

Exeter Planning Board  
December 14, 2017  
Final Minutes

7:04pm Call to Order by Chair, Langdon Plumer

Also present: Nicholas Gray, Kathy Corson, Pete Cameron, Gwen English, Aaron Brown, John Grueter, David Sharples

Public present to speak: Sheila Roberge, Nick Morrissette, Gary Morrissette, Bruce White

Chair Plumer, New Business: Public Hearings:

Zoning Amendments for 2018 Town Meeting Warrant, 1-17, 2-17:

Proposed Zoning Amendment No. 1-17:

Language added to provide the provision for “Minimal Impact” applications.

Mr. Sharples, Discussion regarding stream-lining certain applications/items, examples being fence(s) or shed(s), signage, some landscaping, to be administratively approved through staff instead of going through Historic District Commission (HDC). If not, staff has right to forward to HDC to meet certain criteria approved by HDC on 10/19/2017, in support of the amendment. Staff to administratively approve such requests would be the Town Code Enforcement Officer and Town Deputy Code Enforcement Officer. (Full text of amendments available in Planning Office.) No Board questions/changes regarding amendment language. No further actions taken until 2nd Hearing date of January 11, 2018.

Proposed Zoning Amendment No. 2-17:

Regulations controlling use of fertilizer within the Aquifer Protection District and Exeter Shoreland Protection District.

Mr. Sharples, Amendment has been pulled back at this point and sent to Mitchell Group (MG) for legal review. MG had some concerns/overall questions regarding the process as did Mr. Sharples, Town Planner, and Kristen Murphy, Natural Resource Planner. Discussed with Laura Spector of MG and decided to wait and come back at a later date, likely next Warrant cycle. Amendment off for now, until further notice. Current fertilizer amendment is ‘in the books.’

Q: Mr Gray, Earlier in year, waiver application was filed by Phillips Academy (PA) to use fertilizer on athletic fields in Shoreland district; how would amendment language as drafted affect their need for such a waiver?

Mr. Sharples, The amendment as drafted would not allow PA to fertilize as requested. If amendment not pulled, PA would likely have been present (tonight) to speak against it, and they would have likely filed for a waiver in April, if amendment went through as drafted, either way.

Exeter Rose Farm, LLC Yield Plan Review:

Chair Plumer, Further discussion regarding Exeter Rose Farm, LLC application/review will be continued until the next Planning Board meeting scheduled for December 28, 2017, Nowak Room of the Town Offices building.

Tuck Realty Corporation (TRC), Applicants: Mike Garrepy, John Ring

Continued Public Hearing, Planning Board Case #17-31, Tax Map Parcel #104-70

Yield Plan Review for proposed small scale, multi-family open space development, 7.30 acre parcel, located at 98 Linden Street. Subject Property is situated in the R-2, Single Family Residential zoning district.

Planning Board has gone on a site-walk (11/1/2017) and has received revised Yield Plans.

Mr. Garrepy, Seeking Planning Board approval of revised Yield Plan on 8-lot, duplex configuration. Since site-walk, Seekamp Environmental Consulting, Inc. (SECI), and Jim Gove of Gove Environmental Services, Inc. (GESI), have gone out to the Property and reviewed the wetland delineation and the remainder of the site, to determine if the delineation was done according to current standards. Memo from SECI dated 12/7/2017, presented to Board, suggests delineation concurs with the findings in the field. Memo from Town Planner, dated 12/1/2017, references Yield Plan issue(s) in respect to cul-de-sac, also referenced by Board. TRC's previous iteration shows cul-de-sac ending partially within the 50 foot perimeter buffer, for which a waiver was applied for. Plan presently before Board, requires no waiver and shows cul-de-sac taken outside of the perimeter buffer. Also, present Plan has relocated some trails that were crossing through wet areas requiring construction activities not allowed within that 25 foot section of buffer, as referenced in Town Planner's memo. Trails were removed from that portion of the buffer area as shown in present Yield Plan, and continue throughout Property in a continuous loop for recreation use. Referenced e-mail from Doug Eastman, Building Code Enforcement Officer, regarding zoning compliance. Per Mr. Eastman's zoning review, and the input of Mr. Sharples, the Plans required some zoning modifications that were made with respect to the lot configurations, which in present Yield Plan iteration, per Mr. Eastman, are compliant with Town zoning requirements.

