

**DRAFT MINUTES
EXETER PLANNING BOARD
July 14, 2016**

1. Call to order:

7:02 pm: session called to order by Vice Chair Katherine Woolhouse.

2. Introductions:

Present were Don Clement, BOS representative, Katherine Woolhouse Vice Chair/Acting Chair, Langdon Plumer, Aaron Brown and Gwen English. All members were to be voting. Also present were Staff Members Dave Sharples, Planner, and David Pancoast, Recording Secretary. Members of the public were present as well.

3. New Business: Public Hearings

The application of Northeast Distribution Ltd. For a non-residential site plan review for the proposed construction of a 14,354 square foot addition to the existing facility and associated site improvements. The subject property is located at 11 Commerce Way, in the I-Industrial Zoning District. Tax Map Parcel #48-2. Case #21606.

The application was complete per Planner. Mr. Plumer moved to open the case for review, seconded by Ms. English, approved unanimously.

Henry Boyd of Millennium Engineering, Rick Langis, Manager of Northeast Distribution and John Ritchie of Ritchie Construction, builders, were present for the matter. Mr. Boyd said the addition is 14,354 sq ft and they are also building a concrete pad on the rear side for pallet storage. No additional parking, but they will stripe the spaces and add two van-accessible spots as required. They need to cut two new doors through into the new building from the outside, as required by fire code. The old building will be retrofitted for shipments. Sprinklers will be enhanced but no new sewer/water needed. There will be stone trench strips for drainage. The Planner's comments have been addressed.

Outdoor access was required, two “man” doors being added. There will be no new employees now, but hopefully two more soon, but no new parking is needed. Access for this work will be around the south side.

John Ritchie, builder, said the addition is 155 ft wide by 98 ft long, x 27 ft high, matching same height as today. It will have all metal siding. Mr. Sharples said that Exeter TRC commented and the applicant responded to it, revised the plan. This did not go to Underwood Engineering for review because the drip edge handled all the runoff and DPW reviewed it and commented. DPW is satisfied how it will be handled. This needs a waiver from Sect. 7.10 for landscape plan. He provided a suggested motion and has provided suggested approval conditions for the board.

There were no public comments.

Mr. Plumer moved to close the public session, Ms. English seconded it, and the vote was unanimous. Mr. Clement moved approval of the waiver of Sect. 7.10 for landscape plan, and Mr. Brown seconded. On discussion other landscaping will be done as well, with some minimal grading, loaming and seeding. Mr. Sharples said the landscaping is depicted on the plan. The vote to close the public hearing was unanimously approved.

There was discussion on the lighting and it will be zero lumens at the property lines, lights to be on motion sensors or timers for security. All lights were to be down-shielded and most current lighting is on timers, but new will be on motion sensors, so they're not on all night.

Proposed nine conditions of approval from Mr. Sharples were discussed and all are standard conditions. For minutes brevity the conditions are not recited herein.

There was discussion on work access, and Mr. Ritchie said heavy equipment would come around the back and smaller items through the front area. He said that about 8 to 10 trees have to come out for the addition and where the concrete pad will be improved.

Mr. Plumer moved conditional approval per above discussion, with conditions as presented by the Planner. Mr. Clement seconded. After some discussion, the motion was unanimously approved.

The application of San Juan Realty Trust of NH for a lot line adjustment between properties located at 204 High Street (Tax Map Parcel #70-101), 3 Holland Way (Tax Map Parcel #70-102 and the property on the corner of High Street and Holland Way (Tax Map Parcel #69-39). The subject properties are located in the PP-Professional Technology Park Zoning District. Case #21607.

Mr. Sharples stated that the application is complete for review. Ms. English moved to open the case, Mr. Plumer seconded, the vote was unanimous.

David Howard, for San Juan Realty Trust, said the application was for a lot line adjustment to take land from parcel #70-102, and add it to #69-39. Christian Smith of Beals Associates said that in 2015 the Town and NH Dept of Transportation worked with the applicant to do away with the NH DOT's right of way area not being used for any off-ramps, etc., for NH Rte 101 when it was expanded. The ZBA wanted a lot of the correct zoning size. The applicant is doing this lot line adjustment to accomplish that, taking 23,810 sq ft from Lot #101, and 27,609 sq ft from Lot #102, (both to remain compliant in size), both split off areas being added to Lot #69-39, so that it also becomes compliant with zoning.

