

Chairman Ken Knowles called the meeting to order at 7:00 PM in the Nowak Room on the above date.

PRESENT: Chairman Ken Knowles, Selectmen's Representative Frank Ferraro, Members: Katherine Woolhouse and Pete Cameron, Alternate Members: 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.

Chairman Knowles announced that the agenda would be taken slightly out of order this evening in order to hear the preliminary presentation on the Town's Groundwater Treatment Plant proposal first.

NEW BUSINESS: PUBLIC HEARINGS

TOWN OF EXETER (Ground Water Treatment Plant) – PB CASE #21316

The application for a preliminary design consultation regarding a proposal to construct a groundwater treatment plant (and associated improvements) and for the refurbishment of three existing wells for municipal drinking water supply. The subject properties are located on Lary Lane, Gilman Lane, Gilman Park, Crawford Avenue and Court Street in the R-1, Low Density Residential and R-2, Single Family Residential zoning districts. Tax Map Parcels #71-19, #71-19-2, #83-19 and #105-1.

Public Works Director Jennifer Perry addressed the Board and gave a brief introduction to the project. She indicated that at the time of submission the plans were approximately 75% complete and noted that they are currently 90% complete.

Jeff Provost provided an overview of the project plans outlining the locations that will be affected and then opened up for questions.

Mr. Cameron asked what the start and end dates are for this project. Ms. Perry advised the start date would be early spring 2014 and projected completion date would be mid 2015.

Mr. Ferraro asked if the large pond/lagoon would be used for the backwash and/or settling of solids.

Mr. Provost advised the lagoon would be used only in emergency situations. There will be below ground storage tanks under the building which will serve as the primary residual holding facility. If the tanks were taken offline for some reason the lagoon would then be used, but very infrequently.

Chairman Knowles asked if there were any other improvements on the other wells that the board or public should be made aware of. Mr. Provost advised the Gilman Well building will be receiving a new metal roof as well as a new exterior to the building providing a much needed 'facelift'. There is no building currently at The Stadium Well location however a precast one will be installed at that site.

All other activity in the park will just be temporary disturbance while installing water main resulting in directional drilling through wetlands.

Mr. Ferraro asked a follow-up question pertaining to handling the removal of backwash residue solids. Will it still need to be truck out? Mr. Provost indicated that the below ground tanks will still require the solids to be trucked out but should only be needed 2 times per year at most.

Chairman Knowles asked if there will be any lights on the buildings that would affect neighbors. Mr. Provost advised there will not be any intrusive lighting.

The Board thanked Ms. Perry and Mr. Caldwell for their presentation and keeping the Board informed of the Town's project.

SAM MUKARKAR – PB CASE #21313

The continued public hearing on the application for a Conditional Use Permit to permit the proposed construction of a single-family dwelling and associated site improvements within the required 40' wetland buffer on the property situated at 44 Captains Way. The subject property is located in the RU-Rural zoning district. Tax Map Parcel #24-5.

Mr. Christian Smith, P.E. with Beals Associates PLLC addressed the Board on behalf of the Applicant. He acknowledged that Mr. Mukarkar and Mr. Luke Hurley, CWS with Gove Environmental Services (GES) were also present with him this evening. Updated the board of a recent site walk done with board members as well as the town planner and adjacent neighbor. While making this site walk it was discovered much of the buffer land that has already been impacted with debris from the road construction done back in the 80's. As a result of the site walk, the board requested options for how the house could layout within the buffer. Mr. Smith provided 3 options which will move building more into the disturbed buffer as opposed to the more pristine buffer. Option A was the original layout design. Length of house is designed to keep the depth out of the wetland buffer. Option B is roughly the same configuration but moved back into the existing disturbed buffer. Option C had changes to the building plans by moving the bedroom reworked to back of garage and the proposed impacts. They also provided a planting landscaping plan which will be the same for all options.

Chairman Knowles opened up questions to the board. He was not able to attend the site walk nor was Ms. Woolhouse who asked to hear more from the board members who were able to attend the walk. Ms. Bergeron indicated it was difficult to get to the site as it was very overgrown. It was helpful to be able to see that there were disturbed wetlands, boulders and to have an idea how close the abutters were.

Mr. Mukarkar had pictures for the board members who were not able to attend to see site conditions. Ms. Von Aulock indicated that the area contains huge boulders which were dumped and poses a hazard. Plan C appears to be closest to what was requested or suggested.