Q: Mr. Gray, Regarding boardwalk around the perimeter, original plan's intent was to have exercise stations. Are they no longer part of the plan? (2.) Why was the cul-de-sac moved, and what was sacrificed to do so?

Mr. Garrepy, Once Yield Plan completed, Open Space Plan will not include such stations. Will likely be supplemented with 'quiet enjoyment' component(s) along walking trails, in compliance with requirement of 10% passive recreation area(s) component of Plan. (2.) From design point, with waiver request, made better sense of lot configuration. To remove any kind of discussion, with no waiver required, cul-de-sac relocated outside of buffer. Waiver gone, road is compliant to make Plan as simple as possible.

Ms. Corson, Regarding Detention Basin #2 located within wetlands, is construction and tree removal (all of the trees) needed? A lot of cutting needed for that. Cutting would take place right up against wetlands, within 25 foot no cut/no disturb wetlands buffer, cutting every single tree down.

Mr. Ring, Detention basin #2 would require working within the buffers to the wetland. Basin itself not in wetland, is located in upland, which happens to be between wetlands. (Summarily) yes, excavation is an

allowed use in the wetland buffer, re: detention and storm water management, and yes, some of the cutting is right up against the buffer.

Mr. Garrepy, Detention (water) will be proximate to where it will be treated, and discharged into the wetland area, ultimately. The proximity to the wetlands is actually advantageous for those drainage structures to be there, and is within (allowed use of) wetland buffer. Yes, in theory we would cut those trees down in that detention area, but in Open Space Plan, there would be more tree preservation than in Yield Plan.

Mr. Cameron, Directed to Mr. Sharples, regarding letter from Mr. Ring, dated 12/11/2017. Is that satisfactory to (you and) all concerned, as to the full explanation?

Mr. Sharples, (1.) Yes. Any construction activities inside the 25 foot (buffer) needs a waiver, and constructing a boardwalk is construction. Now that it's been moved out, no more boardwalk, trail does not go through wetlands, that issue has been solved. (2.) Cul-de-sac has been moved out of buffer, more centered. Long winded answer, yes, letter is satisfactory as to full explanation.

Ms. English, Similar concerns as Ms. Corson regarding detention basin, as a structure, and not comfortable with that. Further comment/concern, never comfortable getting a new plan at a meeting. (Changes were submitted on 12/12/2017, for (this) meeting, 12/14/2017) Prefers reviewing beforehand, not at a meeting.

Mr. Garrepy, (To Ms.English) Only real changes made to previous submission (and this one) was centering the cul-de-sac and relocating the trails outside of the wetland areas. Acknowledged last minute plan changes.

Mr. Brown, Reiterated Ms. English's comment on last minute changes to Plans, and in the course of business, acknowledged 'schedules change.' In the future, as an applicant (directed to Mr, Garrepy), highlighted (written changes) as opposed to verbal cues would be helpful. Process related, as a Board, seeing more open space-style developments. At the end of the day, we (the Board) have to scrutinize your Yield Plan as if it is a real Plan, to be built. We are determining the number of units approved based on 'is this viable;' would we actually approve on what we have in front of us (tonight).

Mr. Garrepy, Design, Review and Public Hearing Process has been discussed in at least 6 meetings. Vetting and Plan Revisions have been made (according to meetings) and process has been respected. We (TRC) appreciate how the process is bifurcated in the ordinance, to focus on one (Plan) and return with one better than conventional.

Mr. Grueter, Is the 3000 foot trail definite or conceptual.

Mr. Garrepy, Yes, on Yield Plan it is shown as a definite, but not building 'this' plan. When (we) come back in January/early February, passive recreation will be part of Open Space plan. Trail potentially achieved by including in Yield Plan, natural earth based, meandering path, no construction activities required.

