

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, Members: Carol Sideris, Ian Raum, Alternate Members: Clerk Lang Plumer and Pete Cameron, and Town Planner Sylvia von Aulock. It was noted that all board members in attendance would be voting.

**NEW BUSINESS: PUBLIC HEARINGS**

**The continued public hearing on the application of 81 High Street LLC for a minor site plan review and Conditional Use Permit for the proposed construction of two garage structures and associated site improvements on the property located at 81 High Street. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #71-97. Case #21115.**

Mr. Dennis Quintal, P.E. with Civil Construction Management, Inc. was present to address the Board on behalf of the applicant. Mr. Steven Wilson and Attorney Ed Woicak were also present. Mr. Quintal began by reviewing the proposed site plan and identifying the revisions made subsequent to the last meeting. These revisions included:

- removal of the 4-bay garage structure previously proposed on westerly side of the site
- three (3) additional bays to be added to the proposed garage structure (providing a total of 9 spaces)
- reconfiguration of the 'open-air' parking spaces along westerly property line (5 spaces added for total of 11 spaces). Total parking spaces required for development = 17; 20 spaces are being provided.
- the existing barn (carriage house) will be utilized for residential use only with the potential for two units – no parking to be provided in structure
- a designated 'no-parking' area adjacent to existing barn added to assist with vehicular turning movements
- detail plan sheet was revised to include the proposed fence and lighting fixture details, as well as passenger vehicle turning radius diagram.

Mr. Quintal concluded his presentation and asked if the Board had any further questions.

Chairwoman Corson thanked the Applicant's team for taking the Board's comments and concerns into consideration and providing multiple revisions to the proposed site plan.

Ms. von Aulock suggested that the final plans depict the 'patio area' previously mentioned so it would be clear that they were approved as part of the site plan. Mr. Wilson indicated that he was proposing an approximately 4'x 8' area outside each door entrance.

Mr. Knowles inquired as to whether the proposed site plans had been reviewed by DPW. Ms. von Aulock indicated that she had not received any comments from either DPW or the Fire Department. She stated that the Fire Department would review the plans as part of the building permit process and noted that typically they will send the plans out to their consultant for an engineering review. Mr. Knowles requested that the sewer line connection to the existing barn (carriage house) be reviewed by DPW. He also noted that the proposed reduction in the pavement thickness would have to be reviewed by the Town Engineer. For clarification, he suggested that the number of units being developed in the main house be depicted on the plan.

Mr. Wilson indicated that there was clear representation to the Zoning Board of Adjustment (ZBA) that the proposal would not exceed a total of 24 bedrooms and 17 units. He stated that fourteen (14) units were being proposed with twelve in the main building and two in the existing barn (carriage house). He noted that the number of proposed units was identified in the parking calculations, but would change the existing label on the main building from "bedrooms" to "units" as suggested.

Mr. Raum expressed his objection to the waiver request from the wetlands setback requirement for the construction of the garage structure. He suggested that by reducing the length of the proposed structure by eliminating the last parking space would reduce the encroachment within the wetland setback. Ms.

von Aulock responded that expanding the length of the proposed garage structure was suggested during discussion with Mr. Wilson as an alternative to eliminating the garage structure originally proposed on the westerly side of the property.

Mr. Plumer shared that he was pleased with the outcome of proposed revisions and thanked Mr. Wilson and his representatives for addressing the Board's comments and concerns.

For the record, Chairwoman Corson still maintained that parking space #9 would be a tough maneuver; however, she would not be the tenant. She noted her concern that she did not want to see any parking issues spilling out onto High Street.

Ms. Sideris commented that although she had not attended all of the meetings on this project, she was supportive and found the building to be attractive and thought it was an excellent use of the site.

Mr. Cameron mentioned that there were numerous items discussed with the Applicant at the last meeting and as best as he could find from his notes, it appeared that the Applicant had satisfied all of them.

Chairwoman Corson noted that the Applicant still needed to go to the Historic District Commission (HDC) for review and commented that she believed it was scheduled for later this month. She inquired as to there being any changes to the existing barn (carriage house) and what it was going to look like. Mr. Wilson responded that they had submitted an application to the HDC, and had asked that review of the existing barn be considered at a later date. He explained that given the latest change to remove parking from this structure, he wanted to conduct some further research before finalizing the interior plans for the residential occupancy of the structure. He did however indicate that a symmetrical entrance and the addition of six or eight double-hung windows that had historically occurred were being proposed. He noted that these windows had been covered over when the structure was moved to its current location. In addition, he mentioned that the vinyl siding would be removed and a change in color was proposed.

There being no further discussion at this time, Chairwoman Corson asked if there were any interested parties who wished to speak on the application; there were none. The public portion of the hearing was closed and Board discussion resumed.