Mr. Ferraro asked the homeowner which plan he prefers. Mr. Mukarkar would prefer to go with Option B which offers more planting for privacy. Mr. Mukarkar indicated his intent is to mitigate the entire buffer area so as to remove any hazards and clean up.

Chairman Knowles asked if there was and consideration to put the garage under the house to minimize the impact to the buffer zone. Mr. Mukarkar stated that putting the garage under the house would be more obtrusive to abutters as that would make the house over 35 feet in height and would not conform to the Homeowners Association specifications.

Chairman Knowles opened meeting up to public for discussion or input. The neighbor's main concern was privacy and property value. Mr. Bernacki, president of the Captain's Meadow Home Owners Association, who did their own site walk a few weeks prior to the PB site walk. Based on the plans they would like to keep the new property to look very similar to the rest of existing properties. Currently there are 59 houses in Captain's Meadow and the majority of the house styles are not garage under. Also, with the garage under option the height then becomes an issue. Mr. Bernacki stated that Option B is the desired option agreed upon by the Captain's Meadow Home Owners Association.

Chairman Knowles asked that each condition previously set by the board be addressed. Mr. Smith went through each conditional use requirement and that the conditions have been met:

Condition 1) Proposed use is permitted in the underlying zone district, which it is.

Condition 2) Individual lot development within the existing lot of record cannot feasibly be carried out on portions of the lot completely outside the WCD based on covenants in the development there is a minimum dwelling size as well as height restrictions. Residents in home agree that there are not many options with regards to the 40 foot buffer.

Condition 3) Proposed layout has been designed in such a fashion to minimize WCD impact to the maximum extent possible but cannot be configured completely outside the WCD due to the shape of the existing lot of record and edge of wetlands along with its associated 40 foot buffer.

Condition 4) Soil disturbance that are temporary or adjacent to the immediate development will be restored as nearly as possible to original grade and condition. Stumps are to be ground and debris cleared in that area. Temporary disturbance area will then be over seeded with New England Semi Shade Grass and Forb Mix which is specifically designed for re-vegetating wetlands and buffer areas. In addition, the design from Ms. Neibling, incorporates significant landscaping, vegetative plantings and proposed to infill the buffer area and to provide screening to the abutting parcel.

Condition 5) Proposal will not create a hazard to individual, public health or safety or welfare due to the loss of wetland. No physical wetland disturbance is proposed as part of the project, nor will groundwater contamination result from this individual lot development.

Condition 6) Department of Environmental Subsurface Construction approval will be in place prior to construction within the district. No physical wetland disturbance is proposed as part of the project.

Chairman Knowles asked for additional questions from board regarding these conditions.

Mr. Cameron asked if there is a house adjacent to this lot that may potentially be impacted. Mr. Smith stated that the lot at 42 Captain's Way is vacant at this time.

Mr. Ferraro asked if anything was needed to memorialize the commitment to do something with this previously disturbed area. Chairman Knowles indicated this was covered in the landscaping plans as well

as the their plans which specifies 4,841 square feet of buffer mitigation along with the wetland buffer restoration construction notes on Plan B. Erosion control will also be added to the plans.

There being no further discussion, ***Mr. Ferraro moved approve the application for a Conditional Use Permit to permit the proposed construction of a single-family dwelling and associated site improvements, as presented. It was represented that the plan approved was depicted as "Alternative B". Motion was seconded by Mr. Cameron. VOTE: Unanimous. CONDITIONAL USE PERMIT GRANTED.***

EXETER MONUMENT WORKS, LLC – PB CASE #21315

The application for a minor subdivision of an 0.38-acre parcel into three single-family residential lots. The subject property is located at 8 Columbus Avenue, in the C-1, Central Area Commercial zoning district. Tax Map Parcel #73-148.

