

**PLANNING BOARD
APRIL 27, 2017
DRAFT MINUTES**

1. CALL TO ORDER:

Chair Kelly Bergeron called the session to order at 7:03 pm.

2. INTRODUCTION OF MEMBERS:

Present were Nicholas Gray, Kathy Corson, Pete Cameron, Kelly Bergeron, Katherine Woolhouse, Aaron Brown and Langdon Plumer. All members 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.

3. NEW BUSINESS: PUBLIC HEARINGS:

Continued public hearing on the application of Tuck Realty Corp. for a design review of a yield plan for a proposed open space development (consisting of duplex and single family residential units) on the properties located at 98 Linden Street and 3 Vintage Drive. The subject properties are situated in the R-2, Single Family Residential zoning district. Tax Map Parcel #104-70 and #95-51-2. Case #17-15.

The Chair announced this is a continued design review. Mr. Sharples reported that the applicant submitted a revised yield plan. They needed to complete wetlands work and that was done. Now it's 13 duplex lots instead of 14. A follow up letter was submitted by their attorney regarding the project. Mr. Sharples provided a suggested motion should the Board decide to end design review.

Jonathan Ring from Jones & Beech Engineering, Jim Gove of Gove Environmental and the applicant from Tuck were present. Mr. Ring said Mr. Gove delineated the wetlands after snow melt occurred. New Wetlands are in upper right hand side of the plan. The center wetlands extended upward as well. The new plan shows revised wetlands and revised buffers. The proposed playground is shown as well. Stormwater management was

added to show seven drainage basins-each about 12” to 18” in depth. Each structure will have drip edge to allow infiltration into the ground. They don’t expect to construct them per the yield plan-just showing what could be done. Open Space plan comes from the revised yield plan. Twelve open space duplex units and two single family units, both relocated. Not a cul-de-sac but a hammerhead now. They decided they may eliminate a lot line but not sure of that yet. Final plan will decide it. Note #2 says revised wetlands resulted in 5.3 acres of open space.

Would like to receive a favorable thumbs up so they can go forward.

Jim Gove of Gove Environmental reported that he reviewed wetlands. Site has been looked at often in the past. Wetlands evaluation has changed as to the manuals and indicators used in 2010 and in 2012 a new manual issued. Essentially the wetlands bureau adopted it. Also now there is a version 8 issued in 2014. Soil manuals have changed as well.

As one enters the parcel off Linden St, there is a small isolated wetland near the entry. No vernal pool activity there. Dense mature pine stand had a prior delineation in that area. Three folks from Gove looked at it but didn’t flag it as it’s not a wetlands in their view under current requirements. Next came “main” wetlands, which is reflagged very closely to prior flags but a bit larger. A next area is marginal. The area was cut over and a wet meadow exists there. In northerly section found remnants of old flags so he reflagged it closely with those and it coincides pretty well, but is higher up.

Mr. Plumer asked what the relationship pines are to wetlands. Mr. Gove said any significant removal of trees results in a raised water table. If cut the pines will see increased water table but maybe not a wetlands. Ms. Woolhouse asked about the southern area. Mr. Gove said he couldn’t figure out why others had flagged it. The Exeter Housing Plan showed it flagged about a year ago.

Mr. Sharples asked about Lot 8 wetlands showed on an older plan. Isolated wetlands was disturbed, what happened? Mr. Gove found it as lawn at this time and he poked some holes and found no hydric soils. It had been stumped, graded, smoothed out and grassed.

Mr. Cameron said a number of requests for information occurred, asked if the Board has everything? Mr. Sharples said it has everything per their responses but he thinks that more checking on wetlands should occur. Mr. Sharples said a viable building envelope needs to be ascertained by the Board. Things change as developments unfold. Should be in site plan regulations for staff and applicants.

