

**These minutes are subject to possible corrections/revisions at a subsequent
Exeter Planning Board meeting**

Exeter Planning Board

Minutes

March 13, 2014

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.

BOARD MEMBERS PRESENT: Don Clement (Selectman's Rep), Peter Cameron, Langdon Plumer(Clerk), Kathy Corson(Vice Chair),Ken Knowles (Chair) , Gwen English, Kelly Bergeron,and Katherin Woolhouse.
TOWN STAFF MEMBERS PRESENT: Sylvia von Aulock(Town Planner) and Sarah McGraw (Recording Secretary).

NEW BUSINESS: PUBLIC HEARINGS

- 1. The application of Towitall,LLC/Allen Lampert Trust for a multi-family plan review and Conditional Use Permit for the proposed construction of a four-unit, multi-family structure and associated site improvements on the properties located at 25-29 Franklin Street. The subject property is situated in the R-2 ,Single Family Residential zoning district. Tax Map Parcels #72-75 and # 72-77. Case #21318.**
- 2. The application of A&M Recovery Properties,LLC/Allen Lampert Trust for a Conditional Use Permit for the proposed reconstruction of the existing a two family structure located at 26-28 Franklin Street. The subject property is situated in the R-2, Single Family Residential zoning district. Tax Map Parcel#72-74. Case #21319.**
- 3. The application of Towitall,LLC/Allen Lampert Trust for a multifamily site plan review and Conditional Use Permit for the proposed redevelopment of the property located at 20 Franklin Street for multi-family residences(5 townhouse units). The subject property is situated in the C-1, Central Area Commercial zoning district. Tax Map Parcel#72-72. Case #21320**

Chairman Knowles designated alternate Kathy Corson as a non-voting member. There were three separate applications but all three were discussed at once because of their relation to each other.

***Mr. Plumer moved to open the three cases, #21318,#21319 and #21320, second by Mr. Clement.
VOTE:Unanimous***

Mr. Jeffery Cavan from TF Moran presented on the three applications proposed for Franklin Street. A variance for open space was approved by the zoning board for lots 72-75 and 72-77.They were granted based on getting parking off the public street.

Mr. Thomas House from THA Architects LLC noted the above lots were not located in the historic zone and there would be 2000 square feet of pervious surface. The five unit plan was the only structure in the historic district. Mr. House described the architectural aspects of the structure for lots 72-75 and 72-77. Color was not provided in the plans but will be provided to the planning board at the next meeting.

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Board Questions /Comments

Ms. Corson asked about public parking in the street and if there was parking in the back of the structures and a space for parking in the front. Mr. Clement noted the Board of Selectman set policy on parking in streets policy and there was public parking on the right side of Franklin Street.

Ms Corson asked about the frequency of maintaining drainage systems and Mr. Cavan answered that they are inspected once per year. Drainage maintenance was also included in the maintenance plan. Ms. Corson suggested that the style of the building structures did not match that of the downtown area.

Mr. Plumer inquired about running water off of the structures and Mr. Cavan noted that the back of the structure was the property's drainage system and water that runs off the front runs into the street system.

Mr. Cameron asked Mr. Cavan to review details about the changes to the structures made with the historic commission. Mr. Cavan replied the five unit building in the historic district had been discussed by the historic commission and changes have been made to the plans.

Mr. House reiterated , at the corner of South Street and Franklin Street, the buildings were not in the historic district but the current unit in discussion had been discussed by the heritage commission. Mr. Allen Lampert said the the heritage commission had advised not to remove buildings and keep existing structures. Ms von Aulock asked about keeping the historic aspects of the buildings. Mr. Lampert answered it wasn't in the discussion with the heritage commission. Ms. von Aulock suggested adopting architectural elements of the historic buildings and to keep the best elements in the new buildings.

Ms. Woolhouse noted that in the plans it stated the structures in discussion were 990 square feet and the plans stated they were 1100 square feet. Mr. House said footage would be confirmed.

Ms. Corson commented that the design should be looked at to match that of the town. It was discussed whether the planning board had a say in the design features of proposed buildings. Ms. Corson noted it was in the rules and regulations of commercial structures that design played in decision making for the planning board. The structures proposed were residential but Ms Corson noted that she was stating her suggestions to the presenters.

