

Exeter Planning Board

December 10, 2015

1. The meeting was called to order at 7:00 pm in the Nowak Room of the Exeter Town Offices on the above date.
2. MEMBERS PRESENT: Kathy Corson ( Alt ) , Aaron Brown , Don Clement (BOS Rep), Pete Cameron(Clerk),Kelly Bergeron (Chair), Katherine Woolhouse, Ken Knowles, Gwen English, Langdon Plumer (Alt).

All voting done by regular members.

STAFF PRESENT: Glenn Greenwood (Interim Town-Planner), Sarah McGraw (Recording Secretary)

### 3. NEW BUSINESS PUBLIC HEARINGS

**Continued public hearing on the application of F.W. Webb Company for a non-residential site plan review for the proposed construction of a 21,000 square foot addition to the existing structure and associated site improvements at 18 Continental Drive. The subject property is located in the CT-1, Corporate Technology-1 Park Zoning district, Tax Map Parcel # 46-2. Case # 21524**

Eric Weinrieb with Altus Engineering reviewed the application and general scope of the project. Mr. Weinrieb also said there are four waiver requests.

Mr. Knowles asked about handicap parking and accessibility. Mr. Weinrieb responded about the inclusion of sliding doors to access the building. Mr. Clement asked about storm water retention and removal of debris. Mr. Weinrieb referred to sheet C1 note 11 on the site plans.

PUBLIC COMMENT: None

Mr. Weinrieb then described the four waivers.

***Mr. Clement moved to grant waiver 7.4.10 High Intensity Soil Survey , second by Ms. Woolhouse.***

**Roll call vote :**

***Aaron Brown: Yay***

***Don Clement: Yay***

***Pete Cameron: Yay***

***Kelly Bergeron: Yay***

***Katherine Woolhouse: Yay***

***Ken Knowles: Yay***

**Gwen English: Yay**

**The motion was passed unanimously.**

**Ms. English moved to grant waiver 7.5.11 Site Lighting , second by Mr. Knowles.**

**Roll call vote:**

**Aaron Brown: Yay**

**Don Clement: Yay**

**Pete Cameron: Yay**

**Kelly Bergeron: Yay**

**Katherine Woolhouse: Yay**

**Ken Knowles: Yay**

**Gwen English: Yay**

**The motion was passed unanimously**

**Mr. Clement moved to grant waiver, 7.4.7 Significant Trees, second by Mr. Cameron.**

**Roll call vote:**

**Aaron Brown: Yay**

**Don Clement: Yay**

**Pete Cameron: Yay**

**Kelly Bergeron: Yay**

**Katherine Woolhouse: Yay**

**Ken Knowles: Yay**

**Gwen English: Yay**

**The motion was passed unanimously.**

**Mr. Clement moved to grant waiver 9.5.4 Grading within 5 Feet of Property Line, second by Ms. Woolhouse.**

**Roll Call Vote:**

**Aaron Brown: Yay**

**Don Clement: Yay**

**Pete Cameron: Yay**

**Kelly Bergeron: Yay**

**Katherine Woolhouse: Yay**

**Ken Knowles: Yay**

**Gwen English: Yay**

**The motion was passed unanimously**

Mr. Clement suggested to Mr. Weinrieb for the use of tree box filters to remove pollutants. Mr. Clement noted that page C2 should be replaced by an updated set of plans.

Conditions of Approval:

Mr. Greenwood expressed concern over the tree box suggestion because the it would not be a change reflected in the plans.

Mr. Clement retracted his request.

***Mr. Clement motioned to conditionally approve case number 21524, second by Mr. Cameron.***

**Roll call vote:**

***Aaron Brown: Yay***

***Don Clement: Yay***

***Pete Cameron: Yay***

***Kelly Bergeron: Yay***

***Katherine Woolhouse: Yay***

***Ken Knowles: Yay***

***Gwen English: Yay***

***The motion was passed unanimously.***

**A request by Garrison Glen LLC for a preliminary conceptual review of a proposal to construct a 105,000 square foot light industry/distribution facility and associated site improvements on the property located at 12 Continental Drive. The subject property is located in the CT-1, Corporate Technology Park-1, Tax Map Parcel # 46-1. Case # 21525**

Jim Petropulos P.E of HSI Civil Engineers, discussed the proposed property. The company is relocating from another part of New Hampshire. Gove Environmental Services has surveyed the property for wetlands and also abuts Town owned land. The applicant will have a detailed storm water plan.

