

DRAFT MINUTES

1. Chairman Ken Knowles called the meeting to order at 7:02 pm in the Nowak Room of the Exeter Town Offices on the above date.
2. BOARD MEMBERS PRESENT: Aaron Brown, Don Clement, Ken Knowles, Kelly Bergeron, Langdon Plumer and Gwen English. STAFF PRESENT: Sylvia von Aulock (Town Planner), Sarah McGraw (Recording Secretary)
3. NEW BUSINESS: PUBLIC HEARINGS

**Continued public hearing on the application of 27 Chestnut Street LLC for a multi-family site plan review for the proposed construction of two (2) 48-unit apartment buildings and associated improvements on the property located at 27 Chestnut Street. The subject property is located in the R-5, Multi-Family Residential zoning district. Tax Map Parcel # 64-52. Case # 21408**

Jonathan Ring of Jones & Beach Engineers represented the Applicant for the case. Mr. Ring gave a brief introduction of the project. Mr. Ring discussed the intersection of Judy Hill and Chestnut Street as it was an outstanding discussion item at the last Exeter Planning Board meeting. Mr. Ring said Jones and Beech hired VHB as an independent contractor to conduct a traffic study on the above mentioned intersection. In a letter submitted, dated December 3, 2014 from Martin Kennedy Senior Principal/Managing Director, the consultant suggested tightening the radius at Chestnut Street, put in a 4-way STOP and install a crosswalk on Chestnut Street.

Mr. Knowles stated that the alternates would be voting members at the meeting.

PUBLIC COMMENT:

Corey Stevens an abutter to the project commented in favor of the 4-way STOP at Chestnut Street.

Waivers:

*Mr. Plumer moved to approve waiver 7.4.7 and 9.6.2 Natural Features, second by Ms. Bergeron. VOTE: Unanimous*

*Mr. Plumer moved to approved 9.7.5.6 Curbing and Traffic Islands, second by Mr. Clement. VOTE: Unanimous*

*Mr. Knowles noted the town engineer comments on waiver 9.14.9 stating a "4" pavement will have a longer service life."*

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*Mr. Clement moved to approve waiver 9.13.7 binder pavement at 2", second by Ms. Bergeron. VOTE: Unanimous*

*Mr. Clement moved to approve waiver 9.14.9, roadway and fire lane less than 24 feet, second by Mr. Plumber. VOTE: Unanimous*

*Mr. Brown moved to approve waiver 5.6.5 shared parking allowance, second by Ms. Bergeron. VOTE: Unanimous*

Mr. Plumer asked about trucking on the roads to the construction site. Mr. Ring said at the last meeting it was discussed the trucks would travel Chestnut, Pleasant, and High Street.

Ms. English was concerned about homeowners if nothing was in writing about the possible impacts to homes.

Ms. von Aulock stated the construction was a big event for the town as the building would be the tallest in town.

Eric Chinburg representing 27 Chestnut Street, LLC noted if any owner was to have a complaint, then to bring it up with the owner of the proposed property.

Mr. Brown noted that for the sake of the Applicant, to allow one building to be occupied for the issuance of the Certificate of Occupancy.

#### CONDITIONS OF APPROVAL

- A. The following requests of the Planning Board to be addressed,
  - i. Applicant provide pre and post construction surveys on roads used during construction with an understanding that any repair required due to damages to roads used during construction would be paid for by the applicant.
  - ii. All construction vehicles to and from Chestnut, Pleasant and High Streets for their routes to the site.
  - iii. Applicant design and construct the Chestnut Street /Jady Hill Avenue intersection as a four-way stop with associated sidewalk improvements. Design to be reviewed and approved by DPW.
- B. All required permit information, waivers, and conditions of approval to be put on the plans.
- C. All final revisions to the plans or related documents (including homeowners association documents) required by Town Departments, Town Counsel, and their consultants to be addressed.
- D. All appropriate fees to be paid including but not limited to; Performance bond, school impact fees, sewer/water connection fees, inspection fees, recording fees and other agreed upon improvements.

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E. Site Review Agreement Signed.