Mr. Ring said the wetlands rules have changed significantly since 1997, four or five iterations. Plan accurately represents what is there now. This plan is stamped by Gove Environmental now. A site walk could be done but that doesn't need to be done for a decision tonight. Mr. Ring said the Feb 2016 plan has no stamps on it whatsoever. Mr. Sharples confirmed there is no stamped plan in that file. He contacted the scientists and engineers involved on that plan who hadn't stamped it for design review and told him when he inquired that they did look at the site and confirmed the plan.

Public comments:

Donald Clement, 5 Thelma Drive spoke. Some of the cutting that has gone on has shown impacts of water table. Winter property lots of cutting in past several years. Ground water still low at this time due to past drought. Lawn area was built up about 20 years ago. It was thick hemlock forest in there years ago. Wetlands and drainage are an issue there. He asked if the Board's final culmination of information on yield plan is approval? Mr. Sharples explained that it's non-binding and just guidance, so there's no "approval." Mr. Clement said 26 total units is still far too many. A site walk would open up the Board's eyes, sooner than later.

Gary Morrissette, 102 Linden Street, said he owns whole south side of the development. There is a 12 foot deep shallow well in his yard, usually 4-5 feet of water well down from the surrounding surface. He pulled the cover last week, water is right up to the surface of the ground. All the trees use water and when they are all cut, the water table will go up due to that. He took pictures over past couple weeks of the way it is now, it's crazy. Where will the water go? When they do that they will have to do to grade the land much water will move around. East and south sides would drain to river

naturally if nothing was built there. His son Nick Morrissette then added his primary concern is discrepancies in the plans. It shows a 16 inch water table and have to build the road up. Water is already moving to the south.

Dan Doucette of 19 Thelma Drive said the effects of water were high so he had to build a berm and a swale to channel water away from his driveway. He is only worried about the water.

There were no further public comments. The Boardmembers had no further comments.

Mr. Sharples said a design review probably should not involve a site walk- that would be for later with formal application. Applicant agreed they should do it later. He also said that they tried to be more formal in this process. Non-binding comments only so far. Suggests look at yield plan process for definitive guidance going forward. We would welcome more wetlands review at formal stage of application. Mr. Ring said that water table, drainage, and road design and such are what engineers do. Public works will look at it too. Alteration of terrain with State permit is needed too, so yet another set of eyes. They said they would like comments on the yield plan.

Mr. Clement added that two lots were bundled for density requirements and then unbundled later on. He recommended the Board have that locked in before it makes any decision. Mr. Morrissette asked what guarantee he would get that he won't be adversely impacted later on.

Mr. Sharples said the "two lots issue" is a zoning ordinance issue. Doug Eastman, the Code Enforcement Officer ("CEO"), is zoning administrator for the Town. Mr. Eastman told Mr. Sharples he agreed with the Town Attorney's position on it. They can go to the ZBA for that. But if the lot line behind the controversy goes away, then the issue goes away. Applicant said they met with Mr. Eastman this morning on it. Discussion occurred on the lot line going away. They could appeal the Eastman opinion to the ZBA if he gives one in writing. There was discussion on the status of this application. The Applicant said they have no feedback on this revised plan. Mr.

Cameron said the Board was not giving a number of lots as it is design review only.

Mr. Gray said Ms. Woolhouse had expressed a concern about a wetlands that was identified some years ago but is claimed now to not exist. Mr. Gray said he is an engineer and appreciates having as much information as he can get. Mr. Sharples said a bit more investigation of wetlands is important and might come out in the formal submission. The building envelopes are an issue, 24 ft is narrow, 20 ft is unreasonable in his view.

The Applicant said developers often abandon open space plans due to it being too cumbersome. Mr. Plumer said he feels enough information was given to date on this. Mr. Plumer moved that design review be ended, Ms. Corson seconded and the poll vote was unanimous to close design review.

The application of 108 Heights, LLC and Exeter Lumber Properties, LLC for a lot line adjustment between the two properties located at 108 Portsmouth Avenue and 120 Portsmouth Avenue. The subject properties are located in the C-2, Highway Commercial zoning district. Tax Map Parcels #52-52 and #52-53. Case #17-18.

