

**These minutes are subject to possible correction/revisions at a subsequent  
Exeter Planning Board meeting**

Exeter Planning Board

Draft Minutes

May 22, 2014

1. Chairman Ken Knowles called the meeting to order at 7:03 pm in the Nowak Room of the Exeter Town Offices on the above date.
2. **BOARD MEMBERS PRESENT:** Pete Cameron, Don Clement, Kelly Bergeron, Katherine Woolhouse, Ken Knowles (Chair) **TOWN STAFF PRESENT:** Sylvia von Aulock (Town Planner), Sarah McGraw (Recording Secretary)
3. **NEW BUSINESS:**  
**The application of Tuck Reality Corp. for a three (3) lot minor subdivision of a 1.05+/- acre parcel located on Fuller Lane along with two (2) associated lot line adjustments. The subject property is situated in the R-2, Single Family residential zoning district. Tax Map Parcel # 69-19. Case #21405**

This application is following a continued public hearing after a preliminary hearing on April 24, 2014.

Mike Garrepy presented on behalf of Tuck Reality Corp. out of Stratham NH. Mr. Gerrepy reviewed the comments made to the application by Jennifer Mates, assistant town engineer and Ms. von Aulock. Mr. Gerrepy addressed the comments and notes are posted on the updated plan.

Ms. von Aulock had previously commented on the rain garden layout on lots 1, 2, 3 and they are sized to the requirements as measured by Jones and Beach Engineers, Inc.

The abutter notification issue had been resolved and the abutter was present at the meeting to make any comments.

**BOARD COMMENTS/QUESTIONS:**

Mr. Cameron pointed out the water shutoff was not indicated on Lot 1.

**PUBLIC COMMENT:**

Mr. Steven Morse of 11 Fuller Lane, Exeter spoke as an abutter to the proposed project. He said he lives across from lots 1 and 2 and brought photos of his view from his property of the proposed project. He said the driveways for the project would be seen from his windows. Mr. Morse wished to keep as many trees as possible. Mr. Morse also noted that from a manhole cover water runs down Fuller Lane to his front lawn and asked if this were changed how would it affect his lawn.

Mr. Knowles said that DPW (Dept. of Public Works) approves driveway locations. Mr. Gerrepy said there are notes on the plan to preserve trees.

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Mr. Knowles asked if the development were sold would the new developers understand the conditions of the project and asked if it were possible to hold an information session for the new developers.

Mr. Gerrepy said if the project is sold they could make it a condition for new developers to meet with Town staff.

Mr. Knowles also added as a condition for construction to have erosion control methods so no water can move towards abutting properties.

Mr. Knowles read through the conditions of the Minor Sub-Division Approval and Lot Line Adjustment.

**Possible Conditions for Approval for Lot Line Adjustment:**

1. Case number be added to the plans
2. That a monumentation certificate be submitted to the Planning Department with the appropriate fees for recording the plan
3. All appropriate fees to be paid including but not limited to: Performance bond, sewer/water connection fees, inspection fees, impact fees, and other agreed upon improvements.
4. All on-site improvements to be completed prior to any issuance of certificate of occupancy (CO) including rain garden installation.
5. The Applicant shall meet with the Town Assessor to determine the street addresses.
6. All conditions to be met within one year and all site improvements to be completed within two years from the date of final approval.

**Possible Conditions for Approval for Minor Subdivision:**

7. That the lots be graded to direct runoff to the proposed individual rain gardens.
8. Runoff shall be directed away from abutting properties during construction.
9. Straw wattle and silt fence be installed at the limit of work and maintained for the duration of construction until the site is stabilized.
10. If the project is sold to a new developer(s) then any new developers shall meet with staff (planning, building, DPW) so that the conditions of approval, and design intent are understood.

Ms von Aulock said that the Planning Board could not stop anyone on private property from cutting trees.

Mr. Knowles said that DPW can consider trees in the Right of Way.

