

PLANNING BOARD

November 9, 2017

FINAL MINUTES

1. Call to Order

The session was called to order by Chair Langdon Plumer at 7:00 pm in the Auditorium of the Cooperative Middle School (CMS) at 100 Academic Way in Stratham, N.H.

2. Introductions

Members present Kathy Corson, Pete Cameron, Clerk, Langdon Plumer, Chair, Katherine Woolhouse, Vice Chair, Kelly Bergeron, Gwen English, Aaron Brown, and Alternate Nicholas Gray was also present. Staff present: Dave Sharples. Members of the public were present as well.

3. New Business

Extension of Previous Approval:

This item is not on the agenda, but needs to be taken care of. This is to accept the correspondence sent on Case # 21422, Site Plan Review for 29 Front Street.

MOTION: Mr. Cameron moved to approve the extension and Ms. Corson seconded. The motion passed unanimously via roll call vote.

Continued public hearing on the application of Tuck Realty Corp. for review of a yield plan for a proposed small scale multi-family open space development on a 7.30 acre parcel located at 98 Linden Street. The subject property is situated in the R-2, Single Family Residential zoning district. Tax Map Parcel #104-70. PB Case #17-31.

The applicant has requested their hearing be continued to the December 14, 2017 meeting, which will be held in the Exeter High School Cafeteria.

The application of Eversource Energy for a Wetlands Conditional Use Permit for required temporary prime wetland and wetland buffer impacts for work pad placement and access associated with their Transmission Line Storm Hardening Project being undertaken to upgrade and strengthen their infrastructure (across the state) to reduce the probability of service interruptions. The transmission line is located within an existing right-of-way off of Old Town Farm Road, in the RU-Rural zoning district. PB Case #17-33.

MOTION: Ms. Bergeron moved to open the case, Ms. Woolhouse seconded. The motion passed unanimously.

Tracey Tarr, GZA Environmental appeared before the Board. She is presenting minimal maintenance for the lot. Ms. Tarr presented a PowerPoint presentation to the Board. This is not an expansion and all work would be completed on one structure. They would be utilizing an existing trail to minimize their disturbance of the area.

Mr. Cameron asked if they would have to put up any barriers to prevent people from entering this area. It was explained this was a short duration project so the concern window would be very limited. They would not be taking precautions for this as they don't anticipate a problem.

Mr. Gray asked what steps will be taken to reinitiate the growth of the vegetation. How this would be completed was explained. Mr. Gray also asked about what the traffic impact would be during the construction phase. The applicant explained that the matting would be brought in by a truck, and put down with excavators and bucket trucks to do the wiring. They come in phases, and are trained to be off the road.

Ms. English asked about the wildlife in the wetland areas, those would be most impacted during any season other than winter. What measures would be taken in regards to this. Ms. Tarr said this would not be completed during main bird season, and the season we are in right now mitigates most of the risk. They were hoping to complete this, this winter.

Mr. Plumer asked if this work would be subcontracted out, and this was confirmed as the plan. Mr. Plumer then opened this to the public, and there were no public comments. The public session was then closed.

MOTION: Ms. Corson moved that the request from Eversource Energy, Planning Board Case #17-33 for wetlands conditional use permit be approved, Ms. English seconded. The motion passed unanimously via roll call vote.

The application of Exeter Rose Farm, LLC for review of an open space subdivision consisting of 39 single family lots and associated site improvements on properties located on Oak Street Extension and Forest Street. The subject properties are located in the R-1 Low Density Residential, R-2 Single Family Residential and R-4 Multi-Family zoning districts. Tax Map Parcels #54-5, 54-6, 54-7, 63-205. Case #17-27.

MOTION: Ms. Corson moved to open the yield plan portion of planning board case #17-27, seconded by Mr. Cameron. The motion passed unanimously.

