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Exeter Planning Board Meeting

Exeter Planning Board

FINAL MINUTES

July, 23, 2015

1. Chairwoman Kelly Bergeron called the meeting to order at 7:00 pm

2. Board Members Present: Ken Knowles (Member), Gwen English ( Member ), Kelly Bergeron (Chair), Don Clement (BOS Rep), Langdon Plumer(Alternate), Kathy Corson (Alternate), Katherine Woolhouse ( Vice-Chair)

Staff Present: Glenn Greenwood (Interim Town Planner), Sarah McGraw ( Recording Secretary

**3. NEW BUSINESS:**

**The Application of Unitil for an amended Conditional Use Permit to include construction-related impacts to wetlands at 62 Epping Road. This application is being submitted to amend the Conditional Use Permit granted on August 14, 2014 for a Natural Gas Distribution Installation Project (PB Case # 21415). The subject property is located in the C-2, Highway Commercial zoning district. Tax Map Parcel #63-99. Case #21515.**

Ms. Bergeron noted that every member would be voting. Mr. Greenwood concurred with the plan and told the Board to ask questions about his comments on projects because they may pick up on something he missed.

*Mr. Plumer motioned to open case number 21515, second by Ms. English, **VOTE: Unanimous***

Steve Herzog with AMEC talked about the amendment to the Condition Use Permit. He said the area in question was expanded larger to what was originally approved by the Planning Board. The valve station is to serve as part of the gas pipeline that runs from Haverhill Massachusetts to Portland Maine. Wetlands were impacted during construction of the station by fill entering the wetland. Mr. Herzog said that NH Department of Environmental Services ( NHDES) was contacted at the discovery of the infraction and then submitted an "After the Fact" application to NHDES. NHDES has allowed impacts to remain in place. Mr. Herzog read through compliance with the Exeter Zoning Ordinance 9.1.6 B, the conditional use permit. An "After the Fact" application was submitted June 12, 2015.

**BOARD COMMENT:**

Mr. Clement asked if the valve station had new dimensions. Mr. Herzog said that the previous plan had 50 ' X 15 ' dimensions and the new station was 25 ' X 95' with enclosed fencing. Mr. Clement continued and asked how far the construction was to the closest brook. Mr. Herzog answered 75 feet to the closest point.

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Mr. Knowles asked about a flare that was noted on the planes near the day care center. Mr. Roger Barham explained that it was not a flare but a purge system that could be stemmed downstream and upstream of the station. The purpose would be to isolate the main line valve and emptying the gas into the air.

Mr. Barham said they are working on an agreement with Great Bay Kids Company on screening the station.

Mr. Clement asked if the applicant had seen comments made from the conservation commission. Mr. Herzog said that he had not seen any comments.

Mr. Knowles explained there was concern from the Conservation Commission about invasive species in the affected area. Mr. Herzog said that one area was already planted with grass and noted that woody species cannot be planted over pipelines.

Mr. Barham said that AMEC is responsible for the 35 foot easement. Mr. Knowles said that the Conservation Commission must have noticed garlic mustard and asked if AMEC could take care of any invasives on the off graded slopes. Mr. Barham said that this was agreeable.

Mr. Clement asked if there could be a higher fence screening the station from Great Bay Kids Company. Mr. Barham said that there was fencing around the station but they have an agreement with Great Bay Kids Company about screening.

**PUBLIC COMMENT:**

Marissa and Dan Knowles of 62 Epping Road, abutters to the project commented on some concerns they had. Ms. Knowles said she wanted to know the size of the impact areas, where the valves where and the general appearance. She said that the wetland had provided screening but that was taken away with the AMEC project.

John Davis representing UNITIL Corporation said he would be happy to meet with the Knowles to discuss their concerns.

Mr. Clement noted that the plans do not reflect a house that should be there. Mr. Davis said that they own an easement on that property.

Mr. Greenwood noted that comments made from the Conservation Commission were provided from Barbara McEvoy. Mr. Greenwood said that he thought the comments would have been exchanged between the Commission and Unitil but will make sure he communicates between groups next time.

Ms. Corson suggested tabling the decision until the Board can see what exactly will be at the site. Mr. Knowles added that they can conditionally approve and that the applicant should not be held up further than they need to be. Mr. Knowles also noted for the record that he is not related the citizens present. Mr. Dan Knowles said that he was afraid the further discussion with AMEC will be hidden and he would not know what was decided on.

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Ms. English said she would like to see screening closer to the Knowles' house and asked how the station will be accessed. Mr. Herzog said that facility will be accessed by a short gravel driveway.

Mr. Plumer motioned to table case # 21515 until the next meeting on August 13, 2015, second by Ms. English. VOTE: Unanimous

Mr. Herzog also agreed to work with the owners at 62 Epping Road.