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*Mr. Clement moved to approve the minor subdivision for case # 21405, second by Ms Bergeron. VOTE Unanimous*

*Mr. Clement moved to approve the lot line adjustment for case # 21405, second by Mr. Cameron. VOTE: Unanimous*

**The application of Craig and Amy MacLean for a Conditional Use Permit (CUP) to permit the proposed construction of a single family dwelling and associated site improvements within the required 40' wetland buffer and the 100 ft shoreline protection district on the property situated at 64 Newfields Rd. Temporary impact within the buffers is approximately 2016 sq. ft. and permanent impacts of 855 sf. The subject property is located in the RU-Rural zoning district. Tax Map Parcel # 24-2. Case # 21407**

*Mr. Clement moved to open the case number 21407, second by Ms Bergeron. VOTE: Unanimous*

Mr. Jason Pohopek of Pohopek Land Surveyors & Septic Designers LLC presented on behalf of Craig and Amy MacLean. He had received comments from the previous Planning Board meeting. The existing home is planned to be relocated and demolished as well as the garage. A new structure is being proposed. The CUP is for the disturbance in the wetland buffers as defined by the zoning laws. Mr. Pohopek talked about the revisions to the plan such as adding a chart of the impacted areas. Mr. Pohopek said there was a site walk of the land before the meeting where he had staked noncompliant areas and flagged limits of impervious surface. The trees in concern to the safety of structures in the limits of disturbance are 21 pine trees and 1 maple.

Mr. Knowles asked if they were removing the stumps of the trees in concern. Mr. Pohopek said it was considered to remove the stumps. Mr. Knowles said it was better practice to keep the stumps for erosion control.

Ms Woolhouse who attended the site walk, said she saw the concern for safety and that she would prefer to keep the stumps as she saw there were stumps currently visible.

Mr. Clement also attended the site walk and did not see the value in keeping the pine trees. He was concerned if some trees were kept they would be susceptible to wind damage. He also said that stumps could rot overtime and suggested creating a buffer instead.

Mr. Cameron asked what the elevation drop was for the ditch. Mr. Pohopek responded about 2 feet.

Mr. Pohopek said the field was in agricultural use in the past and the trench was man made evidenced by the pine trees since pine trees do not grow in wetlands naturally. He

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said a low base root structure would be better. Mr. Pohopek requested to grind the stumps down to the surface.

Mr. Knowles suggested re-vegetating the area once cut. He said that planting a lawn does not constitute re-vegetation.

Mr. Clement suggested planting shrubs in place of the pine trees.

Mr. Pohopek said would consider planting high bush blueberries since they are a wetland dwelling plant and they would plant 1 plant for every tree taken.

**PUBLIC COMMENT:**

Mr. Ken Schleicher of Captain's Meadow had three concerns. He wanted to make sure the appropriate trees were removed, any screening issues addressed, and that drainage moves to the front and side of the home.

Mr. Clement said at the headwall a pipe under the driveway drops into the ditch on the south end of the road. He was concerned about the condition of the pipe after construction.

Mr. Pohopek said they would be willing to replace the culvert if the structure is compromised.

Mr. Pohopek read through the conditions as stated in the zoning ordinance 9.1.6 B and answered how those conditions were met in the plan.

Mr. Knowles said condition # 2 of 9.1.6 B was important to note "that the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation Overlay District." Mr. Pohopek stated it can be outside of the overlay district but the plan has 7 feet inside of the district. He asked if the applicant had worked to minimize the impacts.

Mr. Pohopek replied that they had supplied the square footage of compliant and non compliant areas. The net gain of area for protection of the wetland was in excess of 600 square feet. The issue was the trees and concern for the safety of the house.

Mr. Knowles asked if they were planning on paving the driveway. Amy MacLean said she could not say for sure and would not be paving at the beginning construction. A paved driveway would be better for maintenance. Mr. Pohopek said when it comes to sheet flow it was the same as gravel or paving.

Mr. Knowles said paving is changing to impervious which a significant modification.

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Ms. von Aulock said at previous meetings they talked about minimizing impacts and this was the third proposal. She said when they do selective cutting only to the tall pine but everything else would be left. She thought this was a fair proposal. She addressed the board that they had not seen the previous two proposals.

Mr. Clement commented that hard pack gravel is the same as paved. Mr. Knowles said the two are similar but they are talking about pervious vs. impervious under the regulation. Under the regulation the Town does not define gravel as impervious.