Chairman Knowles mentioned there was a two inch curb on the south east side of the buildings in discussion. The curb had a two inch reveal and he asked if it this presented a trip hazard as opposed to a standard six inch curb. Mr. Cavan said they would look at the curb plans again. Mr. Knowles also asked if the buildings had sprinklers and if they were handicap accessible. As of that moment there were no ADA accessible spaces available.

Ms English commented on the shoebox style outdoor lighting. She suggested a more traditional style. Mr. Clement asked if there was a need for a shoebox light if each entrance had lighting and if it would impact houses adjacent or behind the structures. Mr. House said light levels in the plan go down to zero at the proposed property line. The lighting would cast light into the parking lot for safety. Mr. Knowles suggested putting the lights on a timer or be motion censored.

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Mr. Knowles then opened questions up to the public.

PUBLIC COMMENT:

Judy Rowan of Prentice Way, Exeter asked if the design presented was the revised one after meeting with the Historic Commission. Mr. Cavan answered the current packet was the one revised after meeting with the Historic Commission. She asked if there was a design review board. Mr. Knowles said there was a technical review committee. The Planning Board could comment on design but Mr. Clement clarified that the Planning Board cannot rule against construction based on design alone. Ms Rowan commented that the plans said the buildings would be a story and half tall but they looked like two stories. Mr. House confirmed they should be classified as two stories.

Mr. Plumer asked why the houses were raised up by 4 feet at the base. Mr. Cavan said the reasoning was due to possible future flooding. There was also no basement but a crawlspace. Mr. House stated that the exposed foundation would have some lattice work so there was no exposed concrete.

Mr. Corson reiterated the design should keep in line with the rest of the street.

Mr. Knowles asked about the rear elevation and decision to delete the shutters. Mr. House said they tried to add shutters to some to mimic nearby buildings.

Ms Corson commented on the steps to the building and that too many steps would keep older buyers away from buying homes. Mr. House said they have three steps to the building with porches in the front.

Ms von Aulock commented the building does look better when broken up because the architects listened to previous comments.

Mr. House noted that keeping the basement higher prevents damage done by a 100 year flood. He said that they used the newest FEMA maps.

Without further comment Mr. Knowles moved on to the next parcel of properties.

Discussion of CASE # 21320

Mr. Cavan said on the East side of Franklin street was 20 Franklin Street, the old auto repair building. The Plan was to remove and construct 2 story town houses with driveway and garage. There would be vertical granite curb, grass strips and trees along the street. The adjacent lot number 28 Franklin street would have 2 unit buildings. The plan was to remove the current structures. These would be 2 unit similar to the 3 story townhouses. The two unit building received a variance, one for maximum building coverage of 25 % received the variance for 32%. The second variance would be a 7.5 feet setback

Mr. Cavan described the multi family use building within the WC district. There would be a vertical expansion. The larger building built was to be built within the footprint of the existing one, reducing impervious coverage. They plan to reduce parking spaces. Mr. Cavan noted that some driveways were in the public right of way. He said all parking was completely off street. They received a variance to reduce parking length. Each unit was allotted 2 parking spaces with 2 guest spaces.

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Mr. Cavan said the smaller lot reduced runoff going into street with a bio-retention (rain garden) area between the structure and the river providing storm treatment and infiltration.

The larger building had a peaked roof so that rain would sheet towards the river and sheet from the front towards street. The back of the structure had an extensive planting plan. The front would have dog wood with the back having 98 plants for providing storm water treatment. Mr. Cavan stated both buildings were within Exeter Shore Land Protection that needed a Conditional Use Permit (CUP). The smaller lot had an increase in impervious surface while the larger five unit would have a reduction in impervious surface. Mr. Knowles commented on the rain garden on the 2 unit lot. The board had to consider each CUP for each property. He asked Mr. Cavan to describe the rain garden. Mr. Cavan explained because there would be more impervious surface, the purpose was to infiltrate runoff. Sand, organic soil and wood chip bark mulch were to be used, with a number of plants in the garden to absorb runoff.

Mr. House described the architectural aspects. The historic 5 unit had HDC approval. They added brick arches and changed the pitch of the shed dormers. The riverfront side foundation was to be concrete and added brick to break up the look. They made changes to add more architectural style.

