

EXETER PLANNING BOARD

MINUTES

MAY 12, 2011

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 Frank Ferraro, Members: Carol Sideris, Gwen English (7:10 PM), Katherine Woolhouse and Ian Raum, Alternate Members: Clerk Lang Plumer and Pete Cameron, Town Planner Sylvia von Aulock and Deputy Code Enforcement Officer Barbara McEvoy.

It was noted that alternate member Mr. Cameron would not be voting.

**NEW BUSINESS: PUBLIC HEARINGS**

**ROLLINSFORD ASSOCIATES, LLC – PB CASE #21103**

**A request for a preliminary design review of a proposal to consolidate and re-subdivide the subject properties; and for the proposed construction of a retail building and a commercial office building. The subject properties are located off Portsmouth Avenue (adjacent to the existing McDonald's Restaurant) in the C-2, Highway Commercial zoning district. Tax Map Parcels #51-1, 51-3, 51-3.3, and 51-3.4.**

Chairwoman Corson noted that the Board would not be acting to accept the application as it was a preliminary design review and no action would be taken this evening. She also noted that comments made this evening would be non-binding.

Mr. Richard "Rick" McCoy, property owner, addressed the Board. He indicated that he had been in Exeter for twenty-five years and owned the McDonald's Restaurant in its previous location on Portsmouth Avenue (closer to town), relocated the restaurant to the current location closer to NH Route 101 which has been a better situation traffic-wise for the store. He noted that he had subsequently sold the store along with a few others that he owned. Mr. McCoy indicated that he knew this was a fairly 'rough' site when he purchased it, with the exception of where the restaurant is located. Acknowledging the sites' geographic location, he stated that this was an entryway from NH Route 101 coming into town and was kind of a "scrungy-looking" site. He commented that due the rebuilding of Portsmouth Avenue over the years, water has been shed through this property, although it is currently caught with fairly heavy curbing and six (6) catch basins located across the property. He acknowledged its vicinity to Parkman Brook and indicated that he was conscious of the environmental issues associated with the site. He then introduced his development team: Project Manager Corey Colwell, P.E. with MSC Engineering, Mr. Jim Gove with Gove Environmental Services and Attorney Michael Donahue.

Attorney Donahue addressed the Board and reiterated that the presentation was conceptual and understood that comments would be non-binding, as the Chairwoman previously indicated. He provided the Board with a brief summary relative to the history of the site and how the state improvements (Stoneybrook Connector and extensive drainage improvements) in this area contributed in making the property what it is today. He indicated that his client has been working on development of this site for a long time and recalled the proposal presented several years ago.

Attorney Donahue explained that they were bringing two development concepts to the Board in an effort to get some feedback as to what they would like to see in this area. He represented that his client did not have any interested prospects at this time, although he noted that In today's market you cannot realistically proceed to market a property with multiple conservation and wetland overlay restrictions without having some type of an approved site plan. He indicated that their focus was primarily on the Portsmouth Avenue parcel, although they also wanted to share their thoughts for future development potential of the adjacent parcel with the Board as well.

Attorney Donahue proceeded to review the plan, noting that the property was shown in its entirety, inclusive of the property they do not own on which the McDonald's Restaurant is located, and was 7.1 acres in area. He indicated that as a result of their proposed lot reconfiguration, the lot area of the McDonalds parcel would increase from .72 acres to 1.16 acres in size. He noted that currently multiple

access easements serving the McDonalds parcel existed on adjacent lots and the proposed reconfiguration would be a benefit whereas this situation would be cleaned up. He also noted that a restriction prohibiting any other “fast-food” use of the entire parcel was established in conjunction with the transfer of the property to McDonalds. He reviewed the proposed reconfiguration of the remaining parcels, noting that the “Stoneybrook” parcel and the “Portsmouth Ave.” parcel were the two developable sites. He indicated that currently there were four (4) parcels in addition to the McDonalds parcel and each would be altered in area as part of the proposed re-subdivision plan. He pointed out that a parcel, approximately 2.54 acres in area and with no frontage, would be created and potentially subject to the desire of the Conservation Commission for acquisition for potential connection with the Allen Street conservation area. He noted that they will be presenting their proposal to the Conservation Commission in the near future.