F. All on-site improvements to be completed prior to any issuance of certificate of occupancy (CO) with the following exceptions:

- Finish course of pavement and sidewalk
- One building may be occupied during construction of the second building

G. A preconstruction meeting be arranged by the Applicant and his contractor with the Town Engineer prior to any site work. The SWPPP and updated utility plan with input form Unitil or similar must be submitted for review and approval prior to the preconstruction meeting.

H. The applicant shall meet with the Town Assessing Department to develop a list for location addresses of all new units

I. All conditions to be met within one year and all site improvements to be completed within four years from the date of final approval.

*Mr. Clement moved to grant the project with conditions of approval, second by Ms. Bergeron. VOTE: Unanimous*

Mr. Plumer moved to close public hearing for case # 21408, second by Mr. Clement.  
VOTE: Unanimous

**Continued public hearing on the application of Harbor Street Limited Partnership for a multi-family residential site plan review for the proposed development of the property located at 2-8 Charron Circle. The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel # 65-102. Case # 21421.**

Christian Smith with Beals Associates represented the Applicant. Mr. Smith said the planning board had taken a site walk of the site. A traffic study was conducted that resulted in there being no safety issue.

**BOARD COMMENTS:**

Mr. Knowles discussed the rate of runoff for the project. Mr. Smith said a properly conditioned model would ultimately dispose of run off properly. Mr. Knowles said the area of the road is usually routed to a pond but with pervious pavement it is stored beneath the pavement. Mr. Knowles also noted using collars. Mr. Smith said it will be added to the details.

Joe Falzone, Applicant, discussed unit ownership. Mr. Falzone said most units would be owner occupied with an allowance for 25 % investor units. Mr. Falzone commented that it is hard to obtain a loan if homeowners were not allowed to rent out space if needed. Mr. Falzone asked the Planning Board to waive this requirement by working it into the conditions of approval.

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Mr. Brown commented that policing homes to prohibit renters is hard to do. In a letter (found on file at the Exeter Town Offices) dated September 22, 2014, from the Exeter Zoning Board of Adjustment regarding Special Exception Request for property located at 2-8 Charron Circle that approved the project with the following exceptions:

- The total number of proposed dwelling units shall not exceed fourteen (14) units;
- No more than 25 % of the total number of units shall be permitted to be rental units;
- Adequate landscaping and screening shall be provided ( to be addressed during the Planning Board site plan review process)
- The Applicant is required to obtain site plan review approval from the Planning Board.

Mr. Knowles stated that use is defined by the Zoning Board and it was not the place of the Planning Board to make a decision on the ZBA decision.

Mr. Clement said he was concerned about adequate drainage and drive way being too narrow.

Mr. Falzone stated the project was following all zoning laws, had employed a traffic engineer to ensure safety of the driveway, and spent \$5,000 to meet drainage requirements.

Mr. Clement replied that he was concerned what the project would do to the surrounding area.

**PUBLIC COMMENT:**

Brian Griset, Exeter resident, commented the area adjacent to Walgreen's was fill and there was clay underlying the area. Mr. Griset said the storm drain runs into the property with the possibility of holding water back to delay storm water leaving.

Mr. Knowles said the Applicant couldn't increase peak runoff.

*Mr. Plumer moved to grant waiver 9.5.1.4 grading within 5 feet of boundary line, second by Ms. Bergeron. **VOTE:** 5 Ayes, 1 abstention.*

*Mr. Plumer moved to close public hearing for case #21421, second by Mr. Clement. **VOTE:** Unanimous*

**Site Plan Approval**

Mr. Knowles suggested requiring a test to the pavement after paving to ensure pervious pavement functionality.

