

EXETER PLANNING BOARD

MINUTES

Date: 12/12/2013

Chairman Ken Knowles called the meeting to order at 7:06 PM in the Nowak Room on the date shown above.

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. Mr. Knowles stated the board members plus Kelly Bergeron and Langdon Plumer would be voting on the first case. ~~Ms. von Aulock will be abstaining from the vote.~~

NEW BUSINESS:

Burrell York (on behalf of the Exeter Sportsman's Club) - PB Case #21317

Continued public hearing on a Minor Site Plan Review for the proposed lighting at 111 Portsmouth Avenue.

Mr. Knowles announced the members of the board who attended the 12/10/2013 site walk at the Exeter Sportsman's Club: Town Planner-Ms. von Aulock, Selectmen's Representative-Mr. Ferraro, and Vice-Chairwoman-Ms. Corson & Chairman-Mr. Knowles.

Mr. York spoke to the application under 9.20.4.1 and the purpose for the lighting is to increase member safety. He explained the application updates. Mr. Knowles asked if the board had questions about the application. There were none, he opened up to the public. Resident Sue Ratinoff of 4 Robin Lane, asked if the board finds the application meets the standards to approve the lighting, she asked there be a condition of approval on the application: The application goes before the Board of Selectman as they are the landlords of the property. Mr. Knowles brought it back to the board and asked if the board had questions. There were none. Mr. Knowles asked Mr. York if he had finished the waiver to submit to the board. Mr. York responded he was finishing up. Mr. Knowles then read a correspondence letter from Len Benjamin and his request to have the application go before the Board of Selectman for approval. Mr. Knowles read the waiver from Mr. York. (The correspondence and the waiver are submitted as attachments in these minutes.) Ms. Corson asked that the Planning Board respond to the public concerns. Mr. Ferraro explained that the Planning Board needs to do its task with the application. If needed, it would go to the Board of Selectmen. Discussion was had and Mr. Ferraro agreed that notification be sent to the Board of Selectmen via a letter.

Mr. Ferraro said the Board of Selectmen cannot direct the Planning Board. Mr. Knowles said that approval can be granted to the Site Plan Review Application. Ms. Corson agreed with Mr. Knowles.

Resident Lynda Beck approached the board and agreed with Mr. Ferraro and reiterated the approval by the town standards, and then the implementation of the plan by the Board of Selectman.

Mr. York explained the tenants cannot erect any additional lighting until approval is received by the Planning Board. Mr. Knowles asked if there were any questions or comments by the board and Mr. Ferraro said the approval needs to be made by the appropriate boards it then can become an issue between the Lessor and the Lessee.

Resident Sue Ratinoff spoke about approval from the BOS and the PB. Mr. Knowles asked if there were any other questions from the board. There were none.

Mr. Knowles read the General Lighting Requirements to which the waivers pertain too.

General Lighting Requirements:

9.20.4.1

1. All new outdoor lighting for non-residential structures or residential structures with three or more units is required to have full-cutoff shielding (including wall pack fixtures), and the design of the fixture shall be approved by the Planning Board.

9.20.4.3

3. Lighting should be designed to provide the minimum illumination standards by the Illuminating Engineering Society of North America (IESNA) and shall follow the recommended practices for controlling light pollution of the International Dark Sky Association.

Ms. von Aulock asked Mr. York if the lights could be aimed more downward. She is more concerned about the amount of light reflection going out into the night sky.

Mr. York compared the lighting to that in the winter months to the months where there is no snow on the ground. Mr. Knowles announced Gwen English arrived, and would she mind abstain from voting. She agreed. He then asked board members if they have questions about the waiver requests. From the public: Resident Lynda Beck said during the lighting demonstration, they weren't able to see the lights in their abutting neighborhood. Mr. Knowles asked for a motion to grant the waiver with full cut off shielding.

Ms. Corson motioned to grant the waiver for 9.20.4.1. Mr. Plumer seconded. Mr. Knowles asked for the Vote: all in the affirmative to grant the waiver. Ms. English abstained.