Attorney Donahue presented some conceptual drawings and a ‘blow-up’ of the Portsmouth Avenue site for display. He commented that the proposed building was approximately 4,800 square feet in size and was designed with the potential for a drive-up facility should there be an interest for such a use. He reiterated that currently they did not have anyone interested in the site, although they wanted to design the site to be able to accommodate various uses. Attorney Donahue indicated that they had attempted to keep as much of the building as possible out of the 75’ wetland structural setback and noted that they had taken Ms. von Aulock’s initial suggestions into consideration.

Mr. Jim Gove, of Gove Environmental Services (GES) presented an overview of the existing conditions plan with respect to the wetlands and soil conditions. Ms. English had several questions relative to the wetland impact areas and the proposed changes associated with the development plans. Ms. von Aulock indicated that in June 1999 when the site was reviewed for the McDonald’s restaurant development, the wetlands setback regulations did not exist. She indicated that she has worked extensively with the engineer encouraging the creation of a master plan for the site as the location is perceived as a gateway to town (as is the opposite side of the street with the Stop-n-Shop development). She noted that the C-2, Highway Commercial zoning in this area not only allowed for individual commercial uses, but also permitted multi-use of the site, including residential, by special exception.

There was Board discussion on the topics of access, traffic flow patterns, and the proposed drive-thru location. Mr. Colwell responded to the Board’s questions and noted that a “one-way” traffic pattern was being proposed.

Attorney Donahue concluded the presentation by thanking the Board for their time and comments. He indicated that his client hoped to revisit the Board with a formal proposal in the near future.

*It was noted that Ms. English had arrived shortly after the beginning of the previous case and would now be a voting member. Chairwoman Corson would no longer be a voting member.)*

#### **CLEMENT CHWATEK – PB CASE #21105**

**The application for a Conditional Use Permit (CUP) for the proposed construction of single-family dwelling and associated site improvements encroaching within the required wetlands buffer. The subject property is located at 2 Beech Hill Road Ext., in the R-1, Low Density Residential zoning district. Tax Map Parcel #32-5.**

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

Mr. Peter Landry, LLS, CWS addressed the Board on behalf of the Applicant. He acknowledged that Mr. Chwatek was present in the audience. He identified the location of the subject property and indicated that it was a two (2) acre parcel and was currently developed with an existing shop, leach field, well, a driveway entrance and gravel parking area. He explained that his client was proposing the construction of a 40’x 30’, two-bedroom dwelling to the rear of the property and installing a separate well for the home.

Mr. Landry indicated that the plan being used for this presentation was the proposed septic plan which would be submitted to NH DES for modification of the existing system. He pointed out that in order to access the rear of the property, a twelve-foot (12') wide gravel driveway was being proposed and would cross through the 40' wetland buffer resulting in 2,065 square feet of permanent impact to the buffer. He added that there would also be a 675 square foot temporary impact to the buffer created by the installation of the additional sewer line; he stated that this area would be loamed and seeded subsequent to the installation. He noted that there was no wetland impact being proposed as part of this project.

Mr. Landry proceeded to address the six conditions outlined in Article 9.1.6.B. of the zoning ordinance for granting a Conditional Use Permit (CUP). He submitted a letter from the abutting property owner, Mr. Paul Slemph, which indicated that he had no objection to the Applicant's proposal. Mr. Landry indicated that he would be submitting a revised septic design to NHDES for approval which will detail the addition of a pump system required to utilize the existing leach field for the proposed residence. He also noted that an Alteration of Terrain (AOT) permit was not necessary for this project.

