

**Planning Board  
October 27, 2016  
Draft Minutes**

**1. Call to Order:**

The session was called to order by Chair Kelly Bergeron at 7:03 pm.

Members present were Don Clement, BOS Rep, Gwen English, Kelly Bergeron, Chair, Katherine Woolhouse, Vice-Chair, Langdon Plumer and Kathy Corson, Alternate Member. The Chair announced that all would be voting this evening.

Staff present were Dave Sharples, Planner, and David Pancoast, Recording Secretary. Also present were applicants, consultants and many interested members of the public.

The Chair took one matter out of agenda order:

**Porches at Exeter/Kathleen Mahoney-PB Case #21416. Social Club/Residential development- 1 Franklin Street. Request for extension of conditional approval (expires 11/6/16)**

Mr. Clement moved the Board approve a one year extension in this case from that expiration date. Ms. English seconded, and there was unanimous approval. The new expiration date is 11/6/17.

**2. New Business: Public Hearings:**

**Request by Baker Properties LLC for a design review of a yield plan for a proposed open space development on the properties located at 1 Forest Street, 22 Oak Street and 24 Oak Street Extension (Dagostino/Rose Farm properties). The subject properties are located in the R-1, Low Density Residential, R-2 Single Family Residential, and R-4, Multifamily Residential zoning districts; Tax Map Parcels #54-5, #54-6, #54-7 and #63-205. Case #21603.**

Mr. Sharples reported the applicant wants to develop the former Rose Farm. This is a non-binding discussion only, not a formal application. Sixty lots were originally considered but it's only 42 now. Discussions were held with the applicant and DPW, revealing that secondary access to Oak St Extension is an issue as the ownership of a portion of that is unknown. It is only 20 ft wide so not wide enough. The Town Engineer requested road specifications. Water and Sewer lines are not shown on the plan. Purpose of this plan is to show the Board how many lots could be built in a conventional development. This is a yield plan, not what they are going to actually build. In light of that, abutters have been notified so the Board can discuss whatever it wants, but he suggested the Board stay to the limits of the yield plan only. Full technical review will occur later upon submission of a full application.

Tim Phoenix, Esq. of Portsmouth represented the applicant. He said the yield plan is limited to only yield plan discussion, but could go a little further tonight if Board wishes, to enlighten audience. The project is at the Exeter Rose Farm, a floral business for many years and a brickyard and a sand pit before that as well. Biking trails and walking trails exist on Conservation land nearby. The neighborhood concerns are legitimate. The Dagostino Family has decided to do something different. Original 60 lots is now 42 on the yield plan, which meets all local ordinances. The project is for 42 Lots on 50+ acres, so about 1 acre per lot. This is a starting point only, to determine a final approach later on. A local company is buying this and wants to solve problems on the property and satisfy abutters, with whom they will meet to vet all concerns. Here they will permanently keep the spring open with access to the public, and also keep and provide the trails that exist to get to ConCom land out back. Tim Stone is here with Corey Caldwell and others. One concern out there is trash: automobiles, etc., with contaminated soils surface bound-all will be cleaned up during this process. They will build appropriate residential homes, which will help bring in new jobs and new tax revenue in excess of \$700,000/year. The

Dagostinos are trying to relieve themselves of the property tax burden. Exeter is in need of residential neighborhoods. The applicants pledge to work closely with the Board on this project.

Mark Jacobs, wetlands scientist on this project, said the property abuts the Henderson Swasey Town Forest, is drained by Norris Brook, and is a highly altered site historically. The yield plan of tonight involved delineation of wetlands with 700 wetlands flags, all surveyed onto the plan and all done within the past year. NH Fish and Game indicated no highest ranked habitat in the region, but there is supporting habitat onsite. Wetlands and stream details cover Norris Brook, which has a setback, Morse Brook with a setback, and an unnamed perennial stream that has setbacks as well. This area is not in the Shoreland Zone.

Tim Stone, Environmental Consultant, said that several studies on the site were done dating from 2012, with a lot of work done for those. All future work will involve NH Environmental Services. Everyone recognizes that contamination exists: arsenic, lead, coal ash and wood ash, klinker (coal residues), asphalt, and other things. Primarily, direct contact is the concern. Ground water hasn't been impacted, the contaminants are relatively immobile in the soils and the intent is to resolve all the issues. Lead levels are much too high. Much lead is from previously painted greenhouse buildings. Lead is a common contaminant in New England and a major issue to deal with. On site levels are relatively low here. Most ash residues in the soils are from past brickyard work. Solid waste trash onsite has to come out and be taken offsite. The arsenic source is unknown, but it can occur naturally and it can be found in groundwater too, though it's not here. Pesticides are not an issue here. Resolutions might include soil removal or capping of soils. No contaminated soils will remain that can be directly contacted by people. This uncontrolled site will come under control.

