

These minutes are subject to possible corrections/revision at a subsequent Exeter
Planning Board Meeting

Exeter Planning Board

DRAFT MINUTES

12/18/14

1. Chairman Ken Knowles called the meeting to at 7:11 pm in the Nowak Room of the Exeter Town Offices on the above date.
2. BOARD MEMBERS PRESENT: Kathy Corson, Aaron Brown, Peter Cameron, Don Clement, Ken Knowles, Kelly Bergeron, Katherine Woolhouse, Gwen English. STAFF PRESENT: Sylvia von Aulock (Town Planner), Darren Winham (Economic Development)
3. NEW BUSINESS: PUBLIC HEARINGS

Mr. Clement to open the meeting, second by Mr. Cameron. VOTE: Unanimous

Amend Article 5, Section 5.6 Off-Street Parking (Subsection B.) by adding new language to allow for flexibility in providing and calculating the required number of parking spaces for a proposed use.

Ms. von Aulock described the zoning amendment. Copies of the zoning ordinance amendments can be found at the Town Offices.

Board Comments: Mr. Brown commented on 5.6.5 asking about a deletion of the section. It would take away the right of the Planning Board from deviating number of parking spaces.

Ms. Corson said leaving the section would make it more flexible.

Ms. English noted to also delete “ Also, a minor deletion in 5.6.5” if not going to delete it.

PUBLIC COMMENT: None

Ms. von Aulock said the article would be posted as is.

Amend Article 6 Supplementary Use Regulations by adding a new section entitled “6.19 Flexible Zoning Initiative”. The purpose of this section is to provide flexibility in designing a proposal for building and/or site improvements. The “Optional Flexible Zoning and Site Improvement Process” (to be outlined in Section 6.13 of Exeter’s Site and Subdivision Regulations) would allow an Applicant to bypass the typical zoning variance process (if needed) for compliance with dimensional requirements. This would apply to the C-1 and C-2 zoning districts along Portsmouth Avenue.

Ms. von Aulock said the Town Council did not like the way it was worded originally. She noted the initiative was new to Exeter but not to the nation. Portsmouth Avenue is the test subject and it would be better for development.

Ms. Corson added the new “flexible zoning” is designed to make the application process easier and not jump through hoops.

Mr. Knowles commented it was intended to go into the site and sub regulations and not into the zoning intentionally.

Ms. von Aulock said there is a stake holder meeting at the library on January 6, 2015 and a selectman's meeting on January 12, 2015. She added the final update for change in language is January 13.

It was suggested to change the name of the article to "Portsmouth Avenue Flexible Zoning Overlay District."

Ms. von Aulock said they will have a point system by the next meeting.

PUBLIC COMMENT:

Darin Winham, Economic Director for Exeter said the flexible zoning seems ambiguous but the point system would be easier. He suggested having a lawyer at the meeting to discuss their justification for the language.

Kevin King, a land owner, owns some real estate on Portsmouth Avenue. He asked what the point system was for and the benefits for it. He said with the Technical Review Committee he did not know why there should be another step to go through.

Mr. Knowles said the overlay district would be optional and still abide by conventional zoning. The flexible zoning would give the applicant a heads up about what to expect.

Kevin said he still did not understand the point system.

Ms. Corson said the point system would be the difference between having just one meeting versus three to complete all the requirements of the Planning Board. It pre answers the questions and is a clearer process. Ms. Corson the Committee is still in the process of creating a point system.

Kevin clarified that the points do not have to add up to "100" to get a plan approved.

Gerry Hamel from 17 Little Pine Road in Exeter commented without a certain point system to go by at this point he did not know whether it would be good or bad.

Mr. Knowles said without a point system to work the Planning Board decides to like or not like the plan.

Mr. Hamel asked when the point system would be completed.

Mr. Knowles said if the Planning Board does not like the point system presented then it will not pass.

Ms. Corson said the reason why it is in the site and sub regulations is because it can be flexible.

Mr. Hamel said there is confusion in moving forward without the point system in place.

Ms. von Aulock said January 22, 2014 will be when the point system will be voted on.

Mr. Brown suggested to Ms. Corson to bring up density in the following Flexible Zoning Initiative meeting.

Amend Article 9, Section 9.1 Wetlands Conservation District, Subsection 9.1.5 Permitted Uses by adding allowances for reductions to impervious surfaces and re-vegetation within the wetland buffer.

Ms. von Aulock said this was an effort to be more flexible with work in the wetland buffers.

Mr. Knowles asked what re-vegetate would mean.