**The application of Martin Wool for the consolidation and minor subdivision of the properties located at 44 Kingston Road and 50 Kingston Road. The total land area of the subject properties is 7.78 acres and three (3) residential lots are proposed. The properties are located in the R-1, Low Density Residential district. Tax Map Parcel #97-3. Case # 21516**

Ms. Bergeron noted that this case had a new number.

Mr. Greenwood accepted the jurisdiction.

Mr. Plumer motioned to open case # 21516, second by Ms. English. VOTE: Unanimous

Joseph Nichols from Beals Associates represented Martin Wool. He said that the applicant submitted a full set of plans. Mr. Nichols explained the plan to tie to town water but will have on site sewer. The NHDOT wanted a letter from the Town saying that the right of way will be maintained. The cost of upgrading to Town sewer standards was not feasible. Mr. Nichols said that the applicant is requesting a revised subdivision plan be issued and to change the sewer line to on site sewer.

**PUBLIC COMMENT:**

Mr. Lance Richard of 46 King Road, Exeter asked about roads to the property. Mr. Nichols said that the NHDOT permits issued did not include roads.

Mr. Greenwood added that the intent was to show what was originally State approved for a new system. Mr. English asked about the new case # added to plans. Mr. Nichols said he would change the numbers.

Mr. Knowles noted that recording fees would not have to be paid due to the case number change.

**Conditions of Approval:**

1. All requests of the Planning Board to be addressed, including but limited to, the following:
  - Update PB case # on front sheet of plans to 21516
2. All final revisions to the plans or related documents required by Town Departments, Town Counsel and their consultants to be addressed;
3. All on-site improvements for each individual lot to be completed prior to any issuance of certificate of occupancy (CO);
4. A preconstruction meeting be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing; and

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

*Mr. Knowles moved to close the public hearing and grant the minor subdivision with conditions as read by the Chair, second by Mr. Plumer. VOTE: 7*

#### **4. OTHER BUSINESS:**

##### **Hannaford Bros. Co., LLC -PB Case #21417**

##### **Bond Release Request**

In a letter dated June 30, 2015, sent to the Chair of the Planning Board, E.J. Perry requested the release of Bond monies. Jen Mates Town Engineer responded that a review has not taken place in a letter dated July 16, 2015.

Ms. Corson moved to table the bond release until the Planning Board receives a recommendation from the Department of Public Works, second by Mr. Plumer. VOTE: Unanimous

Ms. Corson explained that a PREP grant was awarded to the Town of Exeter, submitted by the Citizens for Responsible Growth. The grant will support education efforts on fertilizer use. Kristen Murphy Town Natural Resource Planner. The goal is for the efforts to lead towards a zoning ordinance. Ms. English and Ms. Corson will be Planning Board representatives as they already attend meetings.

Mr. Clement moved to appoint Ms. Corson and Ms. English for education and outreach for the PREP fertilizer assessment, second by Mr. Knowles. VOTE: Unanimous

Mr. Greenwood said that zoning amendment season is approaching. Barbara McEvoy has a file for comments. There was discussion about the subcommittee to work on the amendments. Ms. Corson said this sub-committee, formally known as the Zoning Ordinance Review Committee worked from May to December and gathered ideas from the other land use boards.

Mr. Clement said that the Planning Board can reach out to land use boards for proposals. Mr. Clement expressed that the Zoning Board should not have an opinion. Mr. Greenwood said is comment for the ZBA to comment but not craft amendments. Ms. Corson said that review of documents needs to be a small committee. Ms. English why couldn't this committee be called ZORC. Mr. Clement said that the Planning Board is ZORC.

#### **5. Approval of Minutes:**

*Mr. Plummer moved to approve the minutes from May 28, 2015, second by Mr. Knowles. VOTE: 6 Yays : 1 abstention*

Ms. Corson moved to approve the site walk on June 15, 2015, second by Ms. English. VOTE: 5 yays :2 Abstentions

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Ms. Corson moved to approve the minutes of June 25, 2015 as amended, second by Ms. Woolhouse  
VOTE: 4 Yays: 2 Abstentions

Ms. Corson said the Flexible Zoning Initiative is meeting on July 28, 2015.

Mr. Clement asked about a Master Plan update. Mr. Greenwood said he had not heard about it yet.

Ms. English asked about the Memo from Tuck Realty that stated it would be coming before the Planning Board. Mr. Greenwood said he received potential changes to the plan. The next set of plans would show a proposed mitigation activity. The date for the applicant to come back would be August 27, 2015.

*Ms. English motions to grant case number 21506 a continuance until August 27, 2015, second by Mr. Plumer. **VOTE: Unanimous***

*Mr. Knowles moved to adjourn, second by Mr. Plumer **VOTE: Unanimous***

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Sarah McGraw