Mr. Clement wanted to know what view next to the Long Block would look like. A Long Block perspective view will be brought to the next meeting.

Ms. English noted the elevation as 36.6 feet but the copies provided did not provide the updated version.

Mr. Clement asked about the dimensions of the rain garden and effectiveness of drainage. Mr. Cavan said the rain garden was about 32 feet long by 8 feet wide. Mr. Clement also asked about the turf management and use of fertilizers. His concern was the nitrogen load into the river. Mr. Cavan said they had a turf management plan to help minimize nitrates and using organic soil amendments. Mr. Cavan would check to make sure a management turf plan is included.

Mr. Knowles opened questions to the public.

PUBLIC COMMENT:

Sharon Rondo owner of two units in the Long Block building on Franklin Street. She asked how the five unit structure height was reduced. Mr. Cavan said it was in the revised plans. Mr. Knowles said the revised plans needed to be submitted for the next meeting. Ms. Rondo asked about the two guest parking spaces and if they would be designated guest spots because the long block had an easement for the first 11 parking spaces. Mr. Knowles said the lot was not part of the legal advertisement and should be part of a separate application. Mr. Lampert said the zoning board had asked the applicant to come up with two parking spaces and he said the conversation was part of another meeting. Mr. Knowles asked to review parking requirements for both lots. Mr. Cavan said each unit would have 1 garage space and 1 driveway space per unit. The requirement was two spaces per unit plus the request to provide 2 guest spaces which was included in the ZBA condition. Mr. Knowles asked for a copy of the ZBA conditions. Mr. Cavan noted they were required to have one guest space for every four units. Mr. Knowles said they satisfied the zoning requirements but it was not correctly advertised in the application. A new

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application would need to be submitted. The public had not been notified to include lot 71. It was noted on the plans but not in the application. Mr. Cavan replied the buildings have a common owner allocating two spaces offsite.

Ms. Von Aulock said part of the technical review talked about designating parking spots. Mr. Knowles said abutter notification should include the extra parking. Mr. Cavan said they are reserving rights to existing parking lot with easement rights conveyed. Mr. Cavan noted physical changes were not to occur to the lot. Mr. Cavan said they will come up with a separate site plan application after the historical review is complete. Ms. von Aulock added the aerial photos showed the entire lot as paved or gravel but the plan showed green space. She thought the whole lot was gravel or pavement. Mr. Cavan said the existing conditions showed gravel all the way back but the rendering showed green. Mr. Knowles said the board was not likely to close the case that evening. Mr. Knowles added the question about abutter notification and legal standpoint should go to the zoning board.

PUBLIC COMMENT:

Ms. Rondo said someone raised issue with zoning ordinance on page 513 of the Zoning Ordinances as having one space for every 4 people

Ms. Rowan noted the area was important to the town. The design elements were a concern to her. She appreciated the Franklin street construction. She said the metal roof was not echoed in the design of the town homes across the street. She hoped the planning board would push for a quality design that spoke to historical elements of the street.

Mr. Knowles asked Mr. House to explain the reasoning for difference of materials in the 5 unit and 2 unit buildings. Mr. House said they wanted the building to have a cottage feel. He did not think the metal roofing would be a problem as there were some in the historic district. The five unit was in the historic district and they attended meetings with the HDC.

Mr. Knowles asked to provide perspective from the bridge and how it related to Long Block to give the board some scale of mass.

Mr. Clement asked about the five unit and asked if the auto repair shop had a cellar. He asked if the new structure would have a basement. Mr. House said it will be a slab on grade. The site plan development would be to demolish the building. Mr. Clement asked about the possible contaminants in the soil. Mr. Lampert explained there was already a phase one and two Brownfield's assessment and wells were tested on the property. Twenty Franklin Street was negative for contaminants. The corner of 1 Franklin street showed a small area of contamination that the state has taken responsibility for clean up. This was shown in the Rockingham County Deeds. Chairman Knowles asked about demolition schedule and adding it to the plan with better detail for the Planning Board.

Chairman Knowles asked the applicant to go through the criteria of the Conditional Use Permits for each property.