Mr. Christian Smith, P.E. with Beals Associates PLLC addressed the Board on behalf of the Applicant. Special exception and variance was given in July from Zoning Board of Adjustment of Exeter to allow residential use in C1 zone. The variance will allow lots to be less than the required 100 feet. All the lots do have the requisites frontage and area required in zone for residential use. This requires a 3 lot subdivision. The current lot that houses the existing Exeter Monument Works building would maintain a driveway off Columbus Ave. Asphalt will be removed to facilitate a residential driveway. The other two lots will have access off Private Veterans Way which is currently being upgraded. Unitil agreed to go underground from the first pole all the way out to the transformer so as not to disrupt the large twin Oak tree. The large gravel parking area will also be removed. Water will come off existing 1 inch water feed currently being used by Exeter Monument Works through an easement creating single service as well as individual shut offs for each lot/home. Roof runoff will be infiltrated into stone drip edges by gutter downspouts or drain to open stone trenches. Mr. Smith indicated the request for one waiver which will request the road be maintained at same width as is currently there so as not to disturb the large tree.

Mr. Ferraro asked if 1 inch water pipes will be sufficient for 3 homes. Mr. Smith stated that this area of town has the highest water pressure and the 1 inch feed would be sufficient for this need. Chairman Knowles asked if there was a parcel of land in front of these 2 front lots. Mr. Smith clarified that it is all right of way land. Chairman Knowles also requested using downspout and drywells so as to keep drainage effective. Mr. Smith indicated that would not be a problem. Chairman Knowles opened the meeting up to questions from the public. Mr. Chris Earner, located at 9 Columbus Ave. (abutter) was concerned about the landscaping intended with these 3 lots so they don't look like a row of townhouses. Chairman Knowles stated that as this is a minor subdivision the only requirement from the board would be the buildings would need to follow set back guidelines as well as no site lighting. With regard to the planting/landscaping this will be up to the builder/homeowner as to what landscaping will be done. Once the building plans for each site are presented to the building dept. Mr. Earner may check with them at that time. Chairman Knowles asked for any further questions from the public and / or board.

Ms. Von Aulock indicated that the board may request street trees and plantings to help divert headlights from abutters. Also would like to speak more specifically about the drainage as well as what will be needed with regards to the fire department and / or fire hydrants. Mr. Smith stated that the fire department has been out to the site and determined that there are two hydrants that are closer than the 500 feet required. Regarding drainage, Mr. Smith stated that because the gravel driveway and the removal of the Exeter Monument Works building as well existing pavement the CN number would be reduced. Ms. Von Aulock suggested possibly installing rain gardens as done in the past for other locations. Ms. Von Aulock would like to have a note added to the plans regarding the open space and building coverage percentage not being more than 75%. Mr. Smith will add these notes to the plan. Ms. Von Aulock feels it is a good trade off keeping the road narrow and going underground with the power lines so as to not disturb the large tree. She would like to see some additional street trees to keep the scale of the project reduced.

Chairman Knowles indicated that there were some site line issues at the end of Veterans Way looking north, there is a large lilac bush partial in the right of way and partial in the private property. Mr. Smith stated that they did achieve rights to trim lilac bush and it has been done. Mr. Ferraro reiterated the note to be added regarding the drainage. Mr. Smith acknowledged the drainage flow path will not be changed. Chairman Knowles asked for any additional questions from board. Chairman then addressed the waiver request for sections 9.17.10C requiring the 20-22 foot paved down to 16 ½ - 18 feet proposed.

1. **All requests of the Planning Board to be addressed, including but not limited to the following:**
 - **All conditions of this approval and waiver requests granted by the Board shall be noted on the plan to be recorded.**
 - **A dry-well system shall be utilized for roof/gutter drainage (instead of stone drip-edge, as proposed) and details shall be noted on the plan.**
 - **The existing large tree between proposed lots #148-1 and #148-2 shall be retained;**
 - **Three (3) additional street trees (one per lot) shall be provided and noted on the plan.**
2. **All final revisions to the plans or related documents required by Town Departments, Town Counsel and their consultants to be addressed.**
3. **Access easement (private R.O.W.) description shall be submitted for review and approval by Town Counsel and also referenced in the individual lot deeds.**
4. **All appropriate fees to be paid, including but not limited to: applicable impact fees, inspection fees, recording fees and other agreed upon improvements.**
5. **The Applicant shall meet with the Town Assessor to develop addresses for all new lots.**
6. **An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan;**
7. **A preconstruction meeting shall be arranged by the applicant or subsequent owner and builder with the Town Engineer and Town Planner prior to any site work commencing; and**
8. **All conditions of this approval are to be met within one year.**

Motion was seconded by Ms. Woolhouse. VOTE: Unanimous. MINOR SUBDIVISION APPROVAL GRANTED.