Mr. Sharples said this is complete for review purposes. Lot 52 smaller by 5903 sq ft.-frontages remain same. Does not violate any current regulations and meets zoning requirements. March 14, 2017 letter requests two waivers. This part of a bigger project that comes next. Meets intent of waiver because he doesn't think any waivers apply. Did supply a proposed approval motion if the Board approves it.

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

Jonathan Ring of Jones and Beach Engineering presented. Lot line adjustment plan does not involve development, that comes next. 5903 sq ft from Getty gets shifted to Exeter Lumber site. Both lots are still much larger than a lot needs to be.

Note #12 is relevant as a 20 ft deep easement exists and the owner can't put a building on it, but is not proposing on building there anyway. Shared drainage will go between lots and they show the easement for that also on the lot line adjustment plan, so that only one plan needs to be recorded. Lumber Yard is considering storage rack in the vicinity of the adjustment, walls on each end and roofed but sides open so that sheets could be put into it up on racks. He submitted waiver request to meet the checklist just in case needed it.

Mr. Gray asked about drainage easement impacts. Mr. Ring explained one is on one property, other is on another. If a swale was needed could modify the easement to meet that. This could be approved with condition that if the car wash changes the drainage, the easement could also change.

Mr. Cameron raised issue of possible soil contamination, what if hazardous materials are found there in piece that Exeter Lumber gets? Mr. Ring said it is a hazardous waste site due to the gas station, but not the piece going to the Lumber folks.

Mr. Brown asked about Item #12, which parcel is restricted. Mr. Ring said it was near the entrance of former Wentworth Lumber. It has no impact on this site to be developed.

No public comments were offered.

Mr. Brown moved request for lot line adjustment be approved subject to any drainage easement modifications shall be reflected on plan that will be required for Planning Board Case #17-19, if required and monumentation shall be in place prior to signing the final plan with monumentation certificate provided. Mr. Ring said they won't set the front pin before construction. Mr. Sharples said pin location is on checklist for any Certificate of Occupancy. Ms. Corson seconded, the poll vote was unanimously approved.

The application of Tony Crawford (d/b/a Circle T Carwash) for a non-residential site plan review and Shoreland Conditional Use Permit ("CUP") for the proposed construction of a 3,000 square foot self-service

carwash facility and associated site improvements on the property located at 108 Portsmouth Avenue. The subject property is located in the C-2, Highway Commercial zoning district. Tax Map Parcel #52-52. Case #17-19.

Mr. Sharples said the application is complete. Mr. Cameron moved to open the case, Mr. Plumer seconded and it was unanimously approved.

Mr. Sharples said this was a proposed self-service car wash facility. They went to the Conservation Commission and it submitted a comment letter for this CUP, with three comments: the applicant should identify and resolve the manhole north of building area; all snow storage should be located outside Shoreland Protection District for Wheelwright Creek; and lastly, there should be rain garden conditions of maintenance. The TRC comments have gone to the Board as well as Underwood Engineering's comments, plus applicant responses. Underwood did a second review, just notes on the plan, nothing significant.

They are requesting two waivers: one for grading within 5 ft of property lines and a second to allow asphalt "Cape Cod berms". Written requests for waivers were submitted. Rip rap outfall near the site at Leary Court and on plans that runoff has nowhere to go, which is unacceptable. Engineers will deal with it. Discussion was held on drainage and resolving that structural concern. DPW needed more information for a determination on that. If Board wants to take action, it's all in the right of way, not sure how far it will change and might come back to the Board. Waiver motions were provided and site plan approval conditions.