Corey Caldwell, Engineer, did the site work and said that characteristics of the property led to this yield plan. This is a yield plan only, not the final

open space subdivision that will be done. The plan shows all the resources, which lead them to determine the buildable area here under conventional subdivision only-designed to give a number for development purposes. This plan shows all features that come into development consideration. Four separate tracts of land are involved, in various zoning districts. Plan shows wetlands and buffer zones associated with them. Buffer widths vary from 40-50 ft up to 300 ft. The intention is to ultimately construct an open space development. Total wetlands are 8 acres. Total upland area is 41 acres, and there is an acre of detention ponds. Westerly half of the property is flatter than easterly portion. Bike trail on property runs through depicted lots #'s 32, 1 and 2. A gas line easement exists as well. There are currently eleven homes on the site, fronting on Oak St Extension. Once approved, some of them would be removed but not all. Soils vary onsite and fit the history of uses. Intent is to bring in Town sewer and water onsite. Lots vary in size from smallest lot of 12,000 sq ft to the largest lot of 165,500 sq ft, that size due to wetlands on it. Most lots are just under one acre in size.

He emphasized that roads and lots will differ if this is approved. For Oak St Extension, Sect 9.17.2 comments stated it has a dead end road limitation. There is no dead end and no cul-de-sac in this development. There are three areas of roadway that are contemplated and their profiles show the developer can maintain minimum slopes without exceeding maximum slopes anywhere. Water and Sewer lines are not shown on the plan but are shown where coming into the site and their availability. All issues are addressed or are addressable. He said they hoped for Board support pursuant to zoning ordinances that apply. Mr. Sharples clarified the right-of-way issue. The first section of Oak St is proposed access but it's only 20 ft wide, so cannot be used due to the 50 ft width that is required in Exeter, so it is considered a dead end street.

Kathy Corson said the details on the small plan version they got make it unreadable to the Board, so it can't make any decisions on it tonight. A lot of roadway appears in the sensitive areas where it shouldn't be. Yield plan

definition says 'shall comply with conventional subdivision,' but other waivers would be needed. Some lots proposed on Watson Road were 22 acres due to wetlands there. Bonuses on open space development might still yield 60 lots here. It's a small street and 60 new homes and a lot of traffic would burden it. Other projects had better ingress and egress. All other large new neighborhoods exit onto large streets. This neighborhood has only small streets. Safety of citizens here is of concern to the Board, has to look at it carefully. She thought the developer should come back with a conventional subdivision that would actually put the lots in uplands.

Mr. Plumer said some homes should be affordable for young families. Oak St access is an issue. Access is of concern to the Board, for safety vehicles and regular traffic. The Applicant doesn't show this number of houses can be sited per this plan. Open Space Development is worthwhile here. Ms. Woolhouse asked Mr. Sharples whether a driveway here could be put in wetlands or wetlands buffers? Mr. Sharples said that a lot of the site, Lots #18, 19 and 20, might require a Conditional Use Permit ("CUP"), one would be needed in several places here. To create a design in which no CUP is needed, then likely only one lot exists here. Wetlands crossings will be pushed by ConCom and DES. The Board has to decide if this is viable.

Discussion was held on differences between #37, and #18 and #19. Mr. Sharples said the percentage of wetlands might affect that analysis. [Aaron Brown arrived at 8:02 pm.] Ms. English agreed it's difficult to determine the layout on these small version plans, need full size sets. In looking at wetlands and major crossings to get to house lots, other projects had proposed crossings not automatically approved. She struggled with the 2100 ft length of the road, might need another connector road but that adds impervious surface. A box culvert on a long stretch of road makes her uncomfortable, as did the wetlands allocations on the various lots.

Mr. Clement said there are several lots he would never agree to approve. Environmental assessment raises issues for him. State DES will probably

recommend a remedial action plan. Very premature to propose this without knowing the remedial action plan. As soon as lead is disturbed, it becomes volatile. Remedial action plans by DES require soil removal or capping. Some lots here might not be allowed as usable given a remedial action plan. Only one access into this development is a bad idea and won't work. Developers would have to work that out. He seriously doubted whether 42 house lots can be built there.

Ms. Corson added that specific lots give her concerns, many along the 100 ft buffer to the Town Forest. Some of those purport to put the house right up against that buffer which is a no-cut/ no-disturb zone, such as at lots #2, 3 and 5. Can't build so close to that buffer. There are 13 lots she had major issues with. A larger plan might result in more/similar concerns. Ms. Woolhouse added that much on this plan makes her uncomfortable.

The Chair summarized the Board's comments: a remedial action plan might change this plan, questions exist on the viability of some lots. Two accesses are shown on the plan but one is too narrow and its ownership is an issue to be resolved. Length of roadways is an issue too. At this point, she opened the hearing to public comments but set some ground rules which were to keep this discussion to this yield plan, keep comments brief, as to the number of homes that could be put onsite, no repetition of issues in interests of time and please be respectful.

Various project abutters, neighbors and interested members of the public gave many comments on certain topics that are summarized as follow: concerns about design, that it's a vibrant neighborhood, environmental impacts and safety, most of the property is forested and much clearing will drastically impact the natural environment. An environmental site assessment has not been done for the remediation plan. Two 30 ft deep ravines exist onsite. Regulations indicate this is all premature. School issues might be affected. Impact of traffic on streets is huge. Traffic will increase eight to tenfold. Traffic will be a big problem, especially for kids' safety.