(Discussion among Board and Mr. Garrepy regarding follow-up question from Mr. Grueter concerning trail in proximity to neighbors property, allowances, no cut/no disturb areas, etc.)

Discussion opened up to Public:

Sheila Roberge, Pickpocket Road, Came to address ‘fertilizer’ project, accompanied by Melissa Paly, the Piscataqua Water Keeper from the Conservation Law Foundation, who left without comment.

Q: Regarding wetland, pond; is it already there?

A: Mr. Ring, No.

Comment: Ms. Roberge, So you’re creating a whole new pond, but you’re cutting down all the trees that would be a buffer to that pond? I live where Riverwoods put in water mitigation, not attractive, ugly, and wetlands have been overtaken by invasive species, and concerned if buffer (of trees) is taken away, this area too, will be opened up to invasive species. Could you address that? Thank you.

Reply: Mr. Ring, The storm water has to go to the lowest spot on the site. In this site, the lowest spot is where the wetlands are. The drainage has to flow to the right-hand side, to the East side of the project, to the proposed detention pond on the Yield Plan, requiring removal of trees. The Open Space Plan will have a detention pond in a similar area, the wetlands will remain in place, the detention basin will drain toward the wetland. 8 duplex lots fit on the Property, and the drainage fits as well where shown.

(Discussion from Ms. Corson, agreed to by Ms. English, with Mr. Ring, that maybe the Property is being overbuilt, with such a big detention pond and number of trees to be removed. If there were less lots, would this (the pond) be a lot different, as far as size? Agreed the drainage fits on the Property, but has never seen something so large between two wetlands, particularly considering this being a long, narrow lot.)

Chair Plumer redirected discussion to the Public’s time to speak.

Comment: Mr. Nick Morrisette, Lives in home to the South of the Property. Primary concern is how narrow the Property is. Seems a lot for this area, and questions the viability of all the water being displaced in the area, being transported to the pond, and none of it going South to his parents property. Seems (the Property developer) is pushing it on this one.

Comment: Mr. Gary Morrisette, 102 Linden Street, (Property developer) is trying to put too much on 7.3 acres of land. Considering his family owns the whole South-side of the proposed development, from Linden Street to Patricia Avenue, including his brother Paul Morrisette, of 100 Linden Street, each of whom have been impacted by water from that Property over the years, and what the developer wants to do (here), cutting all the trees, and just too many houses (are) going in (there). The Property has washed his road out, was told they could have a new culvert, and his response was he doesn’t want (their) culvert or (their) water. When his property foundation was dug 41 years ago, the water table was 18”. During Summer, he can’t mow lawn behind his house because it is so wet. This development will affect his families properties, and can’t be convinced otherwise. It’s too much. Drip edges and retention ponds won’t prevent water. Gove’s wetland study said if you cut all the white pines, it will have an impact.

Comment: Mr. Bruce White, Owner 98 Linden Street (Property in discussion), Photos shown of property were from after the Mother’s Day flood, the whole town was flooded. The Sunday before the 9th of November (11/5/2017), the site-walk was on Wednesday (11/1/2017), it rained all night Sunday and all day Monday. During the site-walk, do members of the Board recall standing water there?

Response: Mr. Gary Morrisette, The occasion mentioned by Mr. White was not a heavy rain and the ground material will absorb water, but a lot of places it will not. A weeks worth of rain, causes noticeable water and damage and will drain South, to the lower valley, toward his brother’s property, more so

than his own, and that is where the development is shooting everything, over to that side. In 1987, the area was an 'island' due to excessive raining. Being downhill, worried about the whole deal.

Discussion closed to Public:

Chair Plumer, Question that has some effect on the pond. Wondering if other storm-water management techniques, such as a porous roadway, tree-wells that will hold that water, or other means to handling that, rather than having to have such a large structure toward the back. From the site-walk, it's known that's where the water goes.