Ms. von Aulock stated that she was uncertain how impact fees would be applied to this proposal. She recalled in the past, the Board had been provided with a waiver request from the requirement for school impact fees for age-restricted development. She suggested that it may warrant an opinion from Town Counsel. Mr. Plumer expressed concern about the Board making a 'precedent-setting' decision. Ms. von Aulock commented that the age-restriction (55+) was clearly established by the Zoning Board of Adjustment (ZBA Case #1423, July 2011) variance approval, and noted that the parking requirement was also based on 'elderly housing'. She indicated that the applicant would have to return to the ZBA for further review if indeed the project were to be solely multi-family use and not age-restricted (elderly) housing, as represented.

Attorney Woiccak responded that the ZBA letter of decision specifically referenced "age-restricted" development. He pointed out that Section 11.4.4 B. of the ordinance speaks to impact fees being assessed as a result of new development as it relates to "the conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of residential units." He affirmed that the conversion (as proposed and presented to the ZBA) would not be exceeding the number of bedrooms which had previously been utilized by the nursing home use, and therefore not have any net increase. He stated that he did not believe any impact fees would be applicable.

The Board discussed and took action on the following waiver requests as submitted by the Applicant:

**9.9.2 Wetlands Setback** – Relief was requested for the temporary disturbance within the buffer area for the construction of the treatment swale. Permanent relief was requested from the 75' setback for encroachment of parking spaces #8 (partial) and #9, the sidewalk and pavement. ***Mr. Plumer moved to grant the waiver, as requested; seconded by Mr. Cameron. VOTE: 5-1. Mr. Raum opposed.***

**9.5.1.4** – Relief was requested for minor grading within five feet (5') of the westerly exterior property line in conjunction with the additional parking and proposed fence to be installed. **Mr. Plumer moved to grant the waiver, as requested; motion seconded. VOTE: Unanimous.**

**9.13.7.3** - Relief was requested from the requirement for 3" binder course of pavement. It was noted that this was a DPW construction standard and would require review and approval by Town Engineer Paul Vlasich. **Mr. Knowles moved to grant the waiver, as requested, subject to review by DPW; seconded by Mr. Cameron. VOTE: Unanimous.**

Board discussion ensued relative to the issue of impact fees. Chairwoman Corson suggested that the issue of applicability be reviewed by Town Counsel. Mr. Plumer commented that the recreation impact fee may apply, although he recalled the Board granting partial waivers from this requirement for both the Meeting Place and Sterling Hill developments. Attorney Woicak stated that his client was agreeable to the Board making a decision 'subject to' approval of Town Counsel and would return to the Board, if it was determined to be necessary.

**Mr. Plumer moved to grant approval of the minor site plan and Conditional Use Permit, as presented, subject to the following conditions:**

- 1. All requests of the Planning Board to be addressed, including but not limited to:**
  - **All waivers granted by the Board and conditions of approval, including the Conditional Use Permit (CUP), be noted on the plan;**
  - **Review and approval of the proposed development be obtained from the Historic District Commission (HDC);**
  - **The proposed plans be reviewed and approved by the Fire Department and Public Works Department, including the proposed sewer connection to the carriage house and details of the paving.**
  - **The proposed outdoor lighting be shielded with frosted glass or housed within the body of the light fixture.**
  - **Proposed patio locations on the east side of the building to be depicted on the plans;**
- 2. All final revisions to the plans, agreements 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, sewer/water connection fees, applicable impact fees, inspection fees, and other agreed upon improvements;**
- 4. The Applicant shall submit an executed Site Review Agreement for Board signature;**
- 5. All site improvements, with the exception of the final coat of pavement, shall be completed prior to a Certificate of Occupancy being issued;**
- 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 shall be completed within two years from the date of final approval.**

**Motion was seconded by Mr. Cameron. VOTE: 5-1. Mr. Raum opposed. MINOR SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL GRANTED.**

**PROPOSED AMENDMENTS TO THE TOWN OF EXETER ZONING ORDINANCE.** (Copies of the full text of the proposed amendments are available at the Planning Department Office in the Town Office Building.) It was represented that this was the second public hearing on the proposed amendments being considered for the 2012 Town warrant.