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Discussion of the Conditional Use Permit Criteria

The Conditional Use Permit criteria and plans can be found on file at the Exeter Town Offices for each property, 25&29, 26&28, and 20 Franklin Street. The CUPs had to do with surface water runoff and their plans to mitigate and retain the surface water runoff. Mr. Clement commented that the proposed properties would be an improvement to the current area. Ms. English commented on the two unit CUP asking about the use of pervious pavement instead of impervious. Mr. Cavan said that at the moment pervious pavement was costly. The pavement plant needed to shut down in order to make pervious pavement. Maintenance was also an issue as snowplows needed to be extra precautious with pervious pavement by lifting the blade. Desalting agents also do not spread easily as they sink into the pervious pavement. Mr. Knowles commented that using concrete blocks allows for some drainage as opposed to full coverage with pavement. Mr. Clement said that overall there were improvements to the area utilizing green infrastructure mitigating loss of buffers.

Mr. Knowles asked if the board would like to take a site walk of the properties. The site walk was on March 20, 2014 at 5PM with an invitation to the public.

At the next meeting the presenters needed to come back with revised architectural plans, perspective from the bridge, lawn maintenance plan, storm water treatment details, demolition details, with recommendations to make the driveways pervious on the east side of Franklin street, and questions related to lot 71 forwarded to Town Council. There also needed to be a letter of the lot merger to be submitted.

Mr. Plumer made the motion to continue the three applications until March 27, 2014, second by Ms. Bergeron. Without further discussion VOTE: Unanimous Ms. Corson abstained.

Mr. Plumer made the motion to open case #21304 second by Ms. English. VOTE: Unanimous With eight members present Ms. Corson abstained. Ms corson excused herself and let the meeting since 7 members were present.

- 4. The application of McDonald's USA, LLC for a minor site plan review of proposed site improvements including the addition of a second drive-thru lane and reconfiguration of the parking at the existing site located at 148 Portsmouth Avenue. The subject property is located in the C-2, Highway Commercial zoning district. Tax Map Parcel #51-3. Case # 21304**

Mr. John Cucich with Bohler Engineering presented on the minor site plan review and Conditional Use Permit of proposed site improvements at the McDonald's located at 148 Portsmouth Avenue.

The existing restaurant had been recently renovated with right in- right out driveway with one entrance at the signalized intersection Portsmouth Ave and Stony Brook Rd. Plan was to add operation efficiency with a second drive through. Mr. Cucich explained more people were using the drive though as analyzed by McDonald's. Mr. Cucich added ordering took the most time which the second lane would resolve. The new design would be able to accommodate 4 cars at the drive through with a 5th car at the decision point. Benefits of the second drive through was to eliminate stacking and decrease wait time. In answering questions from the previous meeting, preventing people cutting in line, it is rare for people to

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stack in the second lane. There should not be a gap between cars. The two lane scenario was prevalent throughout many McDonald's locations.

Mr. Cucich said the driveways will stay the same. An island would be added to one entrance to force people around to park. Parking would be moved to front of the building. Other benefits of the site improvements were convenience to building entrance, not having to walk through drive through, and ease of access to loading site. Another site change was to move the trash enclosure to a different location.

The phases of the plan were to move the parking, move driveway up when the abutters make a decision on their shared entrance. Changes to landscaping were also in the plan. The maintenance and operation plan was updated.

Mr. Knowles opened up the meeting to Board Questions.

Mr. Plumer asked what was the purpose for that evenings meeting. Mr. Cucich said they were proposing the site changes as described above with driveway improvements, trash relocation and parking relocation.

Mr. Cucich added in the future the plans for moving the parking line up. Ms. von Aulock explained the board was approving one plan with two phases but that the abutters had their own schedule that was undecided at the moment.

Ms. English asked why the dumpster being moved. Mr. Cucich answered for ease of access of loading docs. Ms. English asked where the menu could be viewed. Mr. Cucich answered the menu board would be at the ordering spot. She followed up with the concern over traffic jam in the drive through. Mr. Cucich said the scenario matches many other plans for similar improvements.

Ms. von Aulock asked for the truck turning plan set which was found in the plans. Mr. Cucich said trucks try to arrive at off peak hours. If delivery occurred during peak time the back loading zone was an alternative.

Mr. Knowles commented on extending the site walk at the east side of the building so as to not trample landscaping. Mr. Cucich agreed on that change.

