

**PLANNING BOARD
APRIL 13, 2017
DRAFT MINUTES**

1. CALL TO ORDER:

Chair Kelly Bergeron called the session to order at 7:06 pm.

2. INTRODUCTIONS:

Members present were Nicholas Gray, Alternate Member, Kathy Corson, Selectmen's Representative; Pete Cameron, Clerk, Kelly Bergeron, Chair, Gwen English, Langdon Plumer and Aaron Brown. All would be voting this evening.

Staff present were Dave Sharples, Planner; and David Pancoast, Recording Secretary. Members of the public, applicants and consultants were present as well.

Announcements: Planning Board cases #17-18 and #17-19 were both rescheduled to 4/27/19, with apologies for any inconveniences.

3. NEW BUSINESS:

Phillips Exeter Academy – PB Case #17-17 Waiver Request from Exeter Zoning Ordinance Article 9, Sections 9.2.3.k.12 and 9.3.4.f.12, for “Use of Fertilizer” for the Field House & Tennis Court Relocation Projects – off of Gilman Street in the R-2 Single Family Residential Zoning District, Tax Map Parcel 83-1. Planning Case #17-17.

Ms. English moved to open the case, Mr. Cameron seconded and it was unanimously approved.

Roger Wakeman, Chief of Planning and Facilities at Phillips Exeter Academy (“PEA”), introduced himself and Ron Johnson, Senior Manager for Grounds and Athletics, and Jim Parenteau, Grounds Supervisor.

There was confusion in the request title, it relates to the 32 acres of athletic fields not the two relocation projects listed. [Mr. Wakeman presented some aerial photos of the project areas, displayed on his laptop computer with some commentary on the photos and project, for the Board.] He said today the crane hoisted the largest truss member (150 tons) for the new fieldhouse building-a big milestone for that project. They are finalizing the landscaping design. The schedule is for the new fieldhouse to be done in late January 2018 and the new theater following that in April 2018. All is on track. Grand Opening will be in the Fall of 2018.

For tonight they sent in a letter on March 10th requesting a waiver from this Board's decision in March of 2016 against use of fertilizer in the Shoreland and Acquifer Protection Districts. They are asking for a one year waiver following the wording in the ordinance. The fields cover many PEA sports and activities of various community groups. Can't maintain the fields under the applicable prohibition and yet keep them playable and safe. There's a huge programmatic impact. Environmental Stewardship is important to the school and him and they wish to collaborate with this Board on it. Ron Johnson and Jim Parenteau are expert in Turf Management and will discuss it. They wished to continue the use of Best Management Practices (BMPs") for the turf maintenance, including the use of organic and slow release fertilizers, to supplement turf restoration. Long term would be to change the ordinance or possibly get a permanent variance on this. Right now, their landscaping needs are important for this time of year.

Mr. Sharples summarized the waivers: the property is in both Acquifer Protection and Shoreland Protection Districts. They seek waivers per the ordinance language allowing waivers to conduct supplement restoration. The ordinance says an applicant shall submit specific plans and a waiver can be granted for up to one year. If the Board approves this, it could be for a maximum of one year and suggested motions were included for the Board.

Mr. Brown said this is a difficult amendment to that ordinance that caught PEA without the Board intending to do so. It's a challenge to enforce it. He appreciated them coming forward on it. The Board had discussed the process of getting an educational vehicle for the Town on these issues. He is in favor of granting the waiver. Mr. Wakeman said the entire PEA team is committed to the educational element.

Mr. Plumer asked for more information on their Best Management Practices in this situation. Mr. Johnson said PEA's BMPs are annual soil testing on all fields and they do five applications. They aerate and overseed twice per year and they use organic and slow release fertilizers. A couple of years ago they put in a Turf Management Plan with this Board and follow it.

Ms. English said the Board's intentions were good on this ordinance and it was trying to raise awareness in Town on high nitrogen levels in the Town's waterways. She was aware that PEA tried compost and it wasn't working, with some safety and other problematic issues with that. A professional had advised this Board on the ordinance and they are working on an amendment to fix the issues on it. Her only concern was to get a summary of PEA's present plans for fertilizing so the waiver can be granted.

Mr. Wakemen asked his colleague Mr. Parentheau to give his input: two fertilizers are proposed, Matrix 8 (organic product) and Polyon, which is an organic urea. They are broken down by soil temperature, not water, so PEA can use them in rain and won't get a nitrogen release. Designed for sand based fields which must be carefully controlled. This is a professional product not typically available to homeowners due to cost. PEA is trying to find a balance between organic and slow release products. Many organics are very slow release-too slow, so users need a bridge between the two.