Board discussion ensued with questions regarding the proposed driveway construction, the proposed location of the home and whether the existing leach field would be adequate to serve the proposed residence. Mr. Landry stated that the proposed driveway would be gravel to remain consistent with the existing parking area. He explained that the existing leach field would be adequate to serve the proposed residence as it only serves one bathroom (located in the shop) currently, and he noted that it was for the owner's personal convenience. He stated that the proposed location of the residence was selected to provide privacy for the owner and to allow for a small yard and/or lawn area. Mr. Knowles inquired about the possibility of acquiring an easement from the abutting property owner (Slemph) for use of his private right-of-way to gain access to the proposed house location, as an alternative to avoid encroachment of the wetland buffer.

Mr. Chwatek responded that he would prefer to remain independent and have the proposed improvements solely on his property; he did not wish to be involved in a shared maintenance and cost situation. He also pointed out that Mr. Slemph had recently subdivided his property creating two more single-family lots which will be utilizing the private right-of-way in the future. He confirmed Mr. Landry's earlier statement that the driveway would be gravel and that no asphalt was proposed. In closing, Mr. Chwatek added that he planned to run a second PVC sewer line at the time the improvements are constructed just in case there happened to be an issue in the future, therefore, avoiding any further disturbance of the area.

There being no further discussion, Chairwoman Corson asked if there were any abutters or interested parties who wished to comment on the application. Seeing there was none, the public portion of the meeting was closed.

***A motion was made to approve the Conditional Use Permit (CUP) for the proposed construction of a single-family dwelling and associated site improvements, as presented; motion was seconded by Ms. Sideris. VOTE: Unanimous. CONDITIONAL USE PERMIT GRANTED.***

#### **HIMANSHU & KERRI SINGH – PB CASE #21106**

**The application for a Conditional Use Permit (CUP) for the proposed construction of a deck and screen porch encroaching within the required wetlands buffer. The subject property is located at 4 Indian Trail, in the R-1, Low Density Residential zoning district. Tax Map Parcel #79-17.**

Ms. von Aulock indicated that this application would be rescheduled for a future meeting. She indicated that she had met with the Applicant briefly and advised them that more detailed information would be required in order for the Board to consider the application.

#### **BOATOFGARTEN, LLC – PB CASE #21101**

**The application for a Conditional Use Permit (CUP) for a proposed building expansion and associated site improvements encroaching within the required wetlands buffer. The subject property is located at 32 Industrial Drive, in the I-Industrial zoning district. Tax Map Parcel #47-11.**

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

Ms. Jennifer Viarengo, P.E. with Appledore Engineering addressed the Board on behalf of the Applicant. She acknowledged that all of the Board members, with the exception of Mr. Raum, had been in attendance for her last presentation on this project. She gave a brief recap of the original project and the proposed amendment for the additional parking that the Board had approved. She explained that the Board had granted a one-year extension for the original conditional approval previously, and that it had been due to expire again on March 12, 2011. The request had been submitted, and during discussion at the March 24<sup>th</sup> meeting, Ms. von Aulock indicated that she believed a Conditional Use Permit would now be required in accordance with the recent changes to the wetland buffer regulations. Further consideration of this request was tabled until the Board's April 14<sup>th</sup> meeting to provide adequate time for a legal opinion to be rendered. She noted that discussion was again tabled at the April 28<sup>th</sup> meeting.

Ms. Viarengo proceeded to address the six conditions outlined in Article 9.1.6.B. of the zoning ordinance for granting a Conditional Use Permit (CUP) as they pertained to the previously approved building expansion and associated site improvements, as recently amended.

There was no further discussion, and Chairwoman Corson asked if there were any abutters or interested parties who wished to speak on the application. There was no public testimony; the public portion of the meeting was closed.

