

EXETER PLANNING BOARD

MINUTES

SEPTEMBER 27, 2012

Chairwoman Kathy Corson called the meeting to order at 7:00 PM in the Nowak Room on the above date.

PRESENT: Chairwoman Kathy Corson, Vice Chairman Ken Knowles, Selectmen's Representative Frank Ferraro, Members: Gwen English, Alternate Members: Pete Cameron and Jeff Dube, and Town Planner Sylvia von Aulock. It was noted that all board members in attendance would be voting.

NEW BUSINESS: PUBLIC HEARINGS

JONES & BEACH ENGINEERS, INC. – PB CASE #21207

The application for a lot line adjustment of the common boundary between property at 13 Old Town Farm Road and property located to the rear (no current address); and the proposed creation of a private right-of-way to provide access to the rear property. The subject properties are located in the R-1, Low Density Residential zoning district. Tax Map Parcel #28-17 and #28-22.

Chairwoman Corson 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. ***(NAME) moved to accept the application thereby beginning the 90-day clock for the Board to act; (NAME) seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.***

Mr. Jonathan Ring, P.E. with Jones & Beach Engineers, Inc. was present on behalf of his clients, Michael Sherar and Sharon Freeman. He acknowledged that Mr. Sherar was present with him this evening. He presented a brief history of the properties noting that the original subdivision plan for this neighborhood had been prepared by RSL Layout & Design in 1977, approved by the Planning Board in June 1978 and subsequently recorded at the Rockingham County Registry of Deeds as Plan #D-7889. Mr. Ring indicated that Lots #10 and #11 of this subdivision were conveyed from Kenick & Tomlinson to his clients' father in 1982. He explained that his clients had inherited the land after their father's passing two years ago and had subsequently retained the services of his firm. Mr. Ring indicated that as a result of their recent field survey it had been determined that the true frontage for the subject property (Lot #4-10 as depicted on the subdivision plan) was actually 172.03 feet, and not 200-feet as depicted on the original subdivision plan. He pointed out that the location of Lot #4-11 was to the rear of the subject property.

Mr. Ring proceeded to explain that in discussion with Code Enforcement Officer Doug Eastman and Ms. McEvoy, he had been advised that it would be necessary for his clients to obtain an Equitable Waiver from the Zoning Board of Adjustment (ZBA) for the frontage discrepancy, prior to this application being discussed by the Planning Board. He indicated that the request for an equitable waiver was filed with the ZBA and subsequently granted at their August 21, 2012 meeting (ZBA Case#1436). Mr. Ring stated that the application being reviewed this evening was for a lot line adjustment and the creation of a private right-of-way (ROW) to provide the required frontage for the rear property (Lot #4-11). He noted it was his clients' intent to construct a single-family home on each parcel. He indicated that four (4) waiver requests were associated with the application and provided a brief explanation of each.

Mr. Cameron requested further clarification as to the meaning of the ZBA waiver. Mr. Ring stated that with the granting of the waiver, the parcel would be considered a buildable lot as it exists and was in compliance with the zoning requirements. Mr. Cameron inquired if a corrective deed would be prepared to reflect the effect of the waiver relief; Mr. Ring responded affirmatively. Mr. Cameron commented on Mr. Ring's earlier request to allow overhead utility lines to serve the rear lot and asked how the front lot would be served. Mr. Ring indicated that he was uncertain of the proposed location of the home but it was possible that it could be served directly from the street.

Mr. Knowles requested that the test pit data be added to the plan. He inquired if the Applicant had applied to NH Department of Environmental Services (NHDES) for septic approvals. Mr. Ring agreed to add the data to the plan; he indicated that application to NHDES would not be made until such time as the location of the homes had been determined.

There being no further discussion, Chairwoman Corson asked if there were any abutters or interested parties who wished to speak on the application. There was no public testimony; the public hearing was closed and Board discussion resumed.

Ms. von Aulock mentioned that the waiver request for utilities, Section 7.4.16 was not applicable as the application was not for a subdivision and the parcels were existing lots of record. She commented that the wetlands setbacks and buffers had been nicely delineated on the plan. Noting that a proposed location for the driveway had not yet been determined, she pointed out that any encroachment of the wetland buffers would require the Applicant to return to the Board for a Conditional Use Permit (CUP). She requested that a note be added to the plan (sheet to be recorded) depicting this requirement. Chairwoman Corson suggested that if the properties should end up being sold that full disclosure of this requirement would be recommended as it could become a financial burden to a potential buyer.