OTHER BUSINESS

- Sterling Hill (Phase II) – PB Case #2423
Request for extension of Condition #9 of original approval (completion of site improvements)

Mr. Malcolm McNeil, Attorney representing applicant Eric Kates. Mr. McNeil is requesting a 2 years extension for completion site improvements which is completion of pavement on this project. Mr. McNeil stated this is an ongoing project that has been delayed due to recession. Mr. McNeil outlined the project consisting of 4 building consisting of 120 units. Originally approved and signed by the Planning Board Chair on 10/2/2006. Currently there are 4 completed units from another related project, now there are two buildings (1 completed, 1 under construction).

Condition #9 provided that all site improvements would be completed within 5 years of the final approval which would have been in 2011. In 2011 applicant obtained a 2 year extension which will expire on 10/2/2013. Since the last extension building 6 is under construction, all utilities are 100% complete (water, sewer and drainage). The only remaining item needed for completion is pavement. There are no safety concerns, public safety concerns or access concerns. The developers plan is to complete the remainder of the pavement when the construction of building 7 begins. This will occur when 50% of the units in building 6 are sold. Building is under construction currently with hopes to begin selling units in Nov. Asking to consider another 2 year extension expiring on 10/2/2015.

Chairman Knowles opened questions up to board.

Motion was seconded by Ms. Woolhouse. VOTE: Unanimous. 2 YEAR EXTENSION GRANTED.

- Contoocook River Lofts, LLC (“Linden Commons” subdivision) – PB Case #2711
Board discussion regarding compliance with approved plans and / or drainage issues

Mr. Jonathan Ring, P.E. with Jones & Beach Engineers, Inc. was present to address the Board. Mr. Ring was joined by Paul Kerrigan with Contoocook River Lofts, LLC. Updates to ‘as built’ statuses of the substantially completed subdivision since last meeting with board on June 20th are as follows:

- a. The road has been completed
- b. 2/3 of the house lots have been constructed
- c. Additional trees were cut between lots 18 & 22 to construct a temporary earthen berm on back side of lots which are approximately 3 feet high.

- d. Had meeting with Sylvia Von Aulock, Doug Eastman, Kristen Murphy, Jeff Highland, Frank Ferarro and the development team on July 17th. Reviewed project and agreed to perform limited 'as built' survey to determine watershed breaks in the subdivision. (Where driveways / houses are does drainage break to the street or toward the back yard.) Brad Jones from Jones & Beach Engineers, Inc. went out and did the survey. In the letter to the board on Aug. 1st, provided a summary analysis of those flow in the various areas, there were 5 basic reaches. Summary of the analysis is a decrease in flow to all abutters from the original existing site condition. Also, no changes in flow at most locations. After the survey was complete, a site walk was done by Brad Jones, Paul Kerrigan, Frank Ferarro and Jeff Highland to review the conditions.
- e. Paul Kerrigan addressed the construction of the earthen berm behind lots 18-22. This temporary berm has been constructed to direct water flow into street. Mr. Kerrigan also mentioned that Mr. Brian Griset (abutter) had several concerns. One being lot 11 & the other being lot 16, the swale behind 16 to bring water out front. Lot 11 is under construction at this time and has not had the final grading done. Intent is to have water flowing towards Squire Way once final grading is complete and build remaining lots per plan.
- Mr. Kerrigan asked for questions:
- Mr. Ferarro asked if the berms will be back filled so it slopes toward the road. Mr. Kerrigan confirmed that is correct. Mr. Ferarro asked if the front yard of lot 17 will be cut down so it will drain. Mr. Kerrigan confirmed that will be done. Mr. Ferarro asked about lot 11, it appears to be higher than lot 15. Mr. Kerrigan stated that once lot 11 has been completed there will be grading, a small berm and an infiltration area at the end of the driveway. Mr. Ferarro mentioned the swale behind lot 16 would be draining water from 10, 11 and lot 15, dumping onto the driveway of lot 16. Mr. Kerrigan stated that due to the way the swale has been constructed the water drains from the back of lot 16, connecting with water from lot 15. Mr. Ferarro's indicated concern regarding the swale, if the driveway has sheet water flowing across it and in the winter it turns into ice, the homeowner at some point may decide to do something with the swale which would then disrupt the entire section from draining as intended. He will discuss this further later.
- Chairman Knowles indicated that at the original site walk Mr. Jones had been asked to provide some of the individual lot plans. Specifically lots 7, 8, 9 & 10 that clearly drain directly away from the road and rain garden. Chairman asked where the break down happened causing the grading & drainage to not be constructed according to plan. Mr. Kerrigan spoke to lot 9, indicating that the basement slab elevation is slightly lower than what was proposed on the drainage plan provided by Mr. Jones however Mr. Kerrigan is uncertain how or why it happened. Chairman Knowles stated it is actually more than 4 feet off plan in many areas. Mr. Ferarro stated slab elevation on plan did not match the drawing at all for lots 7-10 and lot 9 was considerably off the drawing and just making it for lot 11. The construction of these lots was significantly different than approved and Mr. Ferarro is not happy about that. Mr. Ferarro believed the reasoning may have been due to the way the garages were intended to be built and were then changed. Chairman Knowles stated that was not the case. Chairman Knowles stated that it is the developer's responsibility to build the sites to plan. Chairman Knowles asked if lots 7, 8, 9, 10 had all been conveyed. Mr. Kerrigan confirmed that they have. Chairman Knowles stated that these lots are now under separate ownership at this point. Mr. Ferarro is bothered that people talking about intent may be interpreted one way but it is not what is on the plan. If there are conflicting conditions then it was up to this board to make the decision which provision prevailed. Not an inspector, not the town planner, not a town engineer but this board. It was incumbent upon the developer to come back and say 'I can't do what you approved because you've got conflicting conditions here'. Mr. Ferarro is not happy with this development.