Mr. Knowles called for the motion to approve and grant the waiver for 9.20.4.3, Ms. Corson motioned to approve and Mr. Plumer seconded. Vote: all in the affirmative to grant the waiver. Ms. English abstained.

Mr. Knowles presented the Site Plan Approval for PB Case # 21317 and if there were any proposed conditions put on it. Ms. Corson suggested a notification letter come from the board to inform the Board of Selectmen. Ms. von Aulock asked if there was a condition. Ms. von Aulock informed the board there were concerns about the times of operation, but Ms. Corson said that was part of the lease; between the Lessor and the Lessee. Mr. Knowles suggested the completion be done within one year of approval.

Mr. Ferraro made the motion to approve the SPR, and Lang Plumer seconded. Vote: all in the affirmative. Ms. English abstained. Ms. von Aulock stated the Planning Department will inform the Board of the Selectmen of the approval.

At this time, Chairman Knowles announced the next case and relinquished the chair to Ms. Corson.

Public Service of New Hampshire (PSNH) – PB Case #21321

Use Permit - proposed impacts within the Wetland Conservation Overlay District

Multiple locations along the PSNH easement

Ms. Corson asked for a motion to open the case. Mr. Plumer made the motion to open Case #21321 and Ms. Bergeron seconded. Vote: unanimous in the affirmative.

Sherry Traffery from GZA GEO Environmental on behalf of PSNH joining her is Sandra Gagnon-Municipal Relations Division of PSNH: Presenting for a Conditional Use Permit approval consideration. Ms. Traffery explained the project location which extends from Stratham Sub Station to the Chester Sub Station which is 18 miles. Part of it runs through Exeter. PSNH is planning to increase the electric load

intermittently. PSNH plans on replacing the poles, where sag might occur from the increased ambient temperature due to the load increase between structures.

- PSNH conducted modeling what the anticipated span will be
 - Identified spans that didn't meet the ground clearance for safety requirements
 - Replace pole structures with taller pole structures, then transfer the lines, remove the other pole
 - Where there is existing splice locations, there needs to be access to be upgraded to a more durable splice to withstand the higher temperatures
 - Access to existing ROW, Wetlands- PSNH needs temporary construction access and permanent impact where the poles currently exist in the within wetlands.
 - 5 pole replacements in Exeter, and splice replacements in 7 spans
 - 2 are in Wetlands areas.
 - GZA has filed for a state wetlands application for permission to impact wetlands and was submitted in Brentwood as they have the most wetland area and then notification to surrounding towns. The project is in review.
 - Scheduled to take place in November of 2014
 - Routine vegetative maintenance prior to November 2014
 - Working with NH Fish & Game to identify endangered species, Fish & Game provided their sign off as of December 10, 2013
 - NH Fish & Game developed a draft series of best management practices during this project with PSNH to seasonally avoid endangered species
 - First requested is to seasonally avoid the endangered animals by doing the work during hibernation. The dates include November 1, 2014 - April 15, 2015
 - Blanding turtle & spotted turtles are to be known in Exeter
 - Spotters will be used in the field using construction monitoring. Certified Wetland Biologist Tracy Tarr will be on sight
 - Timber matting in wetland crossings, disburse the weight of construction vehicles
 - When matting is removed, the root system of the vegetation will bounce back
 - Silk fence, compost sock, then the timber matting will be layered as a barrier no potential for sedimentation to soak in
 - Conservation Commission recommended Tracy Tarr provide a final report after the project is completed documenting restoration especially on Watson Rd. where there are vernal pools and Blanding turtles
 - Conservation Commission requested they be notified prior to the construction beginning
 - Notification will be sent to all abutters
 - Details on seed mix and the wetland matting used in the detailed plan were provided in the state wetlands application, but not in the board packets.
 - Wetland seed mix is specified as the New England Erosion Control & Restoration mix available in New England wetland plants in Amherst, MA.
- (Sherry ended the presentation)

Ms. Corson brought questions and comments back to the board.

