

Chairman Ken Knowles called the meeting to order at 7:12PM in the Nowak room on the above date. PRESENT: Ken Knowles (Chairman), Gwen English, Frank Ferraro (Selectman's Rep), Kelly Bergeron (alternate), and Sylvia von Aulock (Town Planner)

**NEW BUSINESS: PUBLIC HEARINGS**

The application of **Green Bean on Water, LLC and Modigs Inc.** for a minor site plan review of a proposed change in use of the property located at 33-37 Water Street. The subject property is located in the WC-Waterfront Commercial zoning district. **Tax Map Parcel- #72-37**. Case #21401

***Mr. Frank Ferraro made a motion to open Planning Board Case #21401 second by Ms. Kelly Bergeron. Without further discussion, VOTE: Unanimous.***

Michael Donahue from DTC Lawyers, representing Jeff Turner and Lori Whitney, owners of the Green Bean on Water LLC, proposed the onsite Change of Use Application. The Change of Use is proposed for the "first and second floors of the Trends portion of the building from a combination of retail services (gift shop) on the first floor and office/ residential use on the second floor to retail services (restaurant) throughout the building." The abutter Sweetwater has been informed of these proposed changes and agreements have been discussed along with conditions of approval. The Green Bean presented before the Zoning Board of Adjustment (ZBA) and the Green Bean has agreed to operate under "complimentary hours of operation." The Green Bean and the new restaurant would offset hours of operation to relieve the strain on parking. Along with the Change of Use/Minor Site Plan Application, two additions were added to augment the application as follows:

- 1. Right of Way Agreement recorded at the Rockingham County Registry of Deeds Book 2401, Page 1935;**
- 2. The Amendment to Easement and Restriction with accompanying Augmentation to 2013 Sketch plan re: Agreed Restrictions between Sweetwater Reality, LLC and The Green Bean on Water, LLC. These represent understandings for the future harmonious use of both properties that were negotiated with the abutter, Sweetwater Reality, LLC owner of 27-31 Water Street. The amendment will be recorded at the Registry of Deeds.**

The ***Proposed Conditions of Approval Incorporating Stipulations with Abutting Property Owner*** - reads as follows in the application to the Planning Board case number 21401:

- 1. Green Bean outdoor lighting shall point downward and shall use reflective shielding so as not to reflect into the residential windows of Sweetwater's Building. Green Bean's exterior lighting shall comply in all respects with Section 9.20 of the Exeter Site Plan Review Regulations.**
- 2. So as not to interfere with the quiet and peaceable enjoyment of Sweetwater's residential tenants, Green Bean agrees not to perform outdoor maintenance, including but not limited to leaf blowing, prior to 7:30 a.m. or after 9:30 p.m. daily.**

## Planning Board Questions /Public Comment

PUBLIC COMMENT: None

A question was asked if the Green Bean expects to see an increase in deliveries made to the business as a result of the restaurant expansion. Mr. Turner replied that they do not expect an increase in frequency in deliveries but larger deliveries dropped off.

Mr. Knowles inquired how the lighting will change related to the conditional uses. Mr. Turner said they do not expect to make big changes but they are solely proposed uses.

Another question about what time the Green Bean will open the proposed restaurant. Mr. Turner said there will be times when both businesses are open at the same time but will not exceed the maximum seating requirement of 130 seats.

***Mr. Ferraro motioned to approve the Change of Use Application second by Ms. English. VOTE: Unanimous. CHANGE OF USE APPLICATION GRANTED***

### OTHER BUSINESS:

### APPROVAL OF MINUTES

***Ms. Bergeron moved to approve the January 9, 2014 minutes, second by Mr. Ferraro. VOTE: Unanimous***

***After amendments made to the November 7, 2013 minutes, Mr. Ferraro moved to approve the minutes as amended second by Ms. English. VOTE: Unanimous***

### COMMITTEE REPORTS

Ms. Bergeron met with the Heritage Commission and discussed demolition of a garage, the HDC voted to allow them to demolish. Al Lambert discussed the t historical values. There is a grant project about Franklin Street area and mapping out historical aspects.

### TOWN PLANNER ITEMS

Ms. Von Aulock encouraged the public to attend the Deliberative session on February 1, 2014 at 9AM held at the new Exeter High School on Epping Road.

***Mr. Ferraro moved to adjourn the meeting second by Ms. Bergeron. VOTE: Unanimous***

The next Planning Board Meeting will be on February 13, 2014 in the Nowak Room of the Exeter Town Offices at 7PM.

Respectfully Submitted,

Sarah McGraw