There being no further discussion, the Board proceeded to address the waivers being requested by the Applicant, as follows:

Section 7.4.7 – “Natural Features”. Waiver is being requested given the limited scope of the application and the large size of the two parcels. ***Mr. Ferraro moved to grant the waiver, as requested; second by Mr. Cameron. VOTE: Unanimous.***

Section 7.4.9 – “Topography”. Topographic data is shown for the portions of the property to be developed; the remainder of the property is wetlands. Again, the waiver is requested given the limited scope of the application and the large size of the wetland to be undisturbed on the east end of the lot. ***Mr. Ferraro moved to grant the waiver, as requested; second by Mr. Knowles. VOTE: Unanimous.***

Section 7.4.10 and 7.6.11 – “High Intensity Soil Survey”. It was represented that high intensity soils information was provided for the portion of the property to be developed and that the remainder of the property was a large wetland. ***Mr. Ferraro moved to grant the waiver as requested; second by Mr. Knowles. VOTE: Unanimous.***

There being no further discussion, Chairwoman Corson reviewed the possible conditions of approval.

Mr. Knowles moved to approve the lot line adjustment and creation of the private right-of-way, as presented, subject to the following conditions:

- 1. All requests of the Planning Board to be addressed, including but not limited to the following:***
 - The Planning Board case number (#21207) be added to the plan;***
 - All conditions of this approval and waiver requests granted by the Board shall be noted on the plan to be recorded;***
 - A note be added on the plan (sheet to be recorded) indicating that the proposed driveway(s) shall not encroach within the 40-foot wetlands buffer. Any proposed encroachment of said buffer on either lot shall require approval of a Conditional Use Permit (CUP) from the Planning Board.***
 - The test pit data for the four (4) test pits in the leach field area be added to the plan.***
- 2. An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan;***
- 3. The Applicant shall meet with the Town Assessor to determine the address of the new lot; and***
- 4. All conditions of this approval are to be met within one year.***

Seconded by Mr. Cameron. VOTE: Unanimous. CONDITIONAL APPROVAL OF LOT LINE ADJUSTMENT and CREATION OF PRIVATE ROW GRANTED.

FELDER KUEHL PROPERTIES, LLC – PB CASE #2526

A request for an amendment to a previously approved site plan for the proposed construction of a phased residential development located on Meeting Place Drive. The Applicant is proposing to

reduce the building footprint of Building #4 and reconfigure the number of units in Building #3 and #4; total number of units for approved development will remain at 122 units. The subject property is located in the R-4, Multi-Family Residential zoning district. Tax Map Parcel #55-75-1.

Chairwoman Corson asked Ms. von Aulock if the abutters and public had been duly notified; Ms. von Aulock responded affirmatively. ***Mr. Knowles moved to re-open the case for limited discussion on the proposed amendment; second by Ms. English. VOTE: Unanimous.***

Attorney Mike Donahue addressed the Board on behalf of his client, Bob Felder and acknowledged that Mr. Felder was also present this evening. He stated that they were proposing some minor revisions to the approved site plan for the multi-family residential development, "The Meeting Place" located off of Epping Road. He provided the Board with a brief update on the progress of the project and indicated that Mr. Felder was currently working with PB/DPW Inspector Jeff Hyland and Town Engineer Paul Vlasich to complete punch list items associated with the completion of Building #2. He indicated that Mr. Felder was continuing to work with the NH Housing and Finance Authority for the funding for the next phase of the project.

moved to approve the proposed an amendment to the previously approved site plan for the above-captioned project. This amendment provides for the reduction of the building footprint of Building #4, a decrease of the unit count in Building #3 and an increase of the unit count in Building #4; the total number of units for the approved development will remain at 122 units, as presented. This approval was granted subject to the following conditions:

- A revised phasing plan depicting the proposed construction changes for Phase III and IV of the project shall be submitted for review and approval by Town departments; and***
- Complete revised plan sets shall be submitted for review and approval by Town departments.***

Second by VOTE: Unanimous. CONDITIONAL APPROVAL OF AMENDMENT TO SITE PLAN.

OTHER BUSINESS

APPROVAL OF MINUTES: September 13, 2012.

Mr. Ferraro mentioned that the motion made by Mr. Plumer regarding action on the CIP document should reflect that the Board voted to 'forward' the document to the Board of Selectmen/Budget Committee and not 'adopt', as written. ***Ms. English moved to approve the minutes of September 13, 2012, as amended; second by Mr. Ferraro. VOTE: Unanimous. Mr. Knowles abstained.***

TOWN PLANNER ITEMS - None

REPORTS ON "OTHER COMMITTEE" ACTIVITY - None

CHAIRMAN'S ITEMS - None

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

The next meeting of the Exeter Planning Board will be held Thursday, October 11, 2012 at 7:00PM in the Novak Room at the Exeter Town Offices.

***These Minutes are subject to possible corrections/revisions at a subsequent
Exeter Planning Board meeting.***

Respectfully submitted,

Barbara S. McEvoy
Deputy Code Enforcement Officer
Planning & Building Department

:bsm