Ms. von Aulock remarked she had spoken with the town's Natural Resource Officer Kristin Murphy. There were 2 memo's provided from the Conservation Commission (the memos are attached in these minutes). She asked for specifications on the restoration after the project and erosion control. Sherry said the location of the erosion control was on the map, not the specifications. Ms. von Aulock asked for larger site plans from beginning to end for board members, abutters and public to see. Ms. Corson agreed it was confusing. Ms. von Aulock asked for specifications on the varieties of wetlands that are sensitive in the area. She requested that Tracy Tarr be present at the next meeting because of the size of this project. Another large concern from the Conservation Commission: None of the towers that run through the Rayne's Farm, are ones that are planning on being replaced, and the amount of sag on that property wouldn't allow the farmer to farm. Mr. Plumer asked what sort of equipment will be on the properties to lay down the matting. Mr. Ferraro referred to the memo from Conservation Commission on the clearance

on the sag. Ms. von Aulock suggested asking Ms. Murphy (Natural Resource Officer) to find out the clearance from the farmer whether it be measured from the ground or from his head while on the tractor. Ms. Corson asked if the board had any questions or concerns. Ms. English asked if the project would be completed in increments start to finish or would each parcel be revisited multiple times. She was concerned about the impacts and hurting the animals. Ms. English asked if this were to happen again in the near future. Ms. Traffery said this was the first time since the 60's that this has happened. Sherry asked if an overhead presentation would be appropriate for the next presentation. Ms. Corson opened discussion to the public: Abutters, Mr. Schleicher and Steve Bernacki, from Captain's way both had concerned about electromagnetic radiation, high voltage power lines, and human health impacts. Ms. Traffery, GZA clarified the voltage will not be changing, just the amount of amps that go through the transmission line. PSNH will use the lines for emergencies, when high demand and problems arise, power can be transferred to the lines to help with increased power usage. Sandra Gagnon announced she has a one page summary that will be available at the next meeting to help answer questions. Also, representatives from EMF will be available to provide further detail. She supported Ms. Traffery's explanation of the voltage vs. kilovolts.

Ms. English expressed wanting information for the board, where the key areas are for nesting sites, the turtles and other wildlife. Ms. Corson asked Ms. Gagnon about the more specific summary she mentioned to be sent to Ms. von Aulock so it would be available for all.

Mr. Plumer motioned to table the case until the next Planning Board Meeting to be held on January 9, 2014. Ms. Bergeron seconded. Vote: All in the affirmative to table the case.

PROPOSED ZONING AMENDMENTS FOR 2014 TOWN MEETING

Ms. Corson read the draft 2014 Proposed Zoning Amendments. She explained this was the first reading of two. She asked if there were any questions or comments from the board.

2014 Proposed Zoning Amendments (Draft)

(Note: **Revisions in bold text.** ~~Deletions shown as strike through.~~)

1. Article 4, District Regulations, Schedule I Notes: Conversions revise(b) and (e) as follows:

(b) The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size (**per unit**) required for the district **For example, the minimum lot size for the R-2 district is 15,000 sq. ft., therefore, each unit would require 4,500 sq ft (.30 x 15,000). If the applicant wanted 4 units within the R-2 district, they would require an 18,000 sq ft. lot or larger (4,500 x 4 = 18,000). If the lot was only 15, ft., then they could only get 3 units (15,000/4,500 = 3.33 units).**

(e) ~~For conversion intended to become rental units,~~ one of the dwelling units shall remain owner-occupied.

Ms. von Aulock said this comes from the ZBA and it clarifies existing language. Any request for changes needed to be made at this meeting. There was lengthy discussion over the proposed language and whether to support the changes. Ms. von Aulock announced that a member from ZBA will be available at the next meeting for clarifications.

At this time, Ms. Corson opened discussion to the public:

Resident Brian Griset of 26 Cullen Way: Referred to the proposed language of 1. (b) having "for example" in the amendment and future legalities that might pertain to that. He suggested striking that

sentence of (b) , and leaving (e) as is.

Resident Leona Nelson of 12 Beech St.: Referred to the second part and asked if adding “it applies” to different rules. Ms. Corson said that they didn’t have any condo language in the zoning regulations.