Mr. Plumer went over what a yield plan is and its purpose for the Board and the public at the meeting. Tim Phoenix, Legal Counsel to Exeter Rose Farm appeared before the Board. Mr. Phoenix explained the history of the project and where this stood now. They planned a brief presentation by each of the members to address the yield plan. The plan is the same plan that was before the Board last spring for design review.

Brenda Kolbow , the survey project manager for the project appeared before the Board. She explained the current state of the property and the proposed yield plan.

Marc Jacobs, wetlands scientists appeared before the Board to provide an overview on the wetlands of the site. They will be appearing before the Conservation Committee on December 5th as well.

Mr. Plumer asked if they had a yield plan, because they are not considering the other plans tonight. The applicant is discussing the yield plan tonight. Ms. Corson asked if the next time they appear before the Board, they bring a colored yield plan due to the complexity of the plan. Ms. Corson said the regulations state that access roads can cross buffer zones, but to her in this plan the buffer zone is being used for lots and homeowners would have issues. She understands that these are legal, but the homeowners would need to understand the implications of this. She asks if this could be done differently. Ms. Kolbow said this could be explored. Ms. Corson also said the cul-de-sac, they were requesting a waiver on the length, and she wanted to say she would not vote for approval of that waiver and requested they change the lots in regards to this. Ms. Corson also said on C-15 there is another spot where the road enters the buffer zone. Ms. Corson would like to perform a site walk to view how all of this will be laid out. It was explained they are allowed to cross wetlands to get to buildable areas. Ms. Corson also has concerns about the spring that would cross lot 19 and she had concerns about lot 34 extending across a street.

Ms. Corson asked for an explanation on the statement that not all the wetlands are on the plan currently, she feels this is an incomplete plan. Ms. Kolbow explained that some of these wetlands are manmade and as part of the ordinance they are not considered part of the conservation district. Ms. Corson would still like to see them on the plan. It was explained they are on the existing plan, but not on the yield plan because on the yield plan they would not exist anymore as they would be filled in.

Ms. Corson also requested information on which waivers they would be requesting. These waivers were confirmed. Ms. Woolhouse said that earlier in the presentation they indicated they had changed the yield plan based on information they received during the design review meetings held previously. She would like an explanation on what they heard, and how the yield plan was adjusted. Mr. Phoenix explained that they felt after those meetings they were near complete, and that all Board comments and public comments happened then and it would not need to happen again now. If this hasn't happened they would like to get all the comments tonight to address them. Ms. Kolbow explained what had changed in the yield plan.

Mr. Gray asked if the 39 lots were what was present during the DRB process. Because Mr. Sharples said during those meetings that lots 34 and 39 were in the wetland buffer and he wanted to know if these had been rearranged in any way. The buffer area was discussed. Mr. Gray also had concerns about the width of the entrance, and he wondered what had been done to mitigate the concerns. It was explained they are not proposing any access from the Oak Street extension, they would only use this for emergency access. My Gray also had questions about drainage, have there been any studies on what the impact would be for storm water flows onto other properties. Corey Cowell appeared before the plan to explain the drainage.

Ms. English asked Mr. Jacobs about a box culvert that they had concerns about, because of a stream diversion plan. She asked for an explanation on what this is, and where it would be located. Mr. Jacobs

said this was for during construction, and this would be addressed during the wetland permit application process. Ms. English said that looking at the house location proposed for lots 37-39, she is trying to locate the houses on the yield plan. The contour seems incredibly steep, she is not sure how viable the lots are there. She requested an explanation on this. They also do not have any details on what the structures would be like for the bridge and the box culverts and these are very important pieces. They need to see this on the yield plan.

Mr. Brown does not see access to the town forest in the yield plan, this was discussed previously. The Design review was a nonbinding discussion between the town and the applicant and it is a give and take. He is not comfortable looking at a yield plan that does not show all the wetlands. The waivers also concern him, as does the access and not meeting all the road requirements. He wondered if the applicant expected the Board to approve a plan that did not have access to a town forest. Mr. Jacobs said that the yield plan ordinance does not require connectivity but the open space plan contains all this information. The only purpose of a yield plan is to derive a number and they do meet the road requirements for a yield plan.