Mr. Michael Donahue attorney representing Rollinsford Associates commented on the litigation concerning the lot line of adjustment abutting McDonald's. The phase two of McDonald's changes depended on the lot line of adjustment. The lot line adjustment plan had an appeal filed and was addressed with Town Council. The proceeding of the phase two could not be apart of McDonald's plan until they know Rollinsford and McDonald's can move together. Mr. Donahue did not want the plan to be approved with anticipation that phase two would occur. The lot line adjustment plan was under litigation with expectation it will occur. Mr. Knowles asked if the appeal was dropped what was their plan. Mr. Donahue said the dumpster would have to move. Mr. Cucich said the intent was to move forward with the plan when Rollinsford situation moves forward. The lot line adjustment was outside the area of the McDonald's property. Mr. Knowles did not have the lot line plan, but the plan moved the property line so McDonald's could propose the improvements in the application. The Board would have to add a condition to the application to include the lot line adjustment appeal. Mr. Knowles noted the improvements were on a parking lot that did not exist on McDonald's property without recording

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the lot line adjustment plan. Mr. Plumer added Mr. Donahue said an easement could be approved but a new plan would have to be submitted.

Mr. Knowles suggested the improvements happen at the same time as the site improvements. Allison Bricket from McDonald's Corporation Westwood, Massachusetts, explained work done at the retaining wall also needs to be done by the Rollinsford Associates side of the property. The retaining wall work would be expensive which is why McDonald's would wait until Rollinsford was ready to work on the retaining wall. Without a current tenant present it would not make sense to put in work and money at present.

There was a Conditional Use Permit as part of Wetland buffer from Bohler Environmental .Mr. Cucich said the area disturbed was where they were removing impervious surface. Mr. Knowles said the board did not receive the CUP application. The CUP was applied for by Bohler for McDonald's but was not advertised.

The CUP regulations had been in affect for a couple years but was not discussed in the previous meeting. Mr. Cucich had an old copy of the CUP application. Mr. Knowles said they need to advertise CUP and notify abutters. Mr. Knowles said they cannot act on the CUP that evening. Mr. Knowles said he would talk to staff to get McDonald's in for another meeting.

Mr. Knowles read the letter of correspondence from Craig Soloman representing John Salin. The letter can be found on file at the Exeter Town offices. The letter was in concern for lot 3.3 owned by Rollinsford Associates. There is a case to remove Mr. Salin as a member of Rollinsford Associates LLC and Mr. Salin sought to remove Mr. McCoy as manager. The letter requests that the board "require the relocation of the detention pond or table the matter pending the outcome of the litigation."

Mr. Knowles added a condition to the approval of the application by McDonald's about the lot line adjustment litigation completed prior to site improvements and if the dumpster may or may not be relocated. The extension of the side walk was the only other suggestion made.

Mr. Donahue agreed with Mr. Knowles' assessment of the case. When the Planning Board convenes on the March 27 a decision on the lot lines should be decided. Mr. Donahue supported the approval with the condition.

Mr. Plumer made a motion to continue the case to March 27 if not then at the following meeting in April. Mr. Cameron seconded. VOTE: Unanimous

Mr. Knowles said the only option was continue to March 27 to see if legal posting and abutter notification can be done for the CUP otherwise the application would be voted on April 10 due to timing of legal announcements.

OTHER BUSINESS:

5. Avesta Housing (Felder Kuehl Properties, LLC-The Meeting Place) PB #2526. Minor site revisions for Phase III.

No hearing on case #2526

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Mr. Knowles pointed the board to a letter from Linden Woods, Exeter NH submitted by James Long about trees marked for cutting on lots 22 and 23 on Winslow way of the subdivision.

Minutes:

***Mr. Plumer made a motion to approve minutes from December 12,2012 second by Ms. Bergeron
VOTE: Unanimous***

***Ms. English moved to approve minutes from January 23, 2013 with corrections second by Ms. Bergion.
Mr. Plumer VOTE: Unanimous***

Minutes from February 20, 2014 were not voted on.

Ms. von Aulock mentioned the Library had a fundraiser at River woods. Tickets available at the library.

Mr. Cameron motioned to adjourn , Mr. Plumer Seconded. VOTE: Unanimous

The meeting was adjourned at 9: 57PM.

Respectfully Submitted,

Sarah McGraw