

EXETER PLANNING BOARD

MINUTES

October 10, 2013

revised

Chairman Ken Knowles called the meeting to order at 7:00 PM in the Nowak Room on October 10, 2013

PRESENT: Chairman Ken Knowles, Vice Chairwoman Kathy Corson, Selectmen's Representative Frank Ferraro, Members: Gwen English, Katherine Woolhouse, Pete Cameron and, Alternate Members: Clerk Langdon Plumer, Kelly Bergeron and, Town Planner Sylvia von Aulock
Recording Secretary: Administrative Assistant to the Planning and Building Departments: Leigh Burley

It was noted that five regular board members and three alternates were present. He stated the board members plus Kelly Bergeron and Langdon Plumer would be voting on the first case.

**NEW BUSINESS: PUBLIC HEARINGS PB Tax Map Parcels #51-1, #51-3, #51-3.3 and #51-3.4.
All properties are located in the C-2, Highway Commercial zoning district. Case #21305.**

The application of Rollinsford Associates, LLC for a non-residential site plan review and Conditional Use Permit for the proposed construction of a 4,800 square foot retail/service Building and associated site improvements on the property located at 146 Portsmouth Avenue. Tax Map Parcel #51-1- The Applicant is also requesting a lot line adjustment with abutting Properties (under same ownership), for the purpose of creating a more suitable commercial Development lot along Portsmouth Avenue.

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

Attorney Mike Donahue: Representing Rollinsford Associates, LLC. Expressed his client has had a positive interaction with the Conservation Commission and has received their endorsement for the proposal and the wetland fill permit. The NHDES permit has also been granted for this project.

First: the lot-line adjustment, Mike indicated to the map on the easel has a box that is clearer for the board to read. The lot- line adjustment increases the McDonald's property from .59 to 1.6 acres. The Planning Department facilitated Rollinsford Associates to work with McDonalds and they are in full agreement.

Second: The parcel along the Wentworth property, Mr. Donahue stated that land was re-deeded back to Rollinsford Associates from the DOT after the route 101 construction finished.

Third: He indicated this property abuts a protected Conservation Easement area already in place. They'd like to tie this property in for a potential trail out to Portsmouth Ave. John Lordan from the LLC was there to explain.

4800 SQ. FT. service/retail area with 17 parking spaces with loading space and the disposal are hidden in the back of the building.

- Walking trail access to the north
- A retaining wall to buffer the wetland
- They have a 50 year storm drainage system
- Infiltration- treatment for the catch basin
- All utilities- underground on Route 108, electric, gas, water, sewer
- Fixtures are led, full cut off and are dark sky compliant, mounted at 80 feet

- 10:00 PM light reduction

Waivers sought:

1. Grading at wetland setback 50 feet of poorly drained soil
2. Grading at wetland setback 40 feet of very poorly drained soil
3. Requesting 1 off loading parking space where 2 are required

Brandon Quigley from Environmental Services

- Minimize buffer impacts-gravel wetlands- protect Parkman Brook
- The Wetlands on the sight are old thick scrub field growth that typical of a 20-30 year growth and gave examples
- A gravel wetland design is beyond what is required and will act as a buffer to protect the more sensitive wetlands downstream
- The grading required, they will reestablish the native vegetation and will take place on every slope

Chairman Knowles asked the board for questions they might have.

Mr. Donahue explained the 3.4 lot as it is today is being divided up, the back part is being bisected and a good portion is going to the town. It's not part of the proposal, but is associated with other parcels. Lot 3.3, there is no lot line proposal.

Langdon Plumer wanted confirmation on the light regulations. John Lordan assured Langdon Plumer the lights are pointing down.

Mr. Donahue ensured Gwen they want to protect the high value of the wetland and give it back to the town. Gwen asked about the other side of the retaining wall where the fill ends, and what will be put there for stability. Mr. Quigley said it would be in a natural state, and a wall. Ms. Corson asked how tall the wall will be and Mr. Lordan indicated it would be 0- 14 ft. at the highest point being in the middle, and a fence will be inside. Gwen asked if the road will need be maintained. John suggested gravel wetland in the future according to UNH, ongoing maintenance. Mr. Quigley explained there would be sand for sediment to go through and there would be access to it if there should be any structural needs, it is self sustaining, but Best Management Practices may need to intervene structurally.