Chairman Knowles asked if anyone else from the board had any additional comments or questions. Mr. Ferarro asked if lot 11 is under contract. Mr. Kerrigan indicated it is not. Mr. Ferarro asked then that they would be able to make the changes before that lot is under contract. Mr. Kerrigan & Mr. Ring indicated that will be done. Mr. Ferarro asked if lot 16 is under contract. Mr. Kerrigan confirmed it is. Mr. Ferarro stated even if the board is unhappy with the conditions they wouldn't be able to go in and do anything to fix it. Mr. Ferarro stated even though it is very slight, water that should be going to Squires Way is actually going down to the Winslow area which was not according to plan. Mr. Ring stated that the water is actually going into the rain garden and Mr. Ferarro stated that it was not planned to go that way.

Chairman Knowles stated during the site walk there was a question of who proposed the design for the infiltration trench at the end of the driveway on lot 19. Mr. Jones didn't know nor did the builder and the board is wondering who directed that to be installed. Mr. Kerrigan didn't know for sure who was responsible. Mr. Highland, the DPW planning board and site inspector, explained how the infiltration trench came to be which turned out to be a brainstorming session between Mr. Jeff Highland and the developer to save trees and meet the intent of the project.

Ms. Von Aulock stated the board has a packet that includes excerpts from the plan. One page includes notes from sheet C4. - **Note # 17: Homeowners and specific home contractors will be required to use some form of infiltrating dry well system to catch and infiltrate the roof run off and drive ways on all lots. The intent is to have as little run off from the developed site as possible with an opportunity to help recharge ground water and reduce flooding. Jones & Beach Engineers has designed each infiltration system to accommodate up to 2800 square feet of impervious surface. If the house builder or home owner exceeds 2800 square feet of impervious surface on their lot they will be required to revise the design to meet required infiltration. The design is required to be reviewed by Exeter Public Works.**

Note: The lot 19 in question does not exceed 2800 square feet. This was the 2nd trench on this site created due to slight change which is why this was put in.

Mr. Highland stated that he has been with the town for several years and feels it is his responsibility to take plans that the board has approved and implement them the best way possible based on what has been approved.

There are many situations which over the years have warranted a judgment call as to whether things come back before the board, the town engineer or whoever may need to be involved. This project had several changes along the way that occurred over time. The ultimate intent was to use a low impact development approach for this project which is becoming more and more difficult as the terrain is challenging.

Mr. Ferarro states that Mr. Highland cannot disregard the conditions set forth by the board for whatever reason. Mr. Highland indicated that historically with residential developments, his focus has been on the right of way or roadway conditions. Previously it was not the responsibility of the DPW and it was not Mr. Highlands understanding that this was quite so important.

