to that date that a public hearing would be required in order to consider any further extension of the approval. He explained that the project was now subject to the new wetland regulations adopted this past March and that a Conditional Use Permit (CUP) would now be necessary in order to go forward with the project, in addition to an extension. He briefly reviewed the engineering and calculations presented on the original plan prepared by CivilWorks. He presented a new plan prepared by Jones & Beach Engineers which depicted the proposed new areas of increased impact due to the forty-foot (40') No-Cut/No Disturb buffer requirement set forth in Section 9.1.3.E.4 of the zoning ordinance.

Ms. von Aulock briefly reviewed the proposed "new impact area" plan identifying the temporary and permanent impact areas. She reiterated that in accordance with the newly adopted regulations that a conditional use permit would be required. She indicated that she had spoken with Town Counsel regarding Mr. Felder's request and the Planning Board had the following two options:

- Deny the request for the extension, therefore requiring the Applicant to resubmit a new application; or
- Grant the extension with the condition that a CUP be applied for (within a specific time frame) and subsequently granted by the Board.

Ms. von Aulock suggested that Mr. Felder may wish to reconsider his options given the amount of impact proposed.

Mr. Felder commented that financially it would not be feasible to start the project over from scratch. He proposed a third option of combining the parcel area with his adjacent "Meeting Place" project or to provide him adequate time to meet with the Town Planner (and town representatives) to reassess the projects' options.

Chairwoman Corson asked if there were any interested parties who wished to speak on this request. It was noted that there was no public comment relative to this discussion and the public portion of the hearing was closed.

Ms. Sideris moved to table further discussion of Mr. Felder's request to the February 10th, 2011 meeting at which time the Board will render a decision on the extension request; seconded by Mr. Knowles. VOTE: Unanimous.

RICHARD AND SARAH SUGATT – PB CASE #21010

A continued public hearing on 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.

Ms. von Aulock briefly reviewed the lot line adjustment request and the discussion from the last meeting. She explained the revision to the plan required for creating the frontage for the (new) rear lot. She also indicated that she had spoken with Town Counsel regarding the issue of whether approving the lot line adjustment would be any violation of the original Tufts subdivision approval (granted in PB Case #9105).

There being no further discussion, Chairwoman Corson asked if there were any abutters or interested parties who wished to speak on the application. There were none; the public hearing was closed.

Chairwoman Corson reviewed the possible conditions of approval as recommended by Ms. von Aulock. Mr. Knowles commented that the proposed note to be added to the plan should be revised to reflect the proper description as a "ROW (right-of-way)" driveway easement.

There being no further comments from the Board, ***Ms. Sideris moved to approve the lot line adjustment plan, 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 (#21010) be added to the plan;***
 - ***The plan be revised to depict the correct minimum 100-foot frontage requirement for Lot #85-16 (property line of the new lot configuration to follow the boundary of the private right-of-way), as discussed;***
 - ***The private right-of-way access easement, driveway maintenance agreement and new property deed descriptions be submitted for review and approval by Town Counsel. Reference to the private ROW access easement and the driveway agreement shall be incorporated into the new property deed descriptions.***
 - ***A note be added to the plan describing the restrictions on the private right-of-way (ROW), as follows:***
"The approval of this lot line adjustment will effectively amend Note #16 on the original Tufts Subdivision dated 8/16/91 (recorded as D21180), as the joint driveway will no longer be centered on the boundary line between lots #10 and #11 as shown on that plan. The common driveway shall be located within the 50 ft. ROW driveway easement designed for access and utilities for the two lots. The other provisions of Note #16 shall remain in effect. Specifically, the lots shall be served by a common private driveway which shall be maintained by the owners of these lots. These stipulations shall remain in perpetuity as per note #16 on the original subdivision. Although this lot line adjustment changed the configuration of the lots, the intent behind Note #16 remains the same, as providing two lots served by a private ROW. No other notes on the original subdivision shall be changed as a result of this lot line adjustment. For clarification, original lots 10 and 11 are identified on the new lot line adjustment as tax map 85, lots 16 and 17 respectively."
2. ***An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan; and***
3. ***All conditions of this approval are to be met within one year.***

Motion was seconded by Mr. Campbell. VOTE: Unanimous. LOT LINE ADJUSTMENT APPROVAL GRANTED.

