

EXETER PLANNING BOARD

MINUTES

JUNE 7, 2012

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: Gwen English, Katherine Woolhouse Alternate Members: 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.

NEW BUSINESS: PUBLIC HEARINGS

TUCK REALTY CORP. – PB CASE #21203

The application for a minor subdivision of a 2.1-acre parcel located at 137 Court Street into two single family residential lots. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #95-3.

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

Mr. John Krebs, of Tuck Realty Corp. was present to address the Board. He identified the subject property as being a 1.8 -acre parcel located in the R-2, Single Family Residential zoning district and currently owned by Ms. Norma McGarr. He explained that a 50' wide private right-of-way (ROW) was being proposed to provide access and frontage for a new lot to the rear of the parcel. He noted that the Board had granted approval of a similar design several years ago for a property just south of the subject site (N/F Brown at 141 Court Street). He noted that the immediate abutter, Ms. Lori Grady (at 139 Court Street) had been impacted by drainage issues that occurred subsequent to the development of the newly created lot on the Brown property. Mr. Krebs stated that he had reviewed the proposed plan for the subject property with Ms. Grady. He described the details of the drainage swale being proposed along the driveway and indicated that a rain garden was also proposed for Lot A. He noted that the roof drains of the proposed structure to be constructed on this lot would outlet into the rain garden. Mr. Krebs indicated there would be no additional drainage impact to the abutting properties as a result of the subdivision.

Mr. Knowles noted that the plans provided to the Board in their mailing were obviously not the same as the plan Mr. Krebs was presenting. He inquired as to when the revised plans were submitted. Mr. Krebs responded that after meeting with Ms. von Aulock late last week, several revisions had been requested and the plans were submitted on Monday, June 4th. Mr. Krebs continued and identified the revisions that had been made. Ms. von Aulock interjected that the additional changes could have easily been conditions of an approval.

Mr. Knowles stated that the plan, as presented, did not comply with the Town's dimensional regulations with respect to lot width/frontage requirements and the 10% minimum lot coverage requirement for the Aquifer Protection District. He stated that the width of the private ROW could not be included in calculating the lot width/frontage of the existing lot; he indicated that the 52.61 foot measurement could not be double-counted. He also expressed some concerns relative to the parcel's proximity to the floodplain.

Ms. von Aulock commented that the design of the proposed private ROW was consistent with what the Board had done in the past. She stated that she had consulted with Code Enforcement Officer Doug Eastman and he also concurred; she noted that Ms. McEvoy (Deputy CEO) was also present for any further clarification.

Ms. McEvoy indicated that the Board, on multiple occasions, had approved the creation of a private ROW to provide lot width/frontage for a single lot (i.e. pork-chop lot). She noted that only one lot could be served by the private ROW and that the portion of the lot impacted by the ROW could not be considered as part of the required lot size. She also indicated that the private ROW was to be a minimum of 50-feet in width and could be included as part of the calculation for the minimum lot width/frontage requirement of the existing lot. Mr. Knowles indicated that he could not recall any such approvals during his time serving on the Board. Ms. Woolhouse and Ms. English mentioned they had some recollection of the issue from previous applications.

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

Ms. Lori Grady, 139 Court Street, addressed the Board and stated that she was not opposed to the proposed development of a new home on the property but was concerned about the potential for more water being shed onto her property. She explained that there was a great drainage impact to her property when the property at 141A Court Street was developed and she has spent a considerable amount of money to rectify the problem. She noted that the existing swales handled the present constant flow of water efficiently.

Chairwoman Corson suggested that it would necessary to inform the new owner prior to any development commencing of the importance of the drainage and water issues. Mr. Krebs pointed out that the property at 141 Court Street (previously approved) was not heavily treed as is this lot, and noted that was a significant difference.

An unidentified resident asked for an explanation of the term "*rain garden*". Ms. von Aulock explained that it was a slight depression in the ground, of any shape or size, and landscaped with plants to collect and absorb surface drainage run-off. She noted that it was necessary for the landscape plants used in the garden to be very tolerant of wet and/or dry conditions. Chairwoman Corson commented that a rain garden had been constructed most recently at the Exeter Public Library and another in the cul-de-sac of the Linden Commons development; Ms. von Aulock added that Phillips Exeter Academy had several at different locations throughout their campus.

Mr. Cortina, an abutter at 135 Court Street, inquired about the location of the proposed home and noted that the rear of this property was primarily wooded at present. It was represented that the limits of clearing were depicted on the plan and that most likely the proposed home would be located in that area. Chairwoman Corson asked Mr. Krebs for further clarification. Mr. Krebs indicated that although he was not certain what type of home would be constructed, he confirmed it would be built in the cleared area and would comply with the required building and wetland setbacks.