Chairman Knowles states that typically on subdivision approvals, 99% of them are the roadway construction that the board approves. This is different because through 2 – 3 years of permitting the board was very concerned with the overall drainage. Understanding the frustration, but this is a unique situation from an inspection standpoint however the subdivision approval did include all the house lots so that does fall under the inspection duties.

Chairman Knowles also wanted to state that if there are to be drainage structures to be proposed in the future that the design needs to come from the engineer record rather than a town direction from a liability stand point. If something does go wrong it would need to be the engineer record rather than being directed by town personnel.

Mr. Cameron asked what the resolution is to this situation. What is going to be done to make this correct, if anything? Chairman Knowles responds anything that hasn't been built in accordance to plan doesn't damage abutting private property as per the additional drainage summary presented to the board. In this case it is the engineer's position that it doesn't exceed the peak runoff. Mr. Ferraro stated that the lots are sold and nothing further can be done. If the builder continues to build to plan there should be no further issue.

Chairman Knowles does have some correspondence from DES (Dept. of Environmental Services) who did a site walk. The purpose of the inspection was to determine compliance with permits in response to the complaint of possible violations on the property. As a result of the inspections it was determined that no violations have occurred within a jurisdictional area on the property. As a result DES will not take jurisdiction over the matter at this time. Chairman Knowles asked if anyone from the public had anything on this matter.

Mr. Kendall Greiner, 53 Lindenshire Ave., direct abutter to this project has a couple of issues of concern. The first issue is the cutting of the trees and drainage being the second issue. Since the project has begun over the past 2 years 9 trees have been cut and dropped on his property. One tree had blown down and hit his house breaking a window. Since that occurred, another 20 feet of trees have been taken down to the line which made the situation worse.

Chairman Knowles asked Mr. Grenier to indicate the location this has happened on the map. Mr. Grenier indicated to the map the location and is now concerned as to when the other remaining trees will fall. Mr. Grenier asked who is responsible for this. He does not believe this is act of nature any longer it is due to the project this is happening.

Regarding the drainage and the berm that has been installed, this is diverting water toward these remaining trees and his home. Chairman Knowles asked which lot Mr. Grenier is directly abutting. Mr. Ring indicated it appears to be lot 22. His concern is that he is going to be receiving all the water as well as the trees when not if they fall.

Chairman Knowles asked for clarification if the berms will be built up at the time of development to top of berm height, directing the water to Winslow Drive rather than towards the abutter. Mr. Kerrigan indicated how the berm is intended to direct the water however Mr. Grenier stated that is directly in line with his house and he will be then experiencing water problems due to the excess water dumping into his driveway which will then turn to ice in the winter. Chairman Knowles asked Mr. Ring if he could speak to this matter regarding the drainage will flow once project is complete. Mr. Ring stated the intent of the berm is that it will shed the water toward the road however it is not what is happening on the area close to Mr. Grenier's property who also indicated that many of the trees have been removed. Mr. Grenier is very concerned about how this will affect his property and home so he wanted to bring this to the attention of the board tonight. Mr. Ferraro stated he is also concerned about this matter and asked if there was anything the builder might be able to do to help mitigate the damage by possibly removing the existing trees and plant new ones or different plantings. Chairman Knowles asked if the existing trees in question are on the developers land or on Mr. Grenier's. Mr. Grenier indicated that the majority of the trees left are on conservation land but some are on his property also. The developer cut down all the trees right up to the property line. The trees on his property (approx. 10 or 11 trees) are now going to have to be cut down at his expense so they do not fall on his home.

Chairman Knowles asked to set up a meeting with town staff to review that specific area of concern with the site inspector. Ms. Von Aulock asked if Mr. Highlands has seen this area, which he had and agrees it is an issue. Mr. Highlands stated he'd spoken with Ms. Kristen Murphy about responsibility.

Ms. Murphy indicated that ultimately it would be the Homeowners Association once that has been established. As there is no Homeowners Association at this time the responsibility would then be with the developer.