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POSSIBLE CONDITONS OF APPROVAL

- A. The following requests of the Planning Board to be addressed:
- i. The drainage analysis be reviewed for time of concentration layout.
  - ii. Applicant provide pre + post construction survey of adjacent residential roads accessed during construction from either Portsmouth Ave or High Street with the understanding that repair for any damages to roads would be paid for by applicant.
- B. All required permit information, waivers, and conditions of approval to be put on the plans.
- C. All final revisions to the plans or related documents (including homeowners association documents) required by Town Departments, Town Counsel, and their consultants to be addressed.
- D. All appropriate fees to be paid including but not limited to; Performance bond, school impact fees, sewer/water connection fees, inspection fees, recording fees and other agreed upon improvements.
- E. Site Review Agreement Signed.
- F. All on-site improvements except for dwelling structures to be completed prior to any issuance of certificate of occupancy (CO).
- G. A preconstruction meeting be arranged by the applicant and his contractor with the Town Engineer prior to any site work. The SWPPP and updated utility plan with input form Unitil or similar must be submitted for review and approval prior to the preconstruction meeting.
- H. The applicant shall meet with the Town Assessing Department to develop a list for location addresses of all new units
- I. All conditions to be met within one year and all site improvements to be completed within four years from the date of final approval.
- J. An infiltration test performed in accordance with ASTM methods to demonstrate a minimum infiltration rate of an average of 100 in/hour for pervious pavement.

*Mr. Plumer moved to approve case # 21421 second by Ms. Bergeron. VOTE: 5 Ayes: 1 Abstention.*

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**The application of Edward and Suzanne Gerety for a lot line adjustment to the common boundary between the properties at 4 Captain's Way and 6 Captain's Way. The subject properties are located in the RU-Rural zoning district. Tax Map Parcels #24-23 and #24-22. Case # 21428**

*Mr. Plumer moved to open case # 21428, second by Ms. English. VOTE : Unanimous*

Suzanne Gerety, Applicant, explained the two property owners wish to swap land to obtain more front yard and back yard. Ms. Gerety said there would be no common area and she already went through her homeowners association.

PUBLIC COMMENT: None

#### CONDITIONS OF APPROVAL

- A. Case number be added to the plans
- B. That a monumentation certificate be submitted to the Planning Department with the appropriate fees for recording the plan.
- C. All Conditions to be met within one year.

*Mr. Plumer moved to approve the lot line adjustment for case # 21428, second by Ms. Bergeron. VOTE: Unanimous*

**The application of Slania Enterprises, LLC (Thomas Christie Pres) for a residential site plan review of the proposed construction of a multi-family (3-unit) structure and associated site plan improvements on the property located at 29 Front Street. The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel # 27-220. Case #21422**

Ms. von Aulock confirmed all abutter had been notified.

Tom Christine, Applicant, described the project and that the project received a ZBA variance for a 3 unit building. Mr. Christine added he would like to request a waiver for section 9.13.7.

#### BOARD COMMENT:

Mr. Plumer noted the building is in the historical district.

Mr. Christine said a workshop was held with the Historical District Commission. Mr. Christine provided a rendering of the building for the Board.

Mr. Plumer noted that Mr. Christine was required to have vehicles concealed.

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Mr. Christine said the building will have car lifts to accommodate two cars.

Mr. Christine provided the lighting plan.

Mr. Knowles asked about ADA ramps for Center Street.

Mr. Christine said there would be tip downs at access points. Mr. Knowles replied that the Applicant must meet ADA federal regulations.

Mr. Brown commented on the area between the buildings. Mr. Brown said it can be hard to maintain with grass growing. Mr. Christine responded the area will be landscaped with plantings.

**PUBLIC COMMENT:**

Jeff Salsbury , abutter, said he was mainly concerned about the outdoor lighting shining into his property.

Mr. Christine provided a picture of the lighting unit showing it would not extend to Mr. Salsbury's property.

**Waivers:**

*Mr. Plumer moved to grant waiver from Proposed Site Plan 9.5.1.4, second by Ms. Bergeron. **VOTE:** Unanimous*

*Ms. Bergeron moved to grant waiver from Existing Site Conditions Plan 7.4.10, second by Mr. Plumer. **VOTE:** Unanimous*

*Mr. Plumer moved to grant waiver 9.13.7 reduction in binder width to 2 inches, second by Ms. English. **VOTE:** Unanimous*

Mr. Christine inquired about a note on the plan requiring the project engineer to be present at the site at all times to approve work.

Mr. Knowles suggested revising the note to say the engineer is only required to be present for site construction and to discuss matter with DPW.

**Conditions of Approval:**

A. All final revisions to the plans or related documents including homeowners association documents require d by Town Departments, Town Counsel, and their consultants to be addressed.