Ms. Von Aulock noted a reminder to all involved and that this must town requirements, that the board is in agreement; and there would need to be an engineer – The future MS4 permit the town will have to oversee. Ms. English wanted an explanation of the 50 year storm: In accordance with the regulations- Mr. Lordan said they went above the 25 year storm regulations-40,000 sq ft disturbance. There is a foot for a 50 year storm.

Detail curbing question from Mr. Knowles, John said it is a combination slope vertical concrete curb outside and granite curbing on the inside. On note #12: during larger snow events- the snow will need to be hauled off site. Chairman Knowles suggested reviewing the concrete curbing as snow plows can damage and concrete is hard to repair. His next concern was the Leeching catch basins 1 & 2 on the south side of the lot. Mr. Lordan stated it was recommended by the town in technical review before he came on board this project. TSS removal sediments and oils removed prior to the basins being placed. Mr. Knowles suggested pretreatment of the stones before placing around the catch basin.

Landon Plumer asked if there will be changes from the poorly drained soils to a gravel wetland and advancing it. The design is to keep it from infiltrating into the ground. John explained: an impermeable layer will help that process to help keep it moving out.

Opened to the public: There were none.

Back to the board: Chairman Knowles said it would be beneficial for the board to have a site visit and would like to review it. Since there is a walking traffic pattern near McDonalds, he suggested how nice it would be to have the proposed plan in front of you while on the walk. Mr. Plumer agreed. Comments from Town Planner Sylvia von Aulock- to inform the board, said this application was an interesting and items outstanding. There is some discussion and concern by the fire department about accessing the property. The work done by the applicant is appreciated.

Mr. Knowles questioned what the concern was. It was explained that access to the property should not require the fire trucks to do a U-Turn at the lights, to access the property. He commented a discussion with Lt. Paul Morin of the Exeter Fire Department and the fire chief, and they would like the median flush to the pavement, and any drainage issues be constructed appropriately. Mr. Lordan explained there would be delineators placed in that area, reflectors and such, when driven over they would pop back up. Attorney Donahue said they're not opposed and are willing to work with them. Mr. Ferraro's concern is that any driver could drive over them. Mr. Lordan explained most people don't know the delineators are flexible.

Mr. Knowles gave feedback on the waivers:

- **Section 9.5.14** – no grading within 5 ft of a property line

- **Section 9.12.1** - off street loading - the applicant requested 1, but 2 are required, due to the square footage of the property

- **Section 9.9.2** - from 40 foot setback to poorly drained soils and 50 foot setback to very poorly drained soils, and the 75 foot setback for structures and parking.

Mr. Knowles asked if there were any other concerns from the board, he then asked for a time for the site walk. Ms. VA suggested 4:00 PM before the scheduled, October 24, 2013 PB meeting. Mr. Donahue believes they will be ready on the 24th. Ken suggested staking out the land before the site walk. Ken asked for a motion to continue to the 24th. Langdon Plumer moved and Ms. Corson seconded. The vote was affirmative and unanimous.

Attorney Donahue explained the only thing that would keep them from moving forward would be maintaining access from the McDonald's site, but he said they are working on moving forward with that issue. This case ended and the next case was ready to be heard.

The application of Burrell York (on behalf of the Exeter Sportsman's Club) for a minor site plan Review for proposed installation of lighting at the backstop area of the gun range. The subject Property is located at 111 Portsmouth Avenue, in the C-2, Highway Commercial zoning district. Tax Map parcel #65-123. Case # 21317.

It was noted that five regular board members and three alternates were present. He stated the board members plus Ms. Corson and Langdon Plumer would be voting.

Chairman Knowles 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 Langdon Plumer *moved to accept the application*

thereby beginning the 90-day clock for the Board to act; Frank Ferraro seconded the motion. VOTE: affirmative and was Unanimous. APPLICATION ACCEPTED.

Chairman Knowles said that the 5 regular members plus Ms. Corson and Mr. Plumer would be voting and asked Kelly Bergeron if that was ok with her. She agreed.

Butch York – The past president of the Exeter Sportsman’s Club, Inc. presented a Power Point, an amplification of what was in the board member’s packets.