Wayne Morrell from Jones & Beach Engineers presented. This was a former gas station. Contamination is so deep that can't disturb it with this project. There is no contamination in the piece going to Exeter Lumber. The headwall at corner of Leary Court was blocked so no place for water to go. Looking at options for resolution of that. Inlet structure on this project on Leary Court, allows this drainage to stay in place and gives the Town ability to handle the water. Best for both and will get drainage water out of there. They still need to do tail-water calculations for Town on this.

Site itself had two curb cuts and abuts Steve's Diner and Exeter Lumber. Portion in Exeter Shoreland Protection District. Existing monitoring wells on site for hazardous waste issues will remain. Propose 3,000 sq ft three bay carwash, all self-service, plus a mechanical room. Eliminate the southerly curb cut. No connection between Exeter Lumber and this site. This site will be landscaped. Traffic flow will be one way counterclockwise and enter the bays, with three vacuum islands in back. Attendant on site 9 am to 5 pm each day for cleaning, and lawn and other maintenance and to resolve any technical issues with car wash equipment. They do need to and want to grade within 5 ft of abutting property lines per the plan.

Drainage in middle as a swale around north side of the property. Most drainage goes into swales or rain gardens. Cape Cod Berms for islands in middle. An existing 1" water line will be used and extended. Old manhole is an old septic system which will be crushed and filled.

They will place used wash water into two settling tanks, first one for solids, second for oil/gas residues. Tanks cleaned by NH DES every 6 mos to a year. There will be three sixteen foot tall light poles and lights on the building. Berming the back of the property and putting a fence on top of it as a visual wall to residents back there.

Mr. Plumer asked about noise? Mr. Morrell said the bay door opens, car enters, door closes and it is washed and odors open afterward for exiting. Noise generated from dryers and the door is minimal. Mr. Morrell said the car wash does not recycle water, but does use half the water they applied to use there. Mr. Brown asked about finished elevations. They are 28.50 ft on site and 32 ft on on the rear berm to capture headlights and the fence on top of it will help with that too. Mr. Brown asked about arborvitae being added. Mr. Morrell said they were hoping to transplant trees onto berm. They prefer a Cape Cod berm for lower cost and since they will do their own plowing and onsite maintenance they won't let any damage to it happen but if it does, they would fix any broken curbs-they want it nice.

Ms. Woolhouse asked about three bays. Discussion on different uses/types of carwashes. The owner runs company differently. Don't recycle because using half the water here. They staff it for maintenance and looking good. A

greeter is good too. It's a 24 hour facility. Mr. Cameron asked about traffic there. Mr. Morrell said a traffic memorandum was presented to staff based on data in Hooksett and Manchester. Mr. Sharples said TRC dealt with it. Portsmouth Ave is wide with plenty of turning lanes to handle this. Mr. Cameron asked about possible undiscovered hazardous materials on portion of land going to Exeter Lumber Company. If found, how fix and who pays? Mr. Morrell said the owner of #108 would be responsible.

Ms. Corson said she is concerned with 24 hour operating schedule there. Noises that result could affect abutters in back. Lighting needs to be correct as well. How many washes after 5 pm? The applicant said the bulk of business is 8 am to 6 pm-90% of business comes then. Doors can be closed automatically and they can schedule them to do that. Vacuums are not loud. She continued that Portsmouth Ave is quiet at night. Discussion on restricting the operating hours was held. Mr. Sharples said noise was discussed at TRC and it was said the doors would be closed while the wash was happening. Ms. Corson said she wants to visit one of his carwashes before the Board votes on it.

Mr. Gray asked how many locations abut residential property? The applicant said whole backside is residential in Hooksett. He would plant arborvitaes now to get them growing Mr. Gray asked about door operation in winter, if they adopted policy of always closing doors at certain times. He asked how often the settling tanks are checked? The applicant said daily. The applicant said he does not want anyone to hit granite curbs.

Mr. Plumer asked about lighting. All lighting on building is down lighted. Three light poles on site, zero light to the rear neighbors. Safety of the entry discussed, it is designed for easy in and out.