Mr. Clement said the applicant would not need a CUP if it meets the “test.” There is recourse to apply for a CUP if the applicant is rejected.

Mr. Knowles said someone can apply for a CUP if the land does not fall under permitted use.

PUBLIC COMMENT: None

Amend Article 9, Section 9.1 Wetlands Conservation District, and Subsection 9.1.6 Conditional Uses by deleting “wastewater disposal systems” from the language in section A. 1.

BOARD COMMENT: Remove double “and” in paragraph

Ms. English moved to send 9.1.6 conditional uses to the Town warrant as presented with deletion of one “and” second by Ms. Bergeron. VOTE: Unanimous

Amend Article 9, Section 9.1 Wetlands Conservation District, Subsection 9.1.6 Conditional Uses by adding the following language to section B. Conditions: The proposed impact will be evaluated in the context of the relative “value” of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic system. (Renumber sections accordingly)

Ms. Woolhouse asked if the new “3” was consistent with the other uses.

Mr. Clement said buffers do not have values and the function of the wetland does not always have a connection with the greater hydraulic system.

The wording of the new section will be worded as : The proposes

PUBLIC COMMENT:

Mr. Winham said he agrees with the addition as long as it is not onerous to the developer.

Mr. Hamel asked if there was run off from the highway, would it change the value of the wetland or require the landowner to make changes because of the runoff.

Mr. Knowles said the land would already be impacted.

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Mr. Hamel said it sounded like the addition helped out the developer.

Mr. Knowles commented said function is different than value.

Amend Article 9, Section 9.1 Wetlands Conservation District, Subsection 9.1.6 Conditional Uses by adding a new subsection entitled: “C. Conditional Use Permit – Request for Determination”.

Mr. Knowles said to discuss this with the Town Counsel and that they would not be asking applicant to come in without a permit.

PUBLIC COMMENT: None

Amend Article 9, Section 9.1 Wetlands Conservation District, Subsection 9.1.6 Conditional Uses by adding a new subsection entitled: “D. Alternate Procedure for Subdivision and Site Plan Applications”.

Ms. von Aulock said with impacts to buffer there has to be a CUP and a waiver but it would do away with the CUP.

PUBLIC COMMENT: None

Amend Article 9, Section 9.4 Floodplain Development Ordinance by deleting the section in its entirety and replacing with new language as recommended by the NH Office of Energy & Planning to coincide with the 2015 proposed changes to the Federal Emergency Management Service (FEMA) Flood Hazard Maps.

The entire ordinance is on file with changes from Department of Environmental Services.

BOARD COMMENT:

Mr. Cameron asked if there were any changes made. Ms. von Aulock said none were made.

PUBLIC COMMENT: None

Ms. Bergeron made a motion to send section 9.4 as presented, second by Ms. English. VOTE: Unanimous

4. OTHER BUSINESS:

Mr. Knowles said there was a request to add another zoning amendment discussing Epping Road ability to waive buffer zones.

Ms. von Aulock stated since there was a citizen’s petition that was not able to be added to this agenda then this request could not be discussed at the meeting without a public notice.

Mr. Clement asked when it would have to be posted to be at the next meeting.

Ms. von Aulock said by December 30, 2014.

Mr. Clement asked if posted by the deadline would it be legal to discuss at the next meeting.

Mr. Knowles said there was not enough time to post even with a special meeting called. He said no changes could be made to the language.

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Mr. Clement said the Planning Board would say yes or no based on language submitted and if any change was to be made the amendment could not be passed.

Mr. Knowles suggested the amendment go the Town Counsel before the next hearing.

Ms. von Aulock said it was legal to send to Town Counsel prior to public posting.

Mr. Winham said he would not talk about the amendment at the current meeting but said the amendment was about investment to developed properties. Mr. Winham said he did not have enough time to get everything together in time to get to Planning Department.

Ms. von Aulock suggested asking Jay Whitel to review prior to posting.

In other business there was a bond reduction request in a Letter from Jennifer Mates, Town Engineer dated December 16, 2014.

The original bond amount was \$595,078.00 with a recommended bond release of \$299,585.40 and recommended bond balance of \$295,492.60.

Ms. Corson made the motion to release 299,585.40, second by Mr. Cameron. VOTE: Unanimous

The minutes from December 11, 2014 will be voted on at the next meeting.

Ms. Bergeron motioned to adjourn the meeting second by Ms. English. VOTE: Unanimous

The meeting ended at 9:56 pm.

Respectfully Submitted,

Sarah McGraw
Recording Secretary