Ms. Corson asked if there was a way to reduce parking or include impervious surface. Mr. Petropulos said the amount of parking shown is meant to allow for the maximum amount of people working during a shift.

Mr. Cameron asked about the driveway. Mr. Petropulos said that the driveway is 28 feet wide and presented the plan to the fire department. Mr. Clement asked for a project time line. Mr. Petropulos said the applicant plans on opening in August of 2016.

**Public hearing on the proposed zoning amendments for 2016 Town Meeting warrant.**

***Mr. Clement moved to open the public hearing, second by Mr. Cameron.***

**Roll Call Vote:**

***Aaron Brown: Yay***

***Don Clement: Yay***

***Pete Cameron: Yay***

***Kelly Bergeron: Yay***

***Katherine Woolhouse: Yay***

***Ken Knowles: Yay***

***Gwen English: Yay***

***The motion was passed unanimously***

Ms. Bergeron noted that two citizens petitions were received past the deadline to be properly noticed so they will be discussed at the following Planning Board Meeting.

Kristen Murphy, Exeter Natural Resource Planner, and Ginny Raub discussed the proposed amendments related to fertilizer application. A group called Healthy Lawns, Clean Water Initiative have met to discuss the language of the amendment and bring forth to the Planning Board. Ms. Murphy presented information about fertilizer runoff and the importance of the new amendments. Ms. Raub spoke about the aquifer protection ordinance and the added prohibited use of fertilizer. Proposed amendments as follows:

**1. Amend Article 2.2 Definitions, to add a definition for “fertilizer”. Amend Article 9.2 to prohibit the use of fertilizer within the Aquifer Protection District and include a temporary waiver provision to this prohibition. Amend Article 9.3 to prohibit the use of fertilizer within the Shoreland Protection District and include a temporary waiver provision to this prohibition.**

Mr. Knowles questioned if the amendments were best suited for as a town ordinance.

**PUBLIC COMMENT:**

Richard Robbins of Exeter asked how will the new ordinance be enforced and who will enforce it. Ms. Murphy explained that code enforcement is responsible for enforcing regulations but the main focus will be on education and outreach.

Mr. Greenwood said the discussion on fertilizer regulations is now nationwide. These type of regulations can be incorporated into management agreements and homeowners association documents.

Brian Griset of Exeter commented that the proposed amendments are not equitable as other districts outside of the aquifer protection district contribute to fertilizer runoff.

Frank Ferraro, of Exeter asked if the proposed amendments will be zoning or town ordinance regulations. Ms. Murphy said that because there was a grant , it suggested developing an ordinance so the group was on a deadline to create one before the grant runs out. Ms. Murphy also said that there will not be a full on prohibition of fertilizer treatment.

Ms. Corson added that the initiative did not have a chance to talk to land owners with large tracts of land, so the Planning Board should at least move forward with the definition of fertilizer.

Mr. Brown said it would be difficult to distinguish between large and small landowner's and that it wasn't fair to only speak to one type of group. Ms. Murphy clarified that the proposed amendments would apply to new developments for incorporating language into documents.

Mr. Knowles commented that any changes could not be made to the language of the amendments. Mr. Clement proposed waiting on voting if the board was comfortable. Mr. Knowles said he was comfortable with the fertilizer definition.

***Mr. Clement moved to support amendment 2.2 to be placed on the warrant article, second by Ms. English.***

***Roll call vote:***

***Aaron Brown: Yay***

***Don Clement: Yay***

***Pete Cameron: Yay***

***Kelly Bergeron: Yay***

***Katherine Woolhouse: Yay***

***Ken Knowles: Yay***

***Gwen English: Yay***

***The motion was passed unanimously.***

Article 9.2 and Article 9.3 were tabled until the next meeting.