The PowerPoint started off with the explanation of the lighting:

- Improve member safety
- 50 foot candles
- Lighting scheduling- Club members to turn on, he explained how members use the range and their responsibility for timing
- Suppliers for the lighting:
 - o Manufacturer- Lithonia Lighting, Inc
 - o Engineering- Visual Lighting, Inc
 - o Distribution- Rockingham Electric, Inc
- Led technology will minimize light spill and is energy efficient
 - o called “Narrow Spot”
 - o Beam angle- they are most interested in
 - o Field angle
- 25 yd shoot house roof
 - o No Blue Sky” Cross Members”
 - o Side berm is 8 ft high
 - o If looking up, one sees timber or to the side- dirt, so rounds stay on the range
 - o Back stop is 20 ft high
 - o 4-15 ft high poles (telephone poles)
 - o The light terminates in the back stop

Ms. English asked how many lights would be used and Mr. York replied that they will be using four, two on the center pole and one on each out pole; and electricity is already out there. Mr. Cameron asked if each individual has an hour time frame. Mr. York explained they could be there as long as they wanted, however, if another individual arrives, the first person has an hour to finish up. Not the time of their arrival, but the time of another member arriving. Ms. Corson asked if there will be shooting at 7:30 PM. Mr. York explained: the range is a carry-in and carry-out range, and clean up would need to be done before the member left. If the lights were to go out by 7:30, and the member wasn’t finished cleaning up, the timer would be reactivated for another hour. There is no shooting after 7:30 PM as per the rules and those rules are posted, he said. Mr. York also confirmed there is also surveillance on the premises to promote those rules. Ms. Corson asked if the lights would be available in the morning, he explained the lights wouldn’t need to be used even on a cloudy day, but yes, they are available. Ms. Corson explained the map provided that evening is one that does not have enough information. It doesn’t show where the abutters and the range itself in reference to one another

Mr. Knowles mentioned the requirement would be a map that shows the abutters and the range, he also asked what the measurement was at the target line is: The “do not shoot above” a yellow line. Ms. Corson would like to see a plan/map as other applicants have provided in the past, and a site walk would be a good idea. Mr. Plumer asked if the light is any different to an automobile headlight. Mr. York agreed it wasn’t. Frank Ferraro said he understood the lighting and he wouldn’t need a site walk to visualize.

There was more discussion about the lights, the beams of light and the dark sky compliancy and Chairman Knowles informed Mr. York the town has requirements for this and he would need a hardship waiver or provide a plan made by an engineer for said waivers. Place lighting on the berm that shines down at the targets, suggested Mr. Knowles. Mr. York replied that the engineers would have to evaluate if the lighting were pointed down and Mr. Knowles said the lights need to be horizontal to the ground and that is the dark sky compliancy, a 90 degree cut off.

Ms. Corson said she would like to see the range before and after the berm is constructed.

Mr. Plumer said another option would be that a brim could be put over the lighting to contain it.

Ms. Von Aulock said she went to the website and shields are available. She also asked if the board could see an example of the lights at another location so the board could go see them on their own. Mr. York said he would consult Rockingham Lighting if there is a location.

Chairman Knowles asked if the board had any questions: There were none.

The discussion was opened up to the public where Len Benjamin came to the microphone. He asked if or when the lighting was approved, that it be reviewed and approved by the Board of Selectmen. He explained the lights would create more use and noise. He said it was the Board of Selectmen's responsibility as it was an agreement in the lease. Jim Savilian said the current lease said shooting was allowed until 7:30 PM originally. He went to mediation 30 years ago to determine proper hours. On Sundays, shooting wouldn't start before 10:00 AM and then listed more hours throughout the week. There are many more members and said the increase in shooting is significant at this time.

Back to the board: Mr. Ferraro said the issue of the lease said was brought up at the Board of Selectmen meeting and decided to have the town attorney take a look at the lease and see what's required. There's disagreement amongst some on the Board of Selectmen and the residents. He explained the planning board needs to deal with this case, and not put a condition on it as the board of selectman may not want it back or it may not need to go back. If the BOS needs to approve or disapprove they would take it on at that time. He said he wouldn't recommend that any conditioning that it be approved by the BOS. He thought the agreement on the hours of operation should be between the club and a group of people. He didn't think it was part of the planning board to decide what the hours are.

Chairman Knowles said he would like a continuance and if Mr. York received any answers from the engineers about the Dark Sky Compliancy to contact the Ms. Von Aulock. Ms. Von Aulock said she would like to hear from Mr. York to see where else the lights might be other than the club as a visual. Mr. York said he would also go to the manufacturer- Lithonia. Ms. Von Aulock suggested a site walk on October 17, 2013 at 4:00 PM. She announced it is open to the public.