Mr. Cameron asked how many trees were being cut. Mr. Pohopek said 21 pines and 1 maple. Most trees had small diameter and were thin.

Mr. Cameron asked how many trees would be left after cutting. Mr. Pohopek said they would take out all the trees between house and wetland but will leave other types of vegetation in which there are multiple saplings.

Ms. von Aulock wanted to clarify that the roots stay when the pines are cut. She said they wanted to avoid using large equipment in cutting down the trees so as not to create more disturbances and to be selective with the cutting.

Ms MacLean said they planned on leaving the hardwoods.

Ms. von Aulock wanted the board to hear from the applicant the commitment to selective cut and leave the stumps behind. Ms. MacLean said they were committed to that plan.

Mr. Pohopek said they only ask to grind the stumps down to the surface but no disturbance to the grade itself.

Sam from 44 Captain's way said what the prospective homeowners were proposing he was agreeable to. He said they could have developed further back but kept the rest the parcel alone.

Ms. von Aulock asked if they could walk the site with the applicant and logger as a preconstruction meeting with the Planning Board staff. Ms. von Aulock wanted to make sure the erosion control is in place to protect water sources.

Mr. Pohopek said he would add a note to the plan to that effect and meet with Planning Board staff.

Mr. Knowles asked if they were putting the hay bales were on the up or downhill side. Mr. Pohopek said they were putting them on the downhill side.

Mr. Knowles said he encouraged putting the hay bales on the uphill side.

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***Mr. Cameron moved to approve the Conditional Use Permit for case number 21407 with the conditions stated below, second by Mr. Clement. VOTE: Unanimous***

1. Replace culvert at driveway if damaged during construction.
2. The area of tree removal beyond the limit of work shall be re-vegetated with native species at a ratio of 1 bush for each tree removed.
3. Preconstruction meeting with planning staff prior to site disturbance.

**The application of Brian & Hilary Crowley and Scott Johnson for a lot line adjustment of the common boundary line between the properties located at 9 Summer Street and 11 Summer Street. The subject properties are located in the R-2, Single Family Residential zoning district. Tax Map Parcels #64/30-31. Case # 21406**

***Mr. Clement moved to open case #21406, second by Mr. Knowles. VOTE: Unanimous***

Brian Crowley of Summer Street said there was a new house in front of his house and the property went into his driveway. They would give the new property more space behind their home.

Mr. Knowles said there would be a 1 for 1 swap of 113 sq feet. There is no change of frontage and problems with conformance.

PUBLIC COMMENT: None

Mr. Knowles read the conditions of approval aloud:

1. Case number be added to the plan.
2. That a monumentation certificate be submitted to the Planning Department with the appropriate fees for recording the plan.
3. All conditions to be met within a year.

***Mr. Cameron moved with three conditions that they approve the lot line adjustment with case 21406, second by Ms. Bergeron. VOTE: Unanimous.***

Mr. Cameron asked what a monumentation certificate was. Ms. von Aulock said surveyors provide them once the pins are in. It is a certificate that the boundaries are done. Mr. Knowles the certificate is helpful for all future surveyors.

#### **4. APPROVAL OF MINUTES: May 8, 2014**

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*Mr. Clement moved to accept the minutes from May 8, 2014, second my Ms. Woolhouse VOTE: Unanimous*

**5. OTHER BUSINESS**

There was discussion about next year's officers. Mr. Knowles is in his first year. Kathy Corson did not wish to be Vice Chair or Clerk. Mr. Cameron said he was comfortable with the current chair and for vice chair they need someone who is familiar with what the Planning Board does. Kelly Bergeron said she would be willing to be Vice Chair. Mr. Knowles said he suspects Langdon Plumer would be willing to stay Clerk.

*Mr. Cameron moved to slate Mr. Knowles as Chairman, Mr. Plumer as Clerk and Ms. Bergeron as Vice Chair second by Mr. Clement, VOTE: Unanimous*

Mr. Knowles said there was good discussion at the all boards meeting and it would be good to find an open meeting with the selectman, town boards as a work session.

Mr. Cameron moved to adjourn the meeting, second by Ms Bergeron VOTE: Unanimous

The meeting was adjourned at 8:38 pm.

Respectfully Submitted

Sarah McGraw