**2. Amend Article 4, Section 4.2 Schedule I: Permitted Uses to allow “Mixed Use Multifamily Residential development” as a permitted use in the C-3, Epping Road Highway Commercial zoning district with a minimum front yard setback of 500 feet from Epping Road and applicable density and dimensional requirements for such proposed use.**

Dan Chartrand of Exeter stated that because this amendment was placed on the agenda, a group decided to submit a citizens petition. Mr Knowles said the amendment on the agenda was presented by staff and should be discussed by the Planning Board. The citizens petition is a separate article.

A member of audience asked for a point of clarification. Ms. Bergeron said that the audience may speak when public comment commences.

Mr. Knowles said that the language of the amendment has flaws. In section 4.2 there is no definition of what a mixed used multifamily residential development is. He was also concerned about the density of the proposed use. His other concern was with the proposed set back in section 4.4. Mr. Knowles suggested revising the language of the amendments.

Mr. Brown said that he found it unusual the public has not seen the language. Mr. Brown thought the proposed use should be an allowed use instead of permitted.

Ms. Woolhouse agreed the language as written is confusing. Mr. Cameron asked where this came from.

Mr. Greenwood said the amendment was generated from a request by Darren Windham to see what areas of the present ordinance would need to be amended to allow residential multi-use. Mr. Greenwood put the language together and gave to Mr. Windham to bring to the Economic Development Commission to discuss allowing multi-use development.

Mr. Clement clarified what 5,000 square feet referenced to. Ms. Corson said if a property owner owns at least 5,000 square feet then residential use could be implemented. Mr. Clement asked if Town Council had reviewed the language. Ms. Bergeron said they have reviewed and submitted comments to the Planning Board.

Mr. Plumer asked what the goal is for the amendment. In the past developers have had zoning changed to what they want to build.

Ms Corson commented that the MRI report stated that the town needs an economic development strategic plan. Ms. Corson said that the Planning Board has approved a number of residential units recently and she was not convinced that this amendment is good for the town. Ms. Corson would like to see the evidence for how this change would benefit the town.

Mr. Knowles stated that this amendment came about from a developer being denied a variance and is looking to change the zoning regulation. Mr. Knowles asked why the Planning Board was not engaged from the time of that initial meeting to where they are now.

#### PUBLIC COMMENT

Richard Robbins of 40 Dogtown Rd Exeter, said he has been watching this amendment of awhile. He asked for information from Darren Windham about the citizen's petition and wasn't provided it. Mr. Robbins said that the public was not noticed about the citizen's petition.

Mr. Knowles said that the petition was filed the day before and will be heard at the next meeting. Mr. Robbins submitted an email from Mr. Windham. Mr. Robbins said the TIFF did not say anything about mixed use. Mr. Robbins read the charter of the EDC and it did not mention residential development. Mr. Robbins said Mr. Windham's job also does not include residential development.

Gerry Hamel, Little Pine Lane, Exeter, commented that he felt deceived. Mr. Hamel said that he did not know why mixed use would go in the commercial zone. He feels the town would lose

money on residential. He hoped that the Planning Board did not support the amendment.

Bill Campbell, High Street, Exeter said he met with Mr. Windham who said he did not have part in the amendment. Mr. Campbell said that the Town appropriated \$10,000 to work on the master plan chapters 1 and 2 and \$50,000 to finish the master plan, along with the MRI report. He didn't think the town has discussed and thought about these plans. The MRI report suggested finishing the master plan update, Mr. Windham to write a plan of action and the town manager create an economic development plan and strategy for parts of Exeter. The EDC has sponsored the warrant in question. Mr. Campbell advocated for more family friendly housing and discuss growth as a community.