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B. All appropriate fees to be paid including but not limited to; Performance bond, school impact fees, sewer/water connection fees, inspection fees, recording fees and other agreed upon improvements.

C. Site Review Agreement Signed.

D. All on-site improvements except for dwelling structures to be completed prior to any issuance of certificate of occupancy (CO).

E. A preconstruction meeting be arranged by the applicant and his contractor with the Town Engineer prior to any site work.

F. The Applicant shall meet with the Town Assessing Dept. to develop a list of addresses of all new units.

G. All conditions to be met within one year and all site improvements to be completed within two years from the date of final approval.

*Ms. English moved to approved case # 21422, second by Ms. Bergeron. VOTE:  
Unanimous*

**The application of Town of Exeter Public Works Department for Conditional Use Permits for the Wetlands Conservation Overlay and Shoreland Protection Districts in conjunction with the proposed culvert replacement project on Linden Street and Court Street. The subject properties are located in the R-2, Single Family Residential zoning district. Case # 21429.**

Jason Gallant from CMA Engineers presented on the proposed project. Mr. Gallant described both culverts at Linden and Court Street as poor condition with the Court Street culvert on the red list. Mr. Gallant said alternatives were developed and presented at a Conservation Commission meeting. The two culverts are permitted together but built at different time periods. Mr. Gallant said prime wetlands were found at Linden Street. Mr. Gallant said the Exeter River backs into the Little River.

**BOARD QUESTIONS:**

Ms. von Aulock asked about a control system and control for erosion. Mr. Gallant said as the contractor they developed a means and methods with a temporary dam built and water diverted. Mr. Gallant said for erosion control, there would be a filtration system. He said the project also must meet Storm Water Pollution Prevention Plan requirements. Ms. von Aulock also inquired about the slope of the bridges to the brook. Mr. Gallant said there would be stone rip-rap with an armored slope.

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PUBLIC COMMENT:

Brian Griset, Exeter resident, commented on two concerns. Mr. Griset said that the current hearing was premature with technical issues outstanding with the Department of Environmental Services (DES). Mr. Griset said he was told he would be notified when the final plans were set for the project but he was not notified. Mr. Griset discussed in stream rules, good hydraulic planning, He submitted a supplemental fact sheet (found on file at the Exeter Town Offices.) Mr. Griset also said there was not justification for engineering in regards to geomorphic and natural flow. Mr. Griset added the decisions were made based on cost and the abutements do not go down to the riverbed level. He wished the Planning Board to consider the restoration to natural flow and impacts to geomorphic flow and wildlife.

Mr. Knowles agreed that if other changes to the plan were required by DES the Applicant would have to come back to the Planning Board. Mr. Knowles added if there were design changes the Planning Board would have to modify the CUP.

Mr. Gallant said they would go back to the Planning Board and DES for re-approval. Mr. Gallant added they had met with a DES reviewer to see if there were any large issues that would not let the permit pass. Mr. Gallant also said that they received a waiver from the Conservation Commission on holding a public hearing for the Prime Wetlands on Linden Street.

There was more discussion of the slope of the bridges, wildlife passages and the CUP.

Mr. Knowles said they had three options; ask for additional information, grant the CUP or deny the CUP.

Mr. Gallant said they had gone through a technical review for each issue. Mr. Gallant talked about the water crossing guidelines, meeting with the DES reviewer and that they had recalibrated what signifies a 100 year storm. The cases where the roads were overtopped could have been greater than a 100 year storm.

*Mr. Brown made a motion to grant the CUP for case #21429, second by Ms. Bergeron. Discussion: Mr. Brown said the application for this process should be stream lined. Mr. Clement said it was out of the Planning Boards hands. VOTE: Unanimous*

*Mr. Plumer made a motion to close the public hearing for case # 21429, second by Ms. Bergeron. VOTE: Unanimous*

*Mr. Clement moved to adjourn the meeting, second by Mr. Plumer. VOTE: Unanimous*

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Meeting minutes from November 20, 2014 were moved to the next Planning Board  
meeting.

The meeting was adjourned at 10: 59 pm.

Respectfully Submitted,

Sarah McGraw  
Recording Secretary