**Amendment #1:**

- **Amend Article 2 Definitions by adding a definition for "Abandonment" as follows: "Abandonment: To stop the use of property or activity without the intent to resume. When the use of a property has ceased for a period of 12 consecutive months, intent to abandon will be presumed unless the owner can show that a diligent effort has been made**

**to sell, rent, or use the property for that use. Signs that are not in use for greater than one year will be deemed to be abandoned regardless of the intention of the owner." Also renumber sections in Article 2 and correct definition references throughout the ordinance as needed.**

Board discussion ensued relative to when the time clock would begin for consideration of 'abandonment' and what would constitute a diligent effort to actively market the 'non-conforming' use. Ms. von Aulock indicated that the proposed language had been reviewed by Town Counsel and was found to be appropriate. She added that the proposed definition would provide clarification for the Zoning Board of Adjustment.

Mr. Cameron commented that no two instances would be the same, therefore making it difficult to define specific parameters for when such a time clock would begin. He inquired about further discussion of this amendment at Town Meeting. Chairwoman Corson explained that there was no discussion of the proposed zoning amendments at the deliberative session, as the Planning Board has provided the appropriate forum for public comment. She indicated that the proposed language would appear on the ballot, as approved by the Planning Board.

There being no further discussion, Chairwoman Corson asked if there was any public comment; there was none and the hearing was closed.

***Mr. Plumer moved to sponsor the proposed amendment, as written, to be placed on the warrant for 2012 Town Meeting; motion was seconded. VOTE: Unanimous.***

**Amendment #2:**

- **Amend Article 5.7.3.D.1, Right-of -Way Limitations: to read as follows: "No sign shall be erected or placed within a public street, sidewalk, bicycle path or any Town right-of-way except as provided in Section 502.2 of the Town Ordinance."**

Ms. von Aulock indicated that ZORC discussion was the preamble for this proposed amendment. She indicated that Mr. Ferraro had suggested that the zoning ordinance be amended to make reference to and conform with recent changes made by the Board of Selectmen to Section 502 of the Town Ordinance with respect to signs permitted within the town right-of-way (ROW).

There being no further discussion, Chairwoman Corson asked if there was any public comment; there was none and the hearing was closed.

***Ms. Sideris moved to sponsor the proposed amendment, as written, to be placed on the warrant for 2012 Town Meeting; seconded Mr. Cameron. VOTE: Unanimous.***

**Amendment #3:**

- **Amend Article 5.7.7, Sign Ordinance for the Historic District-Commercial Zoning Districts by revising the title "Commercial" to "Non-Residential" to make the title consistent with the title of Article 5.7.5"**

It was noted that the board voted unanimously at their last meeting (12/15/11) to sponsor this amendment and have it placed on the 2012 Town warrant.

**OTHER BUSINESS**

**APPROVAL OF MINUTES:** - None

**TOWN PLANNER ITEMS**

Ms. von Aulock announced that the next meeting was scheduled for Thursday, January 26<sup>th</sup>, 2012 and the only pending business was a possible bond reduction. She indicated that if it was not a time-sensitive issue, she would suggest moving it to the February 9<sup>th</sup> meeting.

**REPORTS ON "OTHER COMMITTEE" ACTIVITY**

Mr. Plumer reported on the Rockingham Planning Commission (RPC) meeting held in Newton, NH last evening and noted the following topics were discussed:

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

- Planning discussions for proposed 'round-a-bout' on Route 108 in Newton in an effort to resolve an intersection issue
- Traffic-calming project focusing on Main Street in Plaistow, NH
- Proposed legislative bill to eliminate RPC – urge towns to contact legislators
- Proposed legislative bill to change the how the proceeds from Town current use taxes are handled (allocation to Conservation Commission funds v. General Fund).

**CHAIRMAN'S ITEMS**

Chairwoman Corson indicated that she had received an e-mail from Selectmen's Representative Frank Ferraro with an update relative to the environmental concerns expressed at the Board's last meeting with regard to the Town's consideration to purchase the "Getty" property. He represented that the Town did have the environmental report and the 2007 New Hampshire Department of Environmental Services (NHDES) correspondence, but that "clearance" of the site had not yet been issued, and noted that the final testing was to be completed in the spring 2012.

Ms. von Aulock reported that the Exeter Economic Development Commission (EEDC) had been discussing the potential for creating an "ER"-Economic Revitalization zone along Epping Road. She indicated that she had prepared a proposed draft of an ER zone for the town and provided it to EDC members for review, and was currently working on developing an application for this process. The draft described the ER zone as a short-term, tax credit against the business profits and enterprise taxes; a program administered by NH Economic Revitalization Zone Tax Credits Program. She noted that the Board of Selectmen would also be discussing this proposal at their January 23<sup>rd</sup>, 2012 meeting.

Chairwoman Corson mentioned that there was a Zoning Ordinance Review Committee (ZORC) meeting coming up next week.

There being no further business before the Board, ***a motion was made to adjourn; second by Mr. Plumer. VOTE: Unanimous. The meeting was adjourned at 8:30 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, January 26, 2012 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