Resident Len Benjamin returned to the microphone and explained in making it conditional, at least there will be a formal process to consider this or not. Frank mentioned Ms. Corson wanted to go on a site walk to the range and in addition the club visiting, if the plan could be drawn in the dirt for members to see.

Marbeth Wilson, a longtime resident announced that the sound attenuation berm be dealt with before the lights are permitted. She expressed concern that she would be hearing 2 more hours of gun shots in the evenings.

Chairman Knowles reminded all in attendance and the public of the site walk on October 17, 2010 at 4:00 PM, and a continuation of this case will take place on the evening of October 24, 2013 during the Planning Board meeting.

OTHER BUSINESS

Planning Board Case #2711- Contoocook Lofts, LLC D/B/A Linden Commons subdivision. Mr. Knowles announced this was a board update about tree removal. Representative from Linden Commons- Paul Kerrigan representing Contoocook Lofts, LLC stepped up to the microphone and announced Kendall Grenier- an abutter to Linden Commons, expressed concerns about the tall pine trees posing a threat to his home. He has had part of a pine tree fall on his home once before. The Planning Board suggested a site meeting; set for September 3, 2013. Present at the site walk was: From Chinburg Builders- Mr. Kerrigan, Town Planner- Ms. Von Aulock, Natural Resource Officer- Kristin Murphy, Town Engineer- Jeff Hyland, home owner- Kendall Grenier, from Jones & Beech Engineers- Brad Jones. After their conversation they realized they were not expert enough to diagnose the health of the trees. They decided to consult an Arborist or a Forester.

Jaimes Long- a licensed Forester was called to do the assessment. Another site meeting on September 21, 2013 took place with Mr. Hyland, Mr. Long, Mr. Kerrigan & Mr. Grenier.

Jaimes was able to assess the forest. Mr. Knowles asked if James Long could explain his assessment.
- He reported the trees are healthy except for 3 white pines overshadowed by taller ones which caused them to die.

-He said there is pit and mound topography out there. Mr. Knowles asked if more cutting took place, would trees be more susceptible to falling.

-Mr. Long said he didn't have an answer to that nor could he predict another tree falling on Mr. Grenier's home. Mr. Knowles asked if the conditions out there currently, are safe. If not, how could it be made safer?

-Mr. Long's professional opinion is to leave as many trees as possible, and by removing, the risk could be higher. Mr. Long said the property line is about 20 feet from Mr. Grenier's home, and there are those trees too.

Ms. English took a look at the site and agreed there were some tall white pines that look like they could be a threat, especially during ice storms as she has experienced falling pines. She expressed those trees don't look protected and possibly should be cut. Mr. Knowles mentioned cut and re-vegetate the area. Mr. Long said they could come back with a re-vegetative plan and plant trees or other shrubs be planted that do not grow that tall.

-Mr. Ferraro expressed his concern for the trees being within striking distance.

-Mr. Plumer announced there are more storms; they're stronger and becoming more common events, the trees with more leaves on them, apt to fall.

Jaimes agreed. Ms. Von Aulock remembered Halloween a couple of years ago.

Mr. Cameron said this is a two part issue, it's what's on the Linden Common Plan, and then there are trees on Mr. Grenier's land. He said they could only deal with what is on the Linden Common plan and not with a number of trees that are not there. He didn't think it was Mr. Kerrigan's responsibility to go out and thin them out. Ms. Von Aulock stated that the further they walked away from Mr. Grenier's property- toward the emergency exit, there was more understory, she asked Mr. Long if that helps, hurts or doesn't matter in that area.

Mr. Long said he didn't think it mattered as when there are rough winds, trees can snap. Understory can help a situation, but poorly drained soils, not wetlands, but snow melts and spring rains. He said it isn't an easy fix.

Mr. Knowles asked if there are any questions from the board. Mr. Ferraro There was none so he opened up to the public.