Ms. von Aulock suggested the example be put into the Appendix. There was discussion about the Appendix. Given lengthy discussion by the board, it was determined that both sections of the proposed amendment for Article 4 (for conversions) would be revisited in January.

2. Article 5.6.3 Off-Street Parking:

- A. Size and Access: Each off-street parking space shall be rectangular, nine feet by nineteen feet exclusive of access drives or aisles, and shall be of usable shape and condition. **The Planning Board may grant a reduction in the size of the space if circumstances on the site, such as perimeter parking which allows overhang, can be provided.**

Ms. Corson opened discussion to the public:

Brian Griset of 26 Cullen Way: Suggested 5.6.5 encompasses 5.6.3 and both are not needed. Ms. von Aulock suggested both are needed. Mr. Ferraro suggested 5.6.5 and not 5.6.3. Ms. Corson referred to the shared parking and the full ordinance. Ms. Corson read 5.6.5 from the Zoning Ordinance. Lengthy discussion was had about size and sharing.

Mr. Plumer moved to forward the article and Mr. Ferraro seconded. Vote: all voted in the affirmative to move it forward.

- 3. Article 5.6.4 Shared Parking: Shared parking is parking on a single site utilized by two or more uses in a 24 hour period. It is an allowance to fulfill their individual parking requirements as their prime operational hours may not overlap and their parking demands may vary from specified standards due to the scale of the project. Shared parking recognizes complimentary parking characteristics that may be unique for each case and for the specific users of the site.

There being no public comment, ***Mr. Plumer moved to move 5.6.4 ahead. Ms Bergeron seconded. The Vote: All voted in the affirmative to move the article forward.***

- 4. Article 5.6.5 The Planning Board may grant reductions in the number **and size** of required off-street parking spaces in conjunction with its site plan review.

Ms. Corson read 5.6.5 and indicated that the edit would be to add “and size” to the article. Ms. Corson opened the discussion to the public. There was none.

Mr. Plumer moved to move the article ahead. Ms. English seconded. Vote: All voted in the affirmative to move the article forward.

Opened to the public, Mr. Griset said he couldn’t see it and Ms. Corson explained it was in the Zoning Ordinance. Ms. Bergeron added that Section 5.6.4 defines what shared parking is, and Section 5.6.5 defines the regulations of it.

OTHER BUSINESS

Wm. Wright Revocable Trust (Boulders Realty Trust) – PB Case #2910

Request for release of maintenance bond for Wright Lane subdivision

Mr. Plumer moved to release the bond in the amount of \$1,229.00 . Ms. Bergeron seconded. Vote: All in the affirmative to release the bond.

LaPorte Construction/Northeast Credit Union – PB Case #21310 (84 Portsmouth Avenue)

Request for bond release. *Mr. Plumer moved to release the bond in the amount of \$28,771.00. Ms. English seconded. Vote: All in the affirmative to release the bond.*

APPROVAL OF MINUTES:

Ms. Corson asked the board if there were comments on the 11/21/2013 meeting minutes from the board. There being none, *Mr. Ferraro moved to accept Planning Board Minutes from 11/21/2013, Mr. Plumer seconded. Vote: unanimous to accept approval.*

TOWN PLANNER ITEMS

Ms. von Aulock announced the CAPE meeting took place that morning and Ms. English and Mr. Ferraro attended. Mr. Ferraro thought the presentation was interesting and still more work to be done in particular the water sheds and the dam. Ms. von Aulock announced if there was a group out there who is interested in hearing about CAPE. They would be happy to be a guest speaker.

REPORTS ON “OTHER COMMITTEE” ACTIVITY

CHAIRMAN’S ITEMS

Ms. Corson announced the January 15th, 2014 site walk down Portsmouth Ave. for Form Based Code.

There being no further business before the Board, Mr. Plumer moved to adjourn; seconded by Mr. Ferraro. VOTE: Unanimous in the affirmative. The meeting was adjourned at 8:56 PM.

The next meeting of the Exeter Planning Board will be held Thursday, January 9th, at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

**Leigh Burley
Administrative Assistant to the Planning & Building Department**

: Lab