Public comments:

Barbara Young, 10 Berry Court, said her house is closer than map shows. Won't improve her quality of life. Wetlands are there as is her neighbor. There is a lot of water there. Her land is lower than applicant's land. Her son lives near a car wash and he hears it all the time. Discussion on water

issues occurred. Land rises up and drops into residential properties. Ms. Young was also concerned with all night operations.

No other public comments were made.

There was discussion on comparison review of other carwashes and on site aesthetics. Mr. Plumer suggested adding fake windows on blank wall side and something for sound screening at vacuums. Mr. Morrell said they will enhance arborvitaes and also place them along the berm fence. Ms. Corson said she felt this can't be 24 hours operating here. There was discussion on restricting operating hours. Mr. Brown asked about signage detail. Owner said only 50 sq ft is allowed in Exeter. Will follow regulations on signage. Could put real windows on the blank side to make it more appealing. He has the ability to close from midnight to 5 am but doesn't want to.

Mr. Brown asked if there could be a compromise on what days open 24 hours? More discussion on operating hours was held. There was discussion on residential houses at his other sites. Snow storage ability needs to be updated on the plan. Lighting to be shut off or reduced when closed or from 10 pm to 5 am. Mr. Cameron asked how resolve noise issue? Noise from forced hot air is more than a vacuum. After discussion of various issues, the applicant said he could close from 10 pm from Nov 1st to June 30th, so six months on, six months off with 24 hour operations. It was decided that the operating hours would be 5 am to 10 pm from July 1st to Oct 31st, and 24 hours at all other times. Ms. Young asked what if the noise is untenable? Mr. Sharples said there is a noise ordinance in Town. Police respond to those complaints. Discussion on noise ordinance ensued. Mr. Sharples suggested they should update the plan to reflect the discussion.

Mr. Morrell said will agree to anything discussed tonight. Ms. Corson wanted CEO input on hours of operation. Mr. Brown said he thought an approval tonight was important. Ms. Woolhouse, Mr. Cameron and Mr. Gray all agreed with Mr. Brown. Mr. Plumer moved waiver approval for grading within 5 ft of property line. Mr. Brown seconded, the poll vote was all ayes except nay by Ms. Corson-so the motion passed.

Mr. Plumer then moved approval for the waiver to allow Cape Cod berms, seconded by Mr. Brown, and the poll vote was all ayes.

Mr. Plumer then moved approval of the Shoreline Protection District CUP, with conditions: that the manhole issue be resolved, snow storage acceptable to the Planner be added to the plan and a rain garden maintenance plan acceptable to the Planner be submitted prior to final plan acceptable. Mr. Brown seconded-it was unanimous approval by poll.

Mr. Plumer moved Site plan approval per the Planner's suggested motion conditions plus the bay doors remain closed while cars washed and dried; a minimum of 3 arborvitae planted next to dumpster and more along the berm fence as well, and additional arborvitae along rear at discretion of the Planner; plus a minimum of two windows on the blank sidewall on right side elevation; and hours of operation from 5 am to 10 pm annually from July 1st to October 31st, then 24 hrs /day from Nov 1st to June 30th. Mr. Brown seconded and the poll vote was all ayes except nay by Ms. Corson, so the motion passed.

4. OTHER BUSINESS:

- Field Modifications [Tabled to May 11, 2017]
- Approval of Minutes: April 13, 2017 [Tabled to 5/11]

Bond release Mr. Cameron moved approval, Mr. Brown seconded and it was approved unanimously.

All appointments made by BOS, so May election of Board Officers. Mr. Cameron will offer guidance on Attorney Client Privilege.

Mr. Sharples said that member training in packets May 11th 6:30 to 9 pm.

5. ADJOURNMENT:

There being no further business before the Board, Mr. Plumer moved to adjourn, seconded by Mr. Cameron and the vote was unanimous. The Chair adjourned the session at 10:33 pm.

Respectfully submitted by David Pancoast, Recording Secretary.