

EXETER PLANNING BOARD

MINUTES

MARCH 28, 2013

Acting Chairman Lang Plumer called the meeting to order at 7:00 PM in the Nowak Room on the above date.

**PRESENT:** Selectmen's Representative Frank Ferraro, Members: Carol Sideris, Gwen English, Katherine Woolhouse, Alternate Members: Clerk Lang Plumer and Kelly Bergeron, 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**

**EXETER SPORTSMAN'S CLUB – PB CASE #21206**

**A continued public hearing on the application for a minor site plan review AND Conditional Use Permit (CUP) for proposed site improvements associated with the construction of a 100-yard barrier for projectile containment at the gun club's shooting range. The subject property is located at 109 Portsmouth Avenue, in the CT-Corporate Technology Park zoning district. Tax Map Parcel #65-123.**

Mr. Butch York, President of the Exeter Sportsman's Club (ESC) addressed the Board and reviewed the concerns and list of items requiring further action from the Board at the last meeting. He provided an updated PowerPoint presentation incorporating the club's response to all of these items, and addressed them individually.

Ms. von Aulock inquired as to an estimate of the number of cubic yards of fill that would be necessary for the site improvements. Mr. York indicated that he was uncertain but believed the calculations were in the construction notes.

Acting Chairman Plumer made reference to the correspondence from New Hampshire Department of Environmental Services (NHDES) dated March 7, 2013 which the Board had received in their meeting information. He indicated that Ass't. Fire Chief/Health Officer Ken Berkenbush had been invited to attend this evening to assist the Board in understanding the current environmental issues of the site.

Ass't. Fire Chief Berkenbush addressed the Board and indicated that the Town had received a "Request for Remedial Action Plan" from the NHDES earlier this month relative to an on-going process that began many years ago involving the contamination of soils on the gun club site (i.e. lead, arsenic and remnants of clay pigeons). He stated that the NHDES letter identified three (3) major goals to be accomplished by the ESC. Ass't. Chief Berkenbush explained that the existing berm (on the left side of the site) had been constructed by the Town in 2007 as part of the initial clean-up of the intermittent stream that flows into Water Works Pond. He noted that the Town worked in cooperation with the ESC and were able to construct the berm at a very reasonable cost to both parties. He indicated that after consulting with NHDES and URS Corporation (the hazardous water consulting firm involved with the project since 2006), he prepared a memorandum to the Board, dated 3/28/13, outlining a strategy for working through the issues. He distributed copies to the Board members and proceeded to review his comments relating to the Remedial Action Plan, Schedule of Construction and Conditional Approval.

At this time, Acting Chairman Plumer opened the hearing for public testimony. Following public testimony, he closed the public hearing.

There being no further Board discussion, ***Mr. Ferraro moved to grant conditional approval of the site plan, as presented, subject to the remedial action plan being put in place and approved by New Hampshire Department of Environmental Services (NHDES); second by Ms. Sideris.***

***Discussion:*** ***Ms. von Aulock pointed out that the PowerPoint presentation provided by the Applicant had contained some specific construction details that had not been included on the plan. She suggested that the Board include as a condition that the Applicant submit a hard-copy of the presentation for the file. She also indicated that the concerns raised by Mr. Knowles' were valid and requested the Board to consider them as additional conditions of approval. Brief board***

discussion ensued and consensus was to grant conditional approval of the site plan subject to the following:

1. All requests of the Planning Board to be addressed, including but not limited to the following:
  - A copy of the PowerPoint presentation provided at the 3/28/13 meeting be submitted to the Planning Office to accompany the site plan for the case file (for the purpose of documenting details of construction, etc.);
  - The rip-rap aprons delineated on the site plan shall be constructed with limestone (rather than "treating" the stones with lime, as noted).
  - The site plan shall be stamped by a registered Professional Engineer.
  - If any increase in sedimentation or turbidity is observed in the Water Works Pond due to the construction of the berm or due to construction traffic over the existing gravel access road, construction shall immediately cease and the Applicant shall be responsible for stabilizing the source of sedimentation and be responsible for the remediation of the Water Works Pond as required by Town officials.
2. No action shall be taken at the site until such time as the "Remedial Action Plan" required by the New Hampshire Department of Environmental Services (NHDES) is in place and written approval is received from the Town Health Officer and Exeter Board of Selectmen.
3. All conditions of this approval are to be met within one year and all site improvements shall be completed within two (2) years from the date of final approval.

**VOTE: Unanimous. CONDITIONAL APPROVAL GRANTED.**

**ERIC M. KLEMARCZYK – PB CASE #21306**

The application for a lot line adjustment between the properties located at 18 Hobart Street and 20 Hobart Street. The subject properties are located in the R-2, Single Family Residential zoning district. Tax Map Parcels #74-89 and #74-90.

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

Mr. Eric Klemarczyk addressed the Board and explained his proposal. He noted that his brother David owned the adjacent property and that he had submitted a letter for the file indicating his agreement with the boundary line change.

There being no further discussion, Acting Chairman Plumer asked if there were any interested parties who wished to speak on the application; there was no public testimony.