There being no further public testimony at this time, Chairwoman Corson closed the public portion of the hearing and further Board discussion ensued.

Mr. Knowles indicated that he was not prepared to take any action on the proposed plan this evening. He requested that the Applicant provide drainage calculations and submit revised plans for review at a future meeting. He stated that the Board needs to be cognizant of the existing water (drainage) issues when considering the application.

Ms. Kelly Mitchell, 8 Gary Lane, confirmed that the surrounding neighborhood has always had water issues.

Ms. Norma McGarr, current owner of the subject property, indicated that during the seven years she has resided there she had not experienced any water problems other than the Mother's Day flood and that her sump pump handled it adequately. She noted that the drainage swale to the south of her property was constructed after the Brown subdivision occurred as Ms. Grady indicated and has functioned effectively for several years. She welcomed Board members to come and visit to observe the drainage.

There being no further public comment, Chairwoman Corson again closed the public hearing and brought discussion back to the Board.

After summarizing some of the previous Board discussion, Ms. von Aulock indicated that it would be necessary to add the following details to the plans for re-submission:

- Detail and cross-section of the driveway
- Drainage calculations and plan detail for grading (driveway and buildable area)
- Survey points of the 'limits of clearing' area be added to the plan and flagged in the field
- Size of the proposed rain garden be added to the plan (must accommodate the square footage of the foundation)
- The location (footprint) of structures on the abutting properties

She also indicated that she would contact Town Counsel to obtain a legal opinion on the zoning issue brought forward by Mr. Knowles relative to the lot width/frontage requirement and the proposed private ROW.

Ms. von Aulock indicated that it had been brought to her attention that the Town's burn and/or ash dump had been located in this approximate area back in the 1930's and 40's with limits of the area unknown. She noted that this information had been disclosed during the Board's review of the subdivision at 143-145 Court Street in 1997 (PB Case #9717, RCRD Plan #D-26413). Subsequently, the lots became developed and compaction tests were required as part of the building permit process. She indicated that although it would not be required as a condition of any approval the Board may grant, she strongly urged that this information be disclosed to any future owner(s).

Mr. Knowles reiterated his request for the Applicant to provide additional information to the Board relative to drainage issues. He indicated that it was the Board's charge to protect abutters from being impacted by proposed new development.

Mr. Krebs indicated that he understood the Board's concerns and would accommodate their requests. He asked if it would be necessary to have an engineers' stamp on the plan. Ms. von Aulock responded that although it was not a requirement, it would be advisable given the concerns raised. He inquired if tabling the application until the next meeting would provide ample time for a legal opinion to be sought. Ms. von Aulock responded affirmatively and asked that all additional materials be submitted to the Planning Office in a timely manner for review and mailing.

Following up on Mr. Knowles' earlier statements, Ms. English concurred that there should be no impact to abutting properties. She strongly suggested that any approval the Board may consider must include the condition that the driveway be constructed of pervious materials. Ms. Woolhouse also concurred.

Mr. Cameron moved to table further discussion of the application until the Board's next meeting on June 21st, 2012 to allow for a legal opinion to be obtained from Town Counsel and to give the Applicant adequate time to have the additional details (as requested by the Board) added to the plan; second by Ms. English. VOTE: Unanimous.

OTHER BUSINESS

COMMUNITY GRANT PROGRAM – "FORM BASED CODE"

Chairwoman Corson indicated that she had been contacted by Selectwoman Julie Gilman and asked to speak with the Board about providing a letter of recommendation for the "Form Base Code" grant she has been working on. She indicated that the purpose of the grant was to hire an experienced consultant to address the logistical needs involved with organizing the creation of code standards and public education necessary to adopt such a code.

A motion was made to support Ms. Gilman's request and to provide a letter of recommendation from the Board to be included as part of the grant application; second by Mr. Knowles. VOTE: Unanimous.

APPROVAL OF MINUTES: Minutes of May 24, 2012 were not available for Board action and deferred until the Board's next meeting.

TOWN PLANNER ITEMS

Reminder: Capital Improvements Program (CIP) presentations by Town department scheduled for the August 9th, 2012 meeting.

REPORTS ON "OTHER COMMITTEE" ACTIVITY – None

Mr. Cameron asked for clarification of the next Zoning Ordinance Review Committee (ZORC) meeting. Ms. von Aulock indicated that it was Wednesday, June 20th at 8:15 AM.

CHAIRMAN'S ITEMS - None

There being no further business before the Board, ***Mr. Knowles moved to adjourn; second by Mr. Cameron. VOTE: Unanimous. The meeting was adjourned at 8:10 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, June 21st, 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

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