Mr. Cameron said the waivers seem to relate to supplement restoration or establishment of new landscaping, which is it? Mr. Wakeman said this is for restoration. Mr. Cameron said the language provides for temporary use,

not to exceed one year. What happens at the end of the year? This Board seems to think the amendment will be done before a year. If don't make it PEA would be back with another waiver request or a variance. Is there an understanding that this ordinance will be changed? Mr. Wakeman and Mr. Sharples both said they would have to come back for another waiver if it's not changed.

Mr. Brown said the Board's charge to itself to amend the ordinance would be accomplished. Mr. Plumer said sometimes the Board has to reconsider what unfolds and act accordingly. Ms. Corson said there has already been work on this, with Kristen Murphy. The Healthy Lawns Clean Water Committee also has it on their list. Homeowners will have a different directive on it. Chip Osborn was involved and was hired to help out, but it got put on the back burner by necessity. It can move forward soon.

Mr. Gray asked about organic fertilizers and techniques. If the Town tweaked the ordinance are there steps to be taken to try to mitigate this impact that could protect this buffer? Mr. Wakemen said PEA used several products over the years. This is not for increasing what has been done in the past. Want to do better with timing, use, application methods, and products. Most of the fields have a buffer to the River, they are not right up against the river. If more environmental controls emerge, they would engage their consultants to address them. Mr. Johnson added that some of the new process for BMPs and stormwater management use detention ponds for filtering water. Their new projects use those and other BMPs for stormwater management. New fields have better components for that.

Mr. Gray said downward gradients exist, will buffers be adequately protected? Mr. Johnson said it's a challenge to re-grade there and still protect the resources properly. Another challenge is the Unitil transmission line there. Mr. Gray said runoff and leaching are two ways that water can be affected. Mr. Parentheau said with slow release fertilizers

we don't see high percentages of nitrogen. Mr. Wakeman discussed the Acquifer (groundwater) Protection District.

There was no public comment.

Mr. Plumer moved the waiver for use of fertilizers in the Acquifer Protection District for Section 9.2.3.k, be approved subject to following the application plan and not to exceed one year. Seconded by Ms. Corson, and unanimously approved on roll call vote. Mr. Plumer moved the same motion for the Shoreland Protection District for 9.3.4.f be approved with development of a management plan and not to exceed one year. Seconded by Ms. Corson, and unanimously approved on roll call vote. Mr. Wakeman said the supplemental plan will be submitted to Mr. Sharples.

108 Heights LLC – PB Case #17-18 (rescheduled to 4/27/17) Lot Line Adjustment 108 & 120 Portsmouth Avenue (vacant lot & Exeter Lumber)

[This matter was rescheduled per above to 4/27/17]

Tony Crawford (d/b/a Circle T Car Wash) – PB Case #17-19. Site Plan Review- 3,000 s.f. Self-Service Carwash facility 108 Portsmouth Avenue

[This matter was rescheduled per above to 4/27/17]

4. OTHER BUSINESS:

There was none.

5. TOWN PLANNER'S ITEMS:

- **Field Modifications**

There were no field modifications to report.

- **Announcements**

2 Hampton Road second building permit issued.

The Master Plan Steering Committee met yesterday and discussed major categories and factual inclusions. Second public workshop will be a 4 hour open house from 5 pm to 9 pm, six or seven interactive stations with categories. Not the same as first public workshop. It will get input of those who didn't go to first one. The date is Wednesday, June 14, 2017 from 5 to 9 pm. He is looking for a venue and will report on that.

Mr. Plumer said the Committee is functioning beautifully. The Co-Chair (Ms. Corson) had to step down.

Mr. Brown asked Planner to comment on status of Exeter Gun Club from last session and the Board of Selectmen issue. Mr. Sharples wasn't at the Board of Selectmen session but knows they had a discussion and asked Mr. Eastman to delay issuance of the building permit until the gun club came to the Selectmen to discuss the matter. A Conditional Use Permit might come up on this. They weren't requested in the past but did exist. This is clearly within the 300 foot buffer to Exeter River.