***Mr. Plumer moved to approve the Conditional Use Permit (CUP) for the proposed building expansion and associated site improvements, as presented; second by Ms. English. VOTE: Unanimous. Ms. Corson and Mr. Cameron abstained.***

***Mr. Plumer moved to grant the request for an extension of the conditional approval for the original project (PB Case #2813) granted on March 12, 2009, subject to the modifications approved in conjunction with the aforementioned Conditional Use Permit. The conditional approval for this project shall expire on March 12, 2012. Motion was seconded by Mr. Knowles. VOTE: Unanimous.***

## **OTHER BUSINESS**

### **Election of Officers**

***Ms. Sideris moved to nominate the current slate of officers to maintain their current positions for the upcoming year, as follows: Ms. Corson as Chairwoman, Mr. Knowles as Vice-Chair and Mr. Plumer as Clerk; second by Mr. Ferraro. VOTE: Unanimous. Ms. Corson and Mr. Cameron abstained.***

### **Appointment of PB rep to Historic District Commission (HDC) and Heritage Commission (HC)**

Chairwoman Corson again announced that the Planning Board representative positions on both the Historic District Commission (HDC) and the Heritage Commission (HC) remained vacant. She briefly reviewed each of the commissions' purpose and noted that they typically meet once a month in the evening (HDC meets on the 3rd Thursday and HC meets on the 1<sup>st</sup> Wednesday -- of the month). She indicated that she would defer action on this until the Board's next meeting and asked that Board members consider their availability to fulfill these vacancies.

### **May 26<sup>th</sup>, 2011 meeting**

There being no business scheduled for the Board's next meeting, consensus was to cancel the meeting and enjoy a longer holiday weekend. The next scheduled meeting of the Board will be Thursday, June 16<sup>th</sup>, 2011.

**'Form-Based Codes' Presentation - Thursday, May 19<sup>th</sup>, 2011**

Chairwoman Corson reminded the Board about the presentation on 'form-based codes' being provided by Mr. Jeffrey Hyland of IronWood Design Group and being hosted by the Historic District Commission (HDC). She indicated that this presentation was coordinated by the Heritage Commission (HC) and the HDC in conjunction with their on-going discussions regarding a proposal to expand the High Street and Downtown Historic Districts to include a portion of Portsmouth Avenue. The HDC meeting is scheduled for next Thursday evening, May 19<sup>th</sup> at 7:00 PM.

Ms. McEvoy noted that there had been reference made to a website containing general information about the 'form-based code' concept and she would forward it to the Board for their review.

**Zoning Ordinance Review Committee (ZORC)**

Ms. von Aulock noted that the Zoning Ordinance Review Committee (ZORC) was also in need of a Planning Board representative to replace Ms. Amy Bailey. She indicated that the meetings were held during the day and typically about 1 ½ hours. ***Mr. Cameron volunteered to fill the vacancy.***

**APPROVAL OF MINUTES: April 28, 2011.**

***Ms. English moved to approve the minutes of April 28, 2011, as written; second by Mr. Knowles. VOTE: Unanimous. Messrs. Ferraro and Raum abstained.***

**TOWN PLANNER ITEMS**

Ms. von Aulock reminded the Board about the NH OEP Annual Spring Planning & Zoning Conference on Saturday, June 11<sup>th</sup>, 2011 in Manchester. She asked Ms. McEvoy to send along the website link for members to register online. She indicated that she would not be presenting her Plan Reading and Analysis class as she has in past years at the conference, but did plan to offer the class for the town boards, commissions and/or committee members sometime in late June of July and would most likely be held at the Library.

**REPORTS ON "OTHER COMMITTEE" ACTIVITY**

Mr. Ferraro updated the Board on the recent Board of Selectmen discussions and their decision to temporarily suspend Section 502.2 of the Town Ordinance pertaining to Highway and Sidewalk Obstruction, which specifically addresses signs within the town ROW. He indicated that in the interim, his charge was to work with Code Enforcement Officer Doug Eastman to craft more appropriate language for this section as well as to incorporate their thoughts with the upcoming ZORC discussions on temporary signage. He represented that the goal to be achieved was to eliminate the overlap between the town ordinance and the zoning ordinance and to draft language that will provide further clarification of sign uses permitted on both public and private property.

**CHAIRMAN'S ITEMS** - None

There being no further business before the Board, ***Mr. Knowles moved to adjourn; second by Mr. Plumer. VOTE: Unanimous. The meeting was adjourned at 9:00P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, June 16<sup>th</sup>, 2011, at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

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