OTHER BUSINESS

TUCK REALTY CORP. – PB CASE #2711

Mr. John Krebs, representing Tuck Realty Corp. and Mr. Dave Lauze, representing Chinburg Builders,

Inc. were present to review the conditions of approval for the Linden Commons subdivision project with the Board. It was represented that Chinburg Builders was proposing to purchase the subdivision and in accordance with the conditional approval granted by the Board on July 8, 2010 was required to meet with the Board for this purpose given the multiple sensitive issues discussed throughout the review process.

Mr. Campbell inquired if there had been any attempt to notify the Exeter River Co-Op Mobile Home Park (abutting property owner). It was noted there had not been as there was no requirement for abutter notification for the discussion. Mr. Plumer inquired about the status of the emergency access (and gate) issue and whether any agreement between the parties had been reached. Ms. von Aulock reminded the Board that the agreement between the parties was private and not considered a part of the conditional approval. She indicated that it had been represented that once a valid agreement had been reached, a copy of it would be provided for the file. She stated that it was her understanding the emergency egress issue was yet to be worked out.

Mr. Krebs indicated that they had been in negotiation with Chinburg Builders for the last month. He noted that Mr. Lauze had been the project manager on the Town Lyne subdivision just recently completed on Hampton Road. Mr. Lauze affirmed that he had reviewed the conditions of approval for the Linden Commons project and understood there were several sensitive issues with respect to the development of the site. He displayed several renderings of the 'cottage' and 'bungalow' style homes they were proposing to construct, approximately 1,800 square feet in size and in the \$279 – 339,000. price range.

Mr. Knowles inquired about tree cutting and trees to remain. He emphasized the importance of the new owner understanding the Board's concerns relative to this issue. He recalled that there was to be a note on the plan requiring flagging of the clearing limits prior to the start of construction.

Ms. von Aulock spoke about a most-recent occurrence during the construction of the TownLyne subdivision where "subcontractors" were not aware of the required buffers and resulted in an encroachment issue. She asked how Chinburg Builders could ensure the Town that no encroachment will happen during this project. It was strongly suggested by the Board that all contractors working on the project are fully informed of the sensitivity of the buffer areas and the location of the wetland buffer setbacks for the project. Ms. von Aulock commented that with the required flagging, improved communication, and general awareness she hoped there would not be any further incidents.

Mr. Lauze inquired as to the timeframe for having the plan signed once the performance bond had been submitted. It was noted that Chairwoman Corson's schedule was flexible and with some advanced notice, she is generally available to stop by the office.

APPROVAL OF MINUTES: November 4, 2010.

Mr. Campbell moved to approve the minutes of November 4, 2010, as written; second by Mr. Plumer. VOTE: Unanimous. (Mr. Knowles and Ms. English abstained).

TOWN PLANNER ITEMS

Ms. von Aulock reported that she was in the process of formatting the Master Plan document and that it was approximately 95% complete.

Ms. von Aulock extended kudos to Mr. Plumer, Ms. Sideris, Ms. English and Ms. Corson for their help in manning the "Winter Warming Fund" display set up at the Congregational Church during the Christmas Festival last week. She announced that another \$250. was raised during the event, and they were still hopeful that the goal of \$2,000. would be reached prior to the December 30th, 2010 drawing. She reminded folks that may be interested in donating by check that they are to be made out to Hartmann Oil (with a memo – "Winter Warming Fund").

REPORTS ON "OTHER COMMITTEE" ACTIVITY

CHAIRMAN'S ITEMS

Ms. Woolhouse indicated that she would not be available for the December 16th, 2010 meeting.

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, December 16, 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

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