Leona Nelson, a resident lives at the Exeter River Co-op where Mr. Grenier lives. She wanted to go back a few years and she stated that Environmental Services did a site assessment in the area, and asked if anyone had checked into this assessment for tree issues or removal. Mr. Knowles asked if it was NHDES. She replied that it wasn't. Ms. Nelson recalled the walk took place in the winter. She also said weakening of the trees has happened since the cutting. She expressed that more clear cutting will further weaken the root system. She asked Mr. Long if there were no more trees cut was there a way to strengthen the root system and then asked if anyone looked into the assessment she mentioned earlier. Ms. Nelson asked Ms. Von Aulock about a comment she made before this meeting about trees being on the front of the properties. Sylvia referred to that being a landscaping for street trees and that would happen at the end of the subdivision completion. Ms. Nelson was finished.

Mr. Knowles asked if the board had concerns, if the subdivision needed to look at the buffers. Mr. Ferraro asked if Ms. Nelson's questions could be answered. Ken stated, yes of course, but that nobody at the table was at that meeting Ms. Nelson referred too. He said he wasn't sure if NHDES looked at individual tree stands or root systems. The NHDES issued the permits and those questions should be directed toward them, Alteration of Terrain Bureau, as they issued the permits and doesn't know if they did those studies. Mr. Ferraro asked on Ms. Nelson's behalf about strengthening the understory. Mr. Knowles asked if the understory could be strengthened certain trees. Mr. Long said he would do some research. He mentioned bringing in fill, but that would further damage the trees. Ms. Von Aulock asked about cabling the trees and he didn't think that would be affective. Mr. Knowles asked if this situation could be made safer if it isn't. Mr. Kerrigan came up to the microphone and said clear cutting wouldn't be the solution and they would investigate to see if there is another solution. Mr. Knowles said he would like this to not linger into next March, but asked Mr. Long what kind of a research time frame he would need? Mr. Long said approximately three weeks. Leona Nelson thanked Mr. Long for his research. She expressed airing on the side of no cutting. Mr. Knowles reassured her and that professionals are hired. Chairman Knowles said they will see Mr. Long on November 7th Planning Board meeting.

APPROVAL OF MINUTES:

Chairman Knowles asked the board if there were comments on the August 8, 2013 meeting minutes from the board. There being none, Ms. Corson moved to approve the minutes and Langdon Plumber seconded. The vote was unanimous to accept approval. Ms. Woolhouse abstained.

Chairman Knowles asked the board if there were comments on the September 12, 2013 meeting minutes from the board. There being none, Ms. Corson announced it was the CIP meeting and moved to approve, Ms. Woolhouse seconded. The vote was unanimous to accept approval. Mr. Plumer and Mr. Knowles both abstained.

TOWN PLANNER ITEMS

Ms. Von Aulock announced her attendance at the GACIT hearings.

The Department of Transportation (DOT) held their annual or semi-annual GACIT hearings (Governor's Advisory Commission on Intermodal Transportation (GACIT), which is composed of the five Executive Councilors and the Commissioner of the New Hampshire) This is a meeting where anyone can go to voice their transportation concerns. Ms. Von Aulock attended and announced it was well attended by the Hampton Town Planner, the North Hampton Police Chief, Legislators and more. Where she spoke about the horrific accident that took place on the bridge between Seabrook and Hampton at a recent biking event where 2 bicyclists were struck and killed by an automobile. She explained she asked the DOT to add a policy to their policy about having "Complete Streets"; making all streets friendly to all users moving forward on any streets that are improved upon making it safe for all users. She stated the next

meeting taking place in Portsmouth and to check out the NH Department of Transportation website for more information.

Other information announced:

- Collaborative Projects- one with UNH, the Climate Project
- WISE –Regional visit between Newfield’s, Exeter & Stratham on dealing with storm water and waste water issues.

REPORTS ON “OTHER COMMITTEE” ACTIVITY

Langdon Plumer announced that the Rockingham Planning Commission is working on a regional survey which takes about 15 minutes. Ms. Von Aulock announced that the survey can be found on RPC Website and is called Granite State Futures. She announced Brandon from the EEDC group and she attended the meeting and looking at a variety of chapters housing, transportation and economic development and the survey link has been forwarded to the Planning Board to do the survey.

CHAIRMAN’S ITEMS

There were none.

There being no further business before the Board, ***Mr. Plumer moved to adjourn; second by Ms. Corson.***
VOTE: Unanimous. The meeting was adjourned at 9:37 P.M.

The next meeting of the Exeter Planning Board will be held Thursday, (October 24th) at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

Leigh Burley
Administrative Assistant to the Planning & Building Department

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