Mr. Brown said he brought it up due to the request to go to Board of Selectmen, long drawn out application at Planning Board and there was a split of the Board. President of the Club called him at home and it bothered him that an entity in the Community isn't getting clear a clear directive on what to do and how to proceed. This Board should try to collaborate with applicants who are trying to follow the process. This was a highly debated application for the Planning Board. Ms. Bergeron said she agreed with Mr. Brown, the Planning Board approved it so the Building Permit shouldn't be held up. Lease issue with Selectmen is different. Mr. Plumer said there's always a 'red herring.' He was not sure about differences between shooting and the noise of the train coming through Town, but the Planning Board doesn't deal with sound. This Board is doing the best it can.

Mr. Brown said the Town Boards should be in better lockstep. Mr. Gray agreed as well. He empathized with neighbors and said there is work to be done but he voted for it from a land use perspective. He hoped Club would be more accommodating toward neighbors.

6. APPROVAL OF MINUTES: March 9 and March 23, 2017

March 9, 2017: these minutes were discussed, amended and corrected in detail. After discussion Ms. English moved to accept and approve the Minutes of March 9, 2017 with the noted changes, Mr. Plumer seconded and they were unanimously approved except Mr. Cameron and Ms. Corson both abstained due to their absences at that session.

Site walk March 23, 2017 [minutes drafted by Mr. Sharples]: these minutes were discussed and amended. After discussion, Ms. English moved to accept and approve the Site Walk Minutes of March 23, 2017 with the noted changes, Mr. Plumer seconded and they were unanimously approved except Mr. Cameron and Ms. Corson both abstained due to their absences at that session.

March 23, 2017: these minutes were discussed, amended and corrected in detail. After discussion Mr. Plumer moved to accept and approve the Minutes of March 23, 2017 with the noted changes, Mr. Gray seconded and they were unanimously approved except Mr. Cameron and Ms. Corson both abstained due to their absences at that session.

Mr. Cameron voiced his opinion regarding release of confidential opinions of Town Counsel by this Board and wanted it noted for the record of approval of the Minutes of April 23, 2017 that he opposed that release. He asked that the record show he has serious concerns and is very uncomfortable with it. He believes strongly the Board was starting down a slippery slope on that issue and is not in concurrence with that decision. Mr. Gray asked about his concerns on it when it was done to accomplish

Board transparency. Mr. Cameron said it's not a transparency issue it is attorney-client privilege and he feels strongly about it. Ms. Bergeron said an opinion does not have to be released. Counsel opinions help the Planning Board to decide cases. There was discussion on release giving applicants an extra tool to use on the case. Mr. Brown added that Town Counsel had informed Mr. Sharples that he was comfortable with the release of that particular opinion should the Board wish to do it, which it ultimately did, and that was why it did. It was involving a critical issue in that case. Mr. Cameron said it was not so much the actual opinion that mattered, it was the sharing of it that concerned him to the extent it did.

7. PB REPRESENTATIVES REPORTS ON "OTHER COMMITTEE" ACTIVITY

Mr. Plumer reported on the Rockingham Planning Commission meeting last evening. They hosted the Commissioner of NH Dept of Transportation, who was an excellent speaker. She addressed electric vehicles and more efficiency in vehicles. She clarified that the gas tax proceeds don't all go to DOT, only 43% of it. They are upgrading equipment. She went over the projects that were submitted, including Exeter's sidewalk project, and the award process.

Mr. Cameron discussed the upcoming April 29, 2017 OEP Conference and said one of the sessions is being conducted by Sylvia von Aulock, the former Town Planner. Mr. Cameron had been appointed a number of years ago as Planning Board member on the Historic District Commission, but he has not been able to do it. They are short-handed and the Board needs a new Planning Board representative on it. Mr. Gray said he would do it. The next meeting is next week. Mr. Cameron said he would attend that one. Ms. Bergeron said the Board would make that appointment soon, after getting an update on member service on other boards.

Ms. Corson reported that she had been serving on the Housing Committee but she's not the Planning Board Representative on it anymore and the

Board needs a new one on it. They meet once a month on Friday mornings. Mr. Sharples said the Committee's housing document needs to be cleaned up but it is done. That Committee will do the implementation phase. A full chapter of the Master Plan has been devoted to it. The first Friday of May is the next meeting. Ms. Bergeron said this Board will appoint someone on 4/27/17 to be the representative. Mr. Sharples will update Boardmember appointments for the Board before the next session.

Ms. Bergeron said appointments would be done at the April 27th session.

7. ADJOURNMENT:

There being no further business coming before the Board, Mr. Plumer moved to adjourn, seconded by Mr. Brown and the motion passed unanimously. The Chair adjourned the session at 8:31 pm.

Respectfully submitted by David Pancoast, Recording Secretary.