Ms. Woolhouse echoed support for Ms. English and Ms. Corson comments on concern about the wetland impacts and bridge. Mr. Cameron wanted to follow the history of the project and he confirmed some information with Mr. Sharples and the applicant on what happen to the previous case number 21603 (Design Review application).

Ms. Corson wanted to go back to Mr. Brown's comment on access to recreation, as another applicant was required to show this on a previous yield plan. Mr. Sharples explained this, and confirmed that it should show recreation on a yield plan. Mr. Gray had a question for Mr. Sharples, he questioned how the Board should look at a yield plan, he sees lots 37 and 38 that are over 40% in the wetlands, and can they use discretion to say that 39 lots won't be permissible in this case. Mr. Sharples explained this process. Mr. Gray then asked the applicant if reconfiguring these lots was viable, or if they truly believed these lots would be marketable. Ms. Kolbow explained that they do feel like there are viable lots here.

Mr. Gray also asked about what this project would offer in regards to an affordable housing price. The applicant stated that whatever the market price would be. Ms. Corson asked if they eliminated 3 lots in the yield plan, if they move to an open space plan they do get a bonus. Mr. Sharples explained the ways in which they would qualify for the bonuses.

Mr. Plumer open the meeting to public comment.

Jason Reimers, BCM Environmental and Land Law in Concord appeared before the Board representing the Exeter Area Conservancy and the Westside Neighborhood Coalition. On the plan there are either inaccurate notes regarding the cul-de-sac length waiver, he feels this should be clarified. He is also concerned that not all of the wetlands are on the plan. He also had concerns with the statement the DPW had been notified and had no issues, since they would have to take ownership of the bridge. He feels there are open legal questions on the applicant's interpretation on the yield plan that was presented. He does not feel the Board should accept the yield plan as complete tonight.

Maggie Young, 7 Walnut Street: Personally, she opposes this plan due to the impact on the wildlife, but also the fact that she is currently able to bike around her neighborhood and this would increase traffic in the area which is a safety concern.

Jonathan Pinet (no address given): in regards to the presentation on the yield plan, he does not feel that a road can be deemed for emergency purpose only and if it's the closest road to a home that is what the houses closest to it would choose to use. The spring is also a benefit to the public, and he hasn't heard anything about protecting that. He feels the presentation is incomplete. He would like the Board not to approve the yield plan because of this.

Doug Flockhart, 62 Park Court: He does not want the town to be fooled on this issue a second time. This would be another Timber Lane, which was deemed for emergency purposes only and is used regularly. This road would also be used regularly and not only as emergency access only, and it would dramatically increase traffic in the area.

Caroline Piper, 8 Forest Street: Questioned that the spring would be included in a lot and if this is correct and if so why a public resource would be included as part of a private lot and not part of a space owned as part of a home ownership association. Mr. Sharples explained that this is a subdivision so there is no home owner's association.

Bill Murphy, 18 Oak Street: Questioned the entrance to Wadleigh, this is a narrow area and he is curious if a house has to have a 25 foot road to get to it, so would Wadleigh have to be expanded to also meet this requirement. Mr. Sharples explained how this was evaluated.

Pete Steckler, 4 Locust Ave: He asked if they have their alternate access secured and if they don't how can the Board legally assess the plan. He is also hoping that the site walk would be open to the public. He also had concerns about the run off. Mr. Plumer said the site walk is a public meeting as it is an official meeting of the Planning Board. In term of runoff there are now more regulations on this, and it is matter of maintenance. The federal regulations are more and more strict in regard to this and maintenance plans have been part of recently approved plans.

Kelly Roy, 58 Park Street: She has questions in regards to the wetlands, would there be additional flood insurance required for the homeowners because of the wetlands. It was explained that none of the buildings were in the flood zone.