***Ms. English moved to approve the lot line adjustment, as presented, subject to the following conditions:***

- ***The standard note regarding the landowner being responsible for compliance with local, state and federal wetlands regulations be added to the plan;***
- ***The Planning Board case number be added to the plan;***
- ***An executed Certificate of Monumentation be submitted to the Planning Office along with the appropriate fees for recording of the plan; and***
- ***All conditions of this approval shall be met within one year.***

***Motion was seconded by Ms. Sideris. VOTE: Unanimous. LOT LINE ADJUSTMENT GRANTED.***

**DONALD O. JENSEN – PB CASE #21307**

The application for a lot line adjustment between properties located at 49 Hampton Road and 30 Ashbrook Road. The subject properties are located in the R-2, Single Family Residential zoning district. Tax Map Parcels # 87-16 and #87-14.

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

Mr. Henry Boyd, LLS with Millennium Engineering addressed the Board on behalf of the Applicant; he acknowledged that Mr. Jensen was present with him this evening. He explained that the proposed lot line adjustment would resolve a number of current encroachments of shed-type structures along the property line. Mr. Boyd noted that a similar situation was approved by the Board back in 1988 for the property.

There being no further discussion, Acting Chairman Plumer asked if there were any interested parties who wished to speak on the application; there was no public testimony.

***Ms. Sideris moved to approve the lot line adjustment, as presented, subject to the following conditions:***

- ***The Planning Board case number be added to the plan;***
- ***An executed Certificate of Monumentation be submitted to the Planning Office along with the appropriate fees for recording of the plan; and***
- ***All conditions of this approval shall be met within one year.***

***Motion was seconded by Mr. Ferraro. VOTE: Unanimous. LOT LINE ADJUSTMENT GRANTED.***

#### **FELDER KUEHL PROPERTIES LLC – PB CASE #2522**

**A public hearing on the request by Felder Kuehl Properties, LLC for an extension of a previously approved site plan for the proposed construction of a three-story commercial structure (approx. 7,200 s.f. footprint) with parking and associated site improvements. A request for a waiver from Section 6.9.3 of the Board's Site Plan and Subdivision Regulations is also being sought to permit the aforementioned extension. The subject property is located at 85 Epping Road, in the C-2, Highway Commercial zoning district. Tax Map Parcel #55-75. Case #2522.**

**A request by Felder Kuehl Properties, LLC for a preliminary conceptual review of a proposal to construct a multi-use building (to include a commercial component on the first floor and the remainder of the building being residential) on the property located at 85 Epping Road. The Applicant is seeking to amend a previously approved site plan for commercial/retail use. The subject property is located in the C-2, Highway Commercial zoning district. Tax Map Parcel #55-75. Case #2522.**

Attorney Michael Donahue was present on behalf of the Applicant; he acknowledged that Mr. Felder was also present with him this evening. He stated that they were before the Board tonight requesting a further extension of the previous waiver granted by the Board in April 2012 to extend the conditional approval for the commercial component of this project. He explained that Mr. Felder had been working with Dana Lynch, P.E. of Civil Works, Inc. on a re-design of the project which would also be in compliance with the Town's current wetland setback requirements. He indicated that Mr. Felder would be seeking an amendment to the conditional approval to permit a multi-use building that would include a commercial component on the first floor and the remainder of the building would be residential. Attorney Donahue noted that they would be presenting a conceptual plan to the Board for review following this discussion. He stated that the new proposed 'multi-use' would require additional Zoning Board of Adjustment relief. He proceeded to provide a brief history of the project and what has been accomplished to date. Attorney Donahue noted that the Applicant had been working with NHDES regarding the residential use of the property due to the previous contamination issues. He stated that the Applicant had made significant efforts to redesign the layout of the project in order to comply with the current zoning requirements. Attorney Donahue noted that the concept plan had not been fully engineered as of yet, and his client was seeking input from the Board in order to provide a design acceptable to the Board and financially viable.

**Dana Lynch, P.E. with Civil Works, Inc. continued with the presentation. He reviewed the plan previously approved by the Board for the commercial component of the project and then presented the conceptual**

plan for the 'multi-use' project. He also acknowledged that the proposed plan had been designed to comply with the current wetland buffer requirements. Mr. Lynch explained that with the mix of commercial and residential uses there could be several different scenarios for parking calculations. He evaluated the parking requirements and estimated that the number of spaces necessary could range between 50 – 61 spaces, and noted that 67 spaces were provided on the plan. He also recalled the trail network that was approved as part of the previous plan and indicated that it would be incorporated into the new design and would also provide for expansion of the network.

There being no further discussion, Acting Chairman opened the hearing for public testimony; there was none and the hearing was closed.

***Ms. English moved to grant a waiver from the provisions of Section 6.9.3 to permit the granting of the one-year extension, with the conditional approval to now expire on 5/11/14; second by Ms. Woolhouse. VOTE: Unanimous.***

**OTHER BUSINESS**

**APPROVAL OF MINUTES**: None

**TOWN PLANNER ITEMS** - None

**REPORTS ON "OTHER COMMITTEE" ACTIVITY** - None

**CHAIRMAN'S ITEMS** - None

There being no further business before the Board, ***Ms. Sideris moved to adjourn; second by Ms. Bergeron. VOTE: Unanimous. The meeting was adjourned at 9:50 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, April 11, 2013 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