Mr. Garrepy, There are certainly other methods of storm-water management, however the current Yield Plan meets all Town zoning and regulatory requirements. Perhaps a more appropriate time to discuss alternative methods, would be during the Open Space design, to deal with drainage in a less impactful way going forward, but would like to get past this initial step of density derivation first. Respectfully asking for approval of present Yield Plan in order to move forward and get to 'real' design.

Mr. Brown, If a Yield Plan is going to be approved, granting 'x' number of units, and then on a subsequent plan, try to impose pervious materials on a roadway, that could bring about pushback from an applicant, that it wasn't required as part of a Yield Plan approval. So if that were to be discussed, the opportunity would be now. If this Board approves this Yield Plan, not requiring porous materials for the roadway, and then at a later time, places a hard requirement to have porous materials on the roadway for the final, actual plan, TRC will not push-back suggesting that it was already otherwise agreed upon?

Mr. Garrepy, If the board is approving the Yield Plan this evening, without any requirements of the Open Space Plan, TRC will look at all the options that are available for drainage. Not ready to commit to any drainage design for the Open Space Plan until fully evaluated. In consideration of the Morrissette family and the sensitive, important nature to them, design is in consideration not just of the State and the Town, but also to the concerns of the neighbors.

Mr. Cameron, Agrees with Mr. Brown, does not want to be 'mousetrapped,' but at the Yield Plan stage, what can be imposed at the Yield Plan stage, for that which will be discussed later.

Mr. Sharples, Types of future drainage infrastructure at the Yield Plan stage and then applying it to the Open Space Plan, if there is a reasonable, rational connection, Mr. Sharples is fine with it.

Chair Plumer, It is all a matter of record at this point that it has been discussed, and a matter of record that the applicant will consider various alternatives of managing stormwater, through testimony.

Mr. Gray, Major criterion for determining further discussion of drainage issue(s), is if it has an impact on the number of permissible units. Will surely discuss drainage during Open Space portion of the application, but have to determine (tonight) if it will change the Boards decision on the number of units approved.

Ms. English, Recognizes the land owners right to develop this Plan. The Board recognizes efforts of Plan being reviewed, and certainly the Board needs to be mindful and vigilant of the neighbors and natural resources, primarily concerning the 2nd detention basin. Acknowledges Ms. Roberge and other Board members concerns for trees to be cut and wetland impact.

Mr. Cameron, Part of this process is objective and part is subjective. Strict requirements have been met, for the purposes of a Yield Plan. Board not bound to this number of units or anything else. Just if the Applicant has met the requirements.

MOTION by Mr. Brown to move the request of Tuck Realty Corporation, Planning Board Case #17-31, for Yield Plan approval of a 16 unit (8 duplexes), small scale, multi-family open space development be approved.

Motion seconded by Mr. Gray. MOTION CARRIES, 6-2

(Ms. Corson and Ms. English voting Nay, and with note by Mr. Gray and Mr. Brown, that abutter's very valid concerns for drainage being primary focus and issue of the Open Space portion of the application)

No Town Planner Field Modifications requested.

Town Planner Announcements:

Town Master Plan Draft is now available. Press release sent out to Master Plan Steering Committee members. Plan has also been put out to the public. Four (4) copies are available at the Public Library. Master Plan Draft is out for a 30 day comment period, through January 12, 2018. Listed under 'Latest News' on Town and Planning Board website(s), as well as through VisionExeter.com. Comments may be made directly to Town Planner, Mr. David Sharples, through comment period. After January 12, 2018, Mr. Sharples will meet with Master Plan Steering Committee. Plans to bring Master Plan forth to the Planning Board is set for January 25, 2018, depending of comments. Otherwise Master Plan will be completed in February 2018.

Approval of Minutes:

Outstanding Draft Minutes to review, correct, and/or amend from October 26, 2017, November 1, 2017, and November 9, 2017.