Houses in the \$300,000 value range and stated \$700,000 in taxes don't add up. This yield plan doesn't add up when you look at the natural features there. Residents that walk the area find much beauty and also difficult areas for building. A past visioning session for neighborhoods was meant to have residents feel good, with kids playing, and families doing things together, which this proposal doesn't accomplish. Unsafe roads are being proposed, safety equipment just can't get in. Forty houses will have at least 80 cars, can't imagine impact on current traffic, kids can't ride bikes and residents can't walk dogs. Affordable housing is important, but quality of life is more important. Putting 40 houses there is not a good idea, with pollution, traffic and such. The plan doesn't show the special flood hazard zone. The FEMA map shows it, as structures are sited on edge of the flood. FEMA shows portions of some lots in flood hazard zone. To handle those, no building permits should issue so construction of buildings is at issue here. The proposed road by the spring is not acceptable for access. It is incumbent on the Board to ask the developers to provide complete impact information about many involved components on this project. Proposed setbacks are 'nothing' in certain areas. This can be scaled down, but then that might not be viable for the developer. They commended the Board for noting that certain lots are a problem.

Other comments were that if there were some lots are larger and there's no continuity on that. Concerns exist about disparity of houses to go in there and being all jammed in. Need to make it more spread out. Build a neighborhood, not "junk." There were questions on the values of houses. There was discussion on affordability and numbers of homes available for young families. The Chair then limited the discussion to the yield plan only.

Roads are very narrow and cars run the stop signs all the time. Much more traffic will only worsen the situation. The Oak St Extension issue hasn't been addressed. Surveying the wetlands in dry times like this year will affect that survey, and construction traffic would be a huge problem.

At the conclusion of public comments, Attorney Phoenix responded that the Applicant appreciated the time and comments of the Board and public, and the respectful nature of the comments. They plan to take all the comments and regroup and come back with changes and responses addressing concerns. They just needed a starting number for lots. Ms. Corson said for the next yield plan, the Board needs a full size plan and parts blown up so it can be read by the Board. Mr. Plumer said monitoring wells should be considered and access needs to be addressed.

**Public Hearing on proposed amendments to the Town of Exeter Site Plan Review and Subdivision Regulations. Copies of proposed changes are available in the Planning Office.**

Mr. Sharples reviewed the prior issues to be addressed for tonight. Farther encroachment into the buffer was addressed and staff can't approve any change in location that puts anything closer to the buffers. Mr. Clement moved to open the public hearing, Ms. English seconded, and it was unanimously approved. The Chair asked for any public comments, but there were none. Ms. English moved to close the public comments, Ms. Woolhouse seconded, and it was unanimously approved.

Mr. Clement said there have been three sessions on this with much discussion and he felt comfortable and moved the Board adopt the changes as presented in the Planner's document, Ms. English seconded, and the roll call vote was unanimous for approval.

Mr. Sharples said as the Board moves forward, he will continue to seek additional regulation improvements in the future.

**3. Other Business:**

**Continued Board discussion of potential zoning amendments**



Mr. Sharples said the amendment is solely to meet the minimum state law, so change 720 sq ft to 750 sq ft. Can add other changes in the future. There was discussion on all matters being presented and addressed in one public hearing only. Mr. Sharples said it's a good approach to do them all at once. At the session on 11/17 he will have the issues covered all at once.

#### **Approval of Minutes of October 13, 2016:**

After discussion of specific changes, corrections and additions, Ms. English moved the Board accept the Draft Minutes of 10/13/16 with noted changes, as discussed; Mr. Clement seconded; Mr. Plumer and Ms. Corson both abstained; and the Minutes were otherwise unanimously approved.

#### **4. Town Planner Items:**

- 27 Chestnut Certificates of Occupancy ("CO") were both approved. Bond on site still in place for fence but that may be done by now.
- 80 Epping Road, both buildings are well underway, a CO should issue, probably next summer. They submitted sidewalk design, and the revised plan will be submitted soon, but officially that has to occur prior to the CO.
- Aroma Joe's will get its CO without sidewalk in place, which is related more to the 91 units out back, not to hold up commercial area out front. Binder coat is in on the roadway, but between buildings is not yet done.
- Master Plan kickoff meeting was held with Consultants, website flyer coming to Board soon-being revised. Will post them around town. There will also be a table at election, and at the pop up park, to engage public. Public sessions are still months away. Ms. Corson said the table at the election will be an interactive table for the public to engage in the process.
- Ms. Woolhouse added that website improvement should have a reverse link back to the Master Plan and Mr. Sharples asked her to send an email to him on that.

- **The next meeting is Nov 3, 2016, which is next week, then November 17<sup>th</sup> because the holiday schedule is for the first and third Thursdays in November.**

**5. Reports of Members' Other Committee Activities:**

There were none discussed.

**6. Adjournment:**

There being no other business before the Board, Ms English, moved to adjourn, seconded by Mr. Clement and the vote was unanimous. The Chair adjourned the session at 9:30 pm.

Respectfully submitted by David Pancoast, Recording Secretary.

DRAFT