Mr. Sharples said that this was cutting off some parking area, but it meets regulations as there are no setbacks for parking. If this property changes hands, they will have to do something different later on, such as an easement. The applicant is fine with that aspect for now. They will put a note on the plan to cover that.

There was discussion on easement requirements and Mr. Smith said it's not a problem, they can do an easement with surveying before the final plans are submitted for approval. He also said Lot #69-39 would be 3.23 ac in size and access will come off the existing driveway that comes in off Lot #70-102. Lot #70-101 will access where it comes in now-as done back in 2004-05.

Public input:

Tim Willis of 196 High St asked about the frontage requirement for this lot, why none appears on Holland Way? During discussion it was revealed that NH DOT did not have frontage on any public ways for its parcel. Mr. Smith said when the original subdivision took place in the 1980's, it was a limited access right-of-way, with frontage only on private Corporate Drive, and still is. Mr. Willis was satisfied.

Ms. Linda Maynard of 8 Whipporwill Lane, said her land is at corner of High St, Holland Way and Rte 88, and not sure how she is impacted. Mr. Plumer said they are a legal abutter but have to decide for themselves if they have any impact or not, the board can't tell them that.

There was no other public input. Ms. English moved to close the public hearing, Mr. Brown seconded it and the vote was unanimous.

Mr. Sharples suggested an easement to be shown on the final plans across #69-39 to Lot #70-102.

After discussion the board wanted an easement to benefit both lots (#101 and #102), and the applicant agreed to it. Mr. Plumer moved the approval of the lot line adjustment on the condition suggested by the Planner, Mr. Brown seconded and the vote was unanimously approved.

The application of Paul Deranian for a minor subdivision of an existing 1.48-acre parcel into two residential lots. The subject property is currently developed with two residential dwellings and is located at 78 Linden Street (Units C & D), in the R-2, Single Family Residential Zoning District. Tax Map Parcel #95-53-01 (Units 1 & 2). Case #21608.

Mr. Sharples stated the application is complete for review. Mr. Plumer moved the board accept it for review, Ms. English seconded and it was unanimously approved.

Mr. Henry Boyd, of Millennium Engineering, said that the parcel is at 78 Linden Street. There's a paper street/private right-of-way serving two homes as a driveway. Both lots are nearly double what size is required. This would result in two separate lots. They need a waiver on this private right of way, and he submitted that on behalf of Paul Deranian,

under Section 9.75, private rights-of-way, as Dr Deranian wants to create two lots, each on their own parcels, and the right-of-way will remain private with no town responsibility. The Planner suggested that Town will have no obligation in the future to maintain it.

There was discussion on authority to create a street and on creation of a street to Town standards.

There was discussion on ownership of the private way and taxes. Mr. Boyd said it would be deeded to one or both owners. It's a right-of-way, so no acceptance process for Town on it. Mr. Boyd said they want it to be a private way in perpetuity. The present condominium will be dissolved and two lots are to be created. Dr. Deranian has the frontage, the required area, everything required, just needs waiver to accomplish it. There are no non-conforming parcels being created here. Mr. Brown asked what the hardship is? Mr. Sharples said the regulations say there must be a hardship. Mr. Boyd said the reg states: "or circumstance," and if it was to become a public road, built to Town standards, the Town would have to take it and pay for it in perpetuity. He said Dr. Deranian could build something there, even if some waivers on its size. Building a full road is much more than is needed. Mr. Sharples explained the 50 ft section here was a private right-of-way before. There was no right-of-way shown, it was just the land. There was discussion on a project on Folsom Way, which differed.

Mr Sharples said that the Town needs a "notice of no responsibility on Town for access or maintenance, for emergencies, etc." here..

Public input:

Pete Mollinarro, of 78A Linden St, said he wanted to know if the round-about is to be paved? Mr. Sharples said no. Mr. Mollinarro said he has no problem with it. Mr. Mollinarro said he would only have new frontage on the private way. He has permission to go over the driveway there to access out back. Mr. Boyd said it's privately owned so Mr. Mollinarro can't claim public road frontage.

There was no further public input. Mr. Plumer moved to close the public hearing, Mr. Clement seconded and there was unanimous approval.

Discussion occurred on possible Town Counsel input on this application. The boardmembers agreed, as did Mr. Sharples. Mr. Boyd asked for a continuance for legal input on this. Mr. Clement moved continuance for review by Town Counsel, to be heard on July 28th. Mr. Sharples said he would get that input to the Board in its packets. Ms. English seconded and it was unanimously approved to continue to July 28, 2016.