Mike Dawley, Hunter Place, Exeter, stated that the Planning Department's position was that the EDC sponsored the amendment and work done by Darren Windham. Mr. Hunter said that they may be stuck with two amendments. Mr. Dolly also said they just approved at \$6.8 million dollar TIFF district to now want to residential. Mr. Dolly asked why is this going forward.

Ginny Raub, Kathleen Drive, commented that the town has not been diligent on researching its housing needs. A Housing Advisory Committee was formed providing advice to the Board of Selectmen for a housing needs assessment. Ms. Raub quoted the mission statement of the Housing Advisory Committee : "The mission of this advisory committee is to identify, analyze, and develop recommendations regarding our current housing availability and our future housing needs to aid in our economic development needs and to maintain a viable, developmentally balanced community." She said , to date , there are two members on the committee and no meetings have occurred. Ms. Raub urged the Board of Selectmen to reinstate the committee and she is not in support of the amendment.

Frank Ferraro, Exeter state that residential development is incompatible in a TIFF district as it would be a tax burden. At the January meeting the citizens petition will be discussed, and will be on the ballot. The language cannot be changed and can't be withdrawn. Two identical warrant articles would be on the ballot if the Planning Board accepts the current amendment in question.

Brian Griset commented that the EDC voted to not go through the Planning Board with the zoning amendment. The TIFF related to the C-3 zone and other zones incorporated to generate income including mixed use developments to help pay for the bond. The C-3 zone prohibits residential development and encourages commercial development. The purpose was to reduce tax rates on residents. C-1 zones allow for residential development. If students are allowed to live in the C-3 zone , would use up the tax money generated from economic development in that zone. The purpose of the TIFF was to bring economic development to reduce taxation on residents. Mr. Griset stated that this proposal is premature before the master plan is developed

and the town discusses these proposals.

Mr. Knowles commented that mixed used development is not detrimental to communities and cited an example from a development in Lynnfield, Massachusetts. He said that even if these proposals pass the Town would have time to review any project coming into the C-3 zone. What is missing is the discussion leading up to these proposals.

Ms. Corson agreed that the Town needs thought out and planned development. Mr. Clement said that he thinks the developer waiting to build residential will try to move in as soon as he could.

Mr. Brown asked Mr. Chartrand about the proposals in question.

Mr. Chartrand said that the proposal was an initial attempt and there is a citizens petition with amended language. Mr. Chartrand said that the form of government has made this process inflexible. He suggested getting the current proposal out of the way.

Mr. Greenwood said that there is no one who can withdraw the proposal but the Planning Board can vote to not move it forward.

***Mr. Knowles moved to not place article 4 amendments on the 2016 warrant; second by Ms. English.***

**Roll Call Vote:**

**Ms. English: Yay**

**Aaron Brown: Yay**

**Don Clement: Yay**

**Pete Cameron: Yay**

**Kelly Bergeron: Yay**

**Katherine Woolhouse: Yay**

**Ken Knowles: Yay**

**Gwen English: Yay**

***Mr. Clement moved to close the public hearing on zoning articles, second by Mr. Cameron.***

Mr. Knowles said he didn't want to close the public hearing if there are two zoning amendments to be decided on at the next meeting.

Mr. Greenwood said this is appropriate if there will be no substantive changes, it requires re-notification.

***Mr. Clement motioned to continue the public hearing until January 14, 2016 at 7:00 pm, second by Mr. Knowles.***



**Roll Call Vote:**

Ms. English: Yay  
Aaron Brown: Yay  
Don Clement: Yay  
Pete Cameron: Yay  
Kelly Bergeron: Yay  
Katherine Woolhouse: Yay  
Ken Knowles: Yay  
Gwen English: Yay

**Meeting Minutes of November 19, 2015**

Corrections were made to the minutes and will be voted on at the next meeting.

4. **OTHER BUSINESS** : None

Ms. Corson asked if the Planning Board should appoint people on the Housing Committee. It was decided to discuss at the next meeting.

***Mr. Cameron motioned to adjourn the meeting , second by Mr. Knowles VOTE: Unanimous***

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Sarah McGraw