Suzanne Stone, 21 Forest Street: She had questions about the Spring and the access issue. People currently drive down there to fill their water jugs. If this spring in this plan on a private lot, what happens if the Spring is kept off of a private lot. The second question is when hydrants are flushed if this would cause more run off. She also had questions about traffic in the area. Getting in and out of the neighborhood is almost impossible at times. The larger the yield plan the more construction vehicles will be needed and she is very concerned about this.

Cynthia Young, 7 Walnut Street: She had questions about the plan that was presented. Is the buffer zone considered viable public property or should it remain public space? It was confirmed that it would be privately owned. In terms of the spirit of the neighborhood and this plan is spiritless. She is concerned about the impact of runoff into the river, and the spring and safety of children in the area.

Todd Piskovitz, 22 Forest Street: He seeks clarification on the storm water plan. He feels there should be more information provided on the plan.

Kelly Bergeron wanted to be clear that the Spring that has been referenced is already private property and they allow people to go to the spring. This is not public property at all currently.

Sheila Roy, 3 Salem Street: Has an issue with the drainage, there is a sinkhole already in the area, trucks cut through the neighborhood. She has already had lines pulled from her home because of existing traffic, so this will only increase the issues.

Maura Fay, 13 Forest Street: She has concerns about water, she is concerned about mainly on Wadleigh Street. On those initially properties that would come off the Wadleigh Street extension, how would this affect the water that would impact existing homes that already have water problems. How would this affect the new lots, how wet would they be. She is not sure it is realistic for homes to be built in that section.

Erin Steckler, 4 Locust Ave: These decision impact everyone in the neighborhood and her hope is that common sense prevails on this project. She believes this project is crazy.

Joan Gallagher, 7 Wadleigh Street: Her house is 12 feet from the edge of the road that will be going into this property, she wants to know how these people will put up a buffer for her property, she is also very concerned about drainage. All the water from that area comes directly into her and a neighbor's yard now. The existing drainage system is broken and not working. She also would like to make a note that the upper section of the property that the Board had concerns about, this area floods whenever there is a storm and it is not even walkable. She also has concerns about the increased in traffic, there is already a dangerous corner in existence and the road also is not wide enough.

Kris Vaughn, 348 Water Street: Having the opportunity to walk the trails in this area she would really want to see an updated or accurate map of the wetlands. What is presented doesn't look like what she actually sees in the area. She also feels it is premature to approve a yield plan without having viewed the property.

Steve Halloran, 4 Salem Street: He has questions about access to the site, his issue is that looking at the regulations and the master plan. There is a clear distinction on road ways, based on the documents he read he doesn't believe access roads are encouraged.

Carol Waters, 15 Oak Street (corner of Oak and Salem Street): She is concerned about traffic and would like to stress this. Currently she lives on the corner of a 4 way stop where the signs are already often

ignored. She is worried for the wear and tear on the roads and the existing sewer lines. She cannot believe this is the only opening they can come up with to access this development.

Amy Halloran, 4 Salem Street: Looking at this development, has all of this land already been acquired by this developer. If not, how can this plan include this work on the land. The ownership of the property was explained and confirmed.

Mr. Plumer closed the public session. Mr. Plumer suggested they set a site walk date and table the case until December 14 meeting, which will be held in the Exeter High School cafeteria. The site walk was scheduled for 11/16/2017 at 8:30AM. Mr. Gray said that the issues raised by the public were good points, he also believes that drainage and traffic studies were completed, and he would like this to be provided to the public prior to the site walk.

MOTION: Ms. Corson moved to table this case until December 14 at 7PM at the Exeter High School cafeteria, Ms. Woolhouse seconded. The motion passed unanimously.

Historical District Zoning Amendment Discussion:

Mr. Sharples explained this potential amendment to the Board for their review.

Adjournment

There being no other business before the Board this evening, Mr. Cameron moved to adjourn seconded by Ms. Corson, and the vote was unanimous. The session was adjourned by Mr. Plumer at 9:50 P.M.

Respectfully submitted,

Jennifer Dionne, Recording Secretary