October 26, 2017:

P. 1, Introductions; 'Alternates' Nicholas Gray. Change to singular, 'Alternate.'

P. 1, ¶ 2, change 'scarifying' to 'sacrificing.'

P. 1, ¶ 2, change 'Plummer' to 'Plumer.'

P. 1, ¶ 2, change lower 'then,' to 'than.'

P. 1, last ¶, insert 'after' before 'hearing.'

P. 1, last ¶, insert 'like' between 'sounds they.'

P. 2, ¶ 3, insert 'for' between 'request 3-5.'

P. 4, ¶ 1, change 'lot' to 'lots.'

P. 4, correct 'Garrity, to 'Garrepy' throughout page.

- P. 4, ¶ 2, change 'previous' to 'previously.'
- P. 4, ¶ 3, change 'dimension' to 'dimensions.'
- P. 4, ¶ 3, insert 'were' after 'approximately.'
- P. 4, ¶ 3, insert 'at length' after 'explained.' Remove superfluous wording.
- P. 4, ¶ 3, remove 'also,' place period (.) after 'suggestion,' capitalize 'there.'
- P. 4, ¶ 3, insert 'there are,' before 'issues.'
- P. 4, ¶ 6, change 'arrow' to 'narrow.'
- P. 4, ¶ 6, insert period (.) after property, capitalize 'he.'
- P. 4, ¶ 6, change 'have said' to 'saying.'
- P. 4, ¶ 7, insert 'it' after 'died.'
- P. 5, ¶ 7, change 'dug out' to 'dugout.'
- P. 5, ¶ 7, insert 'install' before 'fencing.'
- P. 5, ¶ 7, change 'MR.' to 'Mr.'
- P. 5, ¶ 7, insert comma (,) after 'has.'
- P. 5, ¶ 8, change 'bull pen' to 'bullpen.'
- P. 5, ¶ 8, replace 'a' with 'an' after 'architectural.'
- P. 5, ¶ 8, change 'mimic' to 'mimics.'
- P. 5, ¶ 9, change 'tld' to 'told.'
- P. 5, ¶ 11, change 'shore land' to 'shoreland.'

MOTION to move October 26, 2017 minutes, as amended, by Ms. Corson, seconded by Ms. English. Motion PASSED unanimously.

November 1, 2017:

Identify site walk location to include '98 Linden Street.'

P. 1, ¶ 3, change 'Cul-de-sac' to 'cul-de-sac.'

MOTION to move November 1, 2017 minutes, as amended, by Ms. Corson, seconded by Ms. English. Motion PASSED unanimously.

November 9, 2017:

P. 1, Introductions; 'Alternates' Nicholas Gray. Change to singular, 'Alternate.'

P. 2, ¶ 2, 'are taking,' change to 'will be taken.'

P. 2, ¶ 2, add words 'what the' to 3rd sentence before word 'traffic' and words 'impact would be' after.

P. 2, last ¶, Ms. Corson asked 'if the,' change from 'about that.'

P. 2, last ¶, 'They are,' change to 'The Applicant is.'

P. 2, last ¶, remove word 'them,' before 'they,' replace with 'The Board,'

P. 2, last ¶, replace 'they' with 'the Applicant.'

P. 2, last ¶, change cross buffer 'roads' to 'zones.'

P. 3, ¶ 1, change 'size' to 'length,' third line.

P. 3, ¶ 2, remove word 'the' after 'because,' last line.

P. 3, ¶ 4, 'anYway,' change to 'any way.' 'MY Gray,' change to 'Mr. Gray.'

P. 3, ¶ 1, 'size,' change to 'length.'

P. 4, ¶ 4, change 'piece' to 'price.'

p. 4, ¶ 7, remove 'That,' change to 'and.'

P. 5, ¶ 2, add word 'road' after words '25 foot.'

P. 5, ¶ 5, change 'neighbor' to 'neighborhood.'

P. 6, ¶ 3, change name 'Chris' to 'Kris.'

P. 6, ¶ 7, separate 'seta' to 'set a' and add word 'to' after 'prior.'

MOTION to move November 9, 2017 minutes, as amended, by Ms. Corson, seconded by Ms. English.  
Motion PASSED unanimously.

MOTION to adjourn moved by Chair Plumer. 9:02 pm.

Respectfully Submitted,  
David S. O'Donnell