Chairman Knowles agrees that this is a valid, serious concern that needs to be addressed and ultimately it is the developer's legal and moral responsibility to make sure the development doesn't harm any abutting properties. Mr. Kerrigan also agreed that this is an issue and will see what can be done. Mr. Ring also indicated that they will have Mr. Jones go out and review the slopes to see if they will be able to correct this. Ms. Von Aulock asked about what can be done with the trees. Mr. Kerrigan stated that it would be the developer's responsibility until the responsibility is conveyed to the Homeowners Association which at that time their insurance would cover this. Mr. Grenier stated the insurance is fine however that isn't the issue, the issue is he's in fear of personal injury as well as damage to his property.

Mr. Ferraro asked if the developer could go out, cut and chip the hazardous trees to remove the potential danger. Because these trees are on conservation land this is not an option. Ms. Von Aulock stated that if there is dangerous situation that is different. There is an obvious safety issue but not sure how the board would like this to be handled at this point. Chairman Knowles stated again that from a liability stand point the responsibility is still the engineer on record. If the design creates a situation by drainage or by clearing that endangers an abutting property it's the design that created that condition so we need to make sure that Jones and Beach Engineers is the one that is critically involved and either states that it is a safe condition or if additional measures need to happen. It is not the town's responsibility give the approval. This needs to come from the team of engineers that should state that this is something that was not anticipated and these steps need to be done to ensure the safety of abutters or to state that they stand by their design and this is a safe condition. Mr. Ferraro suggested that the engineers and developer meet with the home owner, Mr. Grenier, at the site, discuss the situation and possible solutions and come back to the board. Chairman Knowles stated that he feels Mr. Highland should also be there as a moderator but the resolution needs to come from the development team. Mr. Ferraro agrees that everyone involved needs to be there to review this situation and come up with a resolution. Chairman Knowles asked that when the meeting is set to please inform Ms. Von Aulock so we can be sure to have someone from the town attend also. Mr. Ferraro asked to have this added to the agenda for next meeting. Mr. Kerrigan asked if they needed to attend next meeting or if they may just send a letter with the intended resolution. Chairman Knowles stated because it is a serious situation that he would prefer the development team attend the meeting if possible.

Chairman Knowles asked if there was anyone from the public who had issue to be addressed with this matter.

Ms. Leona Nelson, an abutter, stated that the plans that were approved did not make her happy. Ms. Nelson did indicate that she was horrified when there were large amounts of fill brought in to elevate already high sites. Now the new lots developed are on hills which she believes has a lot to do with the amount of water that is now draining to the lower abutter's properties. With regards to the trees, many of the trees currently standing are dead and are going to fall eventually. Ms. Nelson does not feel it is the responsibility of the Exeter Co-Op to pay when trees have to be removed. Although they have had to pay for tree removal in the past due to safety concerns, it should be the responsibility of the developer to cover this cost. Ms. Nelson is bothered that the plans were drawn, approved and not followed and no one is being held accountable for not following the plans as approved. Ms. Nelson also stated that she has addressed these issues and concerns with the board on at least two other occasions since 2010.

Chairman Knowles asked if there was anyone else from the public who had issues to be addressed with this matter.

Mr. Brian Griset, 26 Colon Way, he has been working with engineers and developers to review data, new drainage plans and they have made the commitment to build to plan. Mr. Griset does have additional comments, issues and concerns but as it was getting late he will outline them in a letter to the board along with some suggestions and asked for a response from the board once the letter has been received.

Chairman Knowles asked for anyone else from the public of which there were none.

Chairman Knowles asked the development team if they are clear on their actions items and what needs to take place. Ms. Von Aulock stated it would be beneficial that they look at the entire area trees and be sure there are not additional hazards that could ultimately impact other abutters also.

Ms. Nelson asked that someone from the Co-Op board of directors as well be in attendance at the meeting with the developers.

APPROVAL OF MINUTES: August 8, 2013

Chairman Knowles suggested that the minutes be deferred until the Board's next meeting to give the members the opportunity to read them as they were just distributed this evening.

TOWN PLANNER ITEMS – None

REPORTS ON "OTHER COMMITTEE" ACTIVITY

Mr. Cameron reported that the Historic District Commission had met earlier this month and had reviewed a sign for a new business to be located on Water Street. He also noted that the Commission was working on revising their current application forms.

CHAIRMAN'S ITEMS - None

There being no further business before the Board, ***Mr. Cameron moved to adjourn; second by Ms. Bergeron. VOTE: Unanimous. The meeting was adjourned at 9:30 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, September 12, 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
;dm