4. Other Business:

- Planner's comments on continued session on proposed amendments to Site Plan and Subdivision Regulations:

Mr. Sharples addressed amendment items from last session: the definition of active and substantial development , if board choose not to define it, automatic 5 years occurs. He has inserted the language on that word for word from Londonderry Regulation language.

He recommended that there be no separate stormwater agreements, instead to put those in as conditions of approval, so the board could avoid those separate agreements.

As to minor field modifications, the board wanted examples, so he had provided some that were done. Examples were relocated dumpsters, new bollards, utility pole changes, loading dock changes and a retaining wall with drainage, drainage details, and a retaining wall not needed due to design changes. Mr. Sharples felt it was transparency as there will be a record and the Board will be made aware of them. Some other things could be changes in plantings, moving parking, etc, some things that are just dealt with in as-built plans routinely.

Mr. Clement said that if drainage is altered, can have effects on abutters. There wasn't a process before to report back to the Planning Board, but now there will be one so it is better this way. Mr. Sharples said it will be a regular agenda item to keep the board informed. The Town engineer will be involved on all drainage issues.

Ms. English discussed reporting to the board by the Planner-that it's voluntary by Planner. Mr. Sharples said that it's up to the board to set

the agenda. He will keep it on the agenda all the time. He would also like feedback on whether his decisions are good ones or not.

There was discussion on the process as to future agenda items. The board's rules of procedure will handle that vis-à-vis agenda items on modifications made after approvals.

The board had wanted and got a copy of the existing regulations. These amendment suggestions are not a rush if the board wants to take its time on anything.

There was Stormwater Agreement discussion and Mr. Sharples said that plans that show stormwater designs are legal documents with legal requirements, and are enforceable. Stormwater Agreements are hit or miss in terms of getting them at all and they might not be able to record them. He said that would be a standard condition in the board decision letter.

Mr. Sharples said that eight substantive points were covered last time, so he summarized them. General discussion was had on the progress of the regulation changes. The Planner only does site improvements, site plans, not interiors of buildings. Conformity with state laws is necessary for the board, to prevent confusion and any liability. The Planner will put a memo together, add stormwater language and can schedule a future Planning Board public hearing when timely.

5. Minutes of May 26th, June 9th and June 23rd:

After discussion:

Mr. Clement moved to approve the May 26, 2016 minutes, as revised on 6/17/16, and again tonight. Mr. Plumer seconded it and they were unanimously approved.

Mr. Plumer moved to approve the June 9, 2016 minutes as revised tonight, Ms. English seconded and Ms. Woolhouse abstained. They were otherwise unanimously approved.

Mr. Clement moved to approve the June 23, 2016 minutes, as revised tonight, Mr. Plumer seconded and Ms. English abstained. They were otherwise unanimously approved.

6. Town Planner's Report:

Mr Sharples said the TAP grant application is being prepared and will be submitted in September and he is getting support letters.

The RFQ for the Master Plan produced 4 good proposals. They are interviewing all four this coming Wednesday, interviews will be held in the Wheelwright Room.

Construction update milestones: Chinburg Apts, Certificate of Occupancy is forthcoming for phased occupancy. All offsite improvements are done, all site work done but for final paving, striping and a concrete sidewalk. All trees have been planted onsite, the hydroseeding is done-the project will be all done by next week.

Gourmet Gift Baskets should meet their date to open for business.

Master Plan Surveys are simple, short, and they have gotten incredible response-well over a 100 back.

Ms. English asked about blasting in the Epping Rd area. Mr. Sharples said it will be about two weeks or so there is potentially more blasting.

7. Representatives' Reports on "Other Committee" Activities:

Mr. Clement reported that at the RPC Meeting there was a presentation by Rick Taintor of Portsmouth for bicycle and pedestrian access-in a multiyear project, \$60 million.

Mr Clement reported that there is the Festival on Saturday and the River cleanup Saturday morning 9 am to noon. Dam deconstruction is moving along, with an October end date, hopefully.

There will be about six street trees planted on Water St project.

Mr.Plumer mentioned the Right-to-Know law case in Sandwich, NH. No transparency.in that case. Board decisions were being made in emails and not public meetings. The boardmembers there must attend a right-to-know law seminar on it.

8. Adjournment:

There being no further business, Mr. Plumer moved adjournment, which was seconded by Ms. English and the vote was unanimous. The session was adjourned at 9:26 pm.

Respectfully submitted by David Pancoast, Recording Secretary.

DRAFT