

Exeter Planning Board
January 11, 2018
Draft Minutes

7:00pm Call to Order by Chair, Langdon Plumer

Board Present: John Grueter, Kathy Corson, Pete Cameron, Katherine Woolhouse, Aaron Brown, Gwen English

Also Present: David Sharples, Town Planner

Absent: Nicholas Gray

New Business:

Zoning Amendment #1-17, Second public hearing on the proposed zoning amendments involving the Historic District, and adding language concerning administrative processes and provisions for Minimal Impact applications. Language was approved by the Board with no Public comment.

MOTION Moved by Katherine Woolhouse to approve that Zoning Amendment #1-17 regarding Historic District Ordinance as provided and dated January 11, 2018 be moved to the 2018 Town Warrant.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

Exeter Rose Farm, LLC - PB Case # 17-27, Continued Public Hearing on Yield Plan, request for continuance until January 25, 2018 meeting. Continuance allowed.

Willey Creek Co., LLC - PB Case # 17-23, Request for Extension of Approval and clarification of Surety Requirement.

Ms. Corson recused herself from the Board for this discussion and vote.

Justin L. Pasay, of Donahue, Tucker & Ciandella, PLLC, presenting of behalf of Willey Creek Company and Mr. John Shafmaster.

Two reasons for presence before Board:

- 1.) Request to Extend 180 Day Window to Meet the Conditions Precedent for 183 Epping Road, Tax Map 47, Lot 8. Asking for 90 day extension to April 23, 2018.
- 2.) To seek confirmation of interpretation of Performance Surety requirements, vis-à-vis, the beginning of site work and construction of the TIF Road and phase 1 of the Active Adult Community.

Mr. Pasay continued, that Mr. Shafmaster has taken it upon himself to propose that he build the TIF road and related utility improvements along Epping Road, at his own cost, and essentially will be reimbursed afterward from the TIF. Mr. Shafmaster has worked with the Town at getting bids for that work, and formalizing with the Town a proposal whereby Mr. Shafmaster will build out the TIF road and improvements along Epping Road in exchange for the ability to start work immediately, with the promise that the TIF proceeds in the bonding will compensate him for that expense afterwards. The Applicant asks

that their interpretation of the regulation, the second condominium surety, will not apply at this juncture due to the extenuating circumstances.

No public comment. Returned to Board.

MOTION Moved by Ms. English to grant the request of the Applicant in Planning Board Case #17-23, Willey Creek Co., LLC, a 90 day extension until April 23, 2018 to fulfill the Precedent Conditions. (Project approval was granted by the Board on July 27, 2017, with a 180 day period to meet the conditions that are expiring on January 23, 2018.)

Motion Seconded by Mr. Brown. MOTION CARRIES Unanimously. MOTION APPROVED.

Mr. Sharples, Move that a waiver from 12.1.3 to allow Willey Creek, Co., LLC, Planning Board Case #17-23, to provide only an erosion and restoration control bond for the project with the condition that no Certificate of Occupancies shall be issued until the the TIF road has been constructed to completion in accordance with Town standards.

MOTION Moved as amended by Ms. Woolhouse, and Seconded by Ms. English. MOTION CARRIES Unanimously. MOTION APPROVED.

John Shafmaster spoke briefly to the Board regarding the Project's timing, plans and design, and of his confidence in an agreement with Town.

Garrison Glen, LLC - PB Case #17-29, Continued Public Hearing, N/R Site Plan Review for Multi-Tenant Building at 24 Continental Drive.

James Petropulos of Hayner/Swanson, Inc, representing Garrison Glen, LLC, seeking final Site Plan approval as well as two (2) Conditional Use Permits.

The subject property is 20.68 acres in area, and identified as Tax Map Parcel #56-3.1 and located in the CT-1, Corporate Technology Park-1 zoning district.

Mr. Petropulos presented the entire facts of the project, a 116,288 ft² multi-tenant, light manufacturing/distribution facility and associated site improvements, and addressed each of the 7 conditions of the Wetland Conditional Use Permit, each of the 5 conditions of the Shoreland Conditional Use Permit, and each of the 7 Waivers requested for this project.

The project proposes to impact two wetland areas, shown on map as Wetland Impact Areas A & B. Area A is an approximately 2600 ft² wetland located in the front of the building and area B is a pocketed poorly draining soil area that will be impacted for the access area around the building. Impact areas are also along the the 40 ft buffer and the entrance drive, in total 38,000 ft² of buffer impact, but of that 30,000 ft², or 80% of it, will be replanted with natural grown ground covers. Little River is located to the back of the property which carries with it a 150 ft building setback as well as a 300 ft shoreland setback, measuring about 72,000 ft².

With regard to stormwater, a system of curbing and catch basins has been designed to catch water from the paved areas and pipe them into 3 storm water management areas, one along the entrance road, a slightly larger one to the north, and one to the east of the project.

A traffic impact analysis was included in the application which was completed and submitted by Steve Pernaw, focusing on the intersection of Continental Drive and Epping Road and the am and pm peak hour

impacts, and found 107 and 113 new trips in the am and pm peak hours, respectively; about a 5% impact to the intersection. Study shows the intersection has a need for improvement and being in a TIF district for certain improvements of utilities and roadways, it is the understanding of the Applicant that the TIF is to be amended to include the signal and the lane widening necessary at this intersection, and that prior to the issuance of the Certificate of Occupancy, the traffic signal must be fully operational.

Two Conditional Use Permit applications have been submitted under sections 9.16 and 9.34 of the Exeter code, the first is within the wetland conservation district and the second is within the shoreland protection district. There were 7 conditions for the Wetland Conditional Use Permit and 5 conditions for the Shoreland Conditional Use Permit that were addressed and submitted in writing and paraphrased for the Board as follows:

Wetland Conditional Use Permit Conditions:

- 1.) Proposed use is permitted in the zoning district, under article 4.2, light industry distribution is allowed in the zone.
- 2.) The use for which the permit is sought cannot be feasibly achieved outside of the wetland area, impacting approximately 4900 ft² of wetland area.
- 3.) Wetland scientist has conducted a function and value study of the wetland and deemed it not to be negatively impacted by the project.
- 4.) Design, construction and maintenance of proposed use will minimize detrimental impacts to the wetlands or the buffers.
- 5.) In cases where the proposed use is temporary, the land owner agrees to restore as much of the buffer and wetlands impacts as possible.
- 6.) Will not create an undue hazard or impair health safety or welfare due to the loss of the wetland.
- 7.) Will obtain all NH DES permits.

Shoreland Conditional Use Permit Conditions:

- 1.) Proposed use will not detrimentally impact the surface water quality of the adjacent river.
- 2.) Proposed use will not discharge waste water or industrial discharge off the property.
- 3.) Proposed use will not result in undue damage to spawning grounds or other wildlife habitat.
- 4.) Uses comply with 9.3.4, the Exeter Shoreland District regulations.
- 5.) Design and construction of the proposed use will be consistent with the intent of the purposes set forth in the Protection District.

Planning Board requests:

Seven Waiver Requests were submitted for relief and are as follows:

- 1.) 7.4 Relief requested from locating all trees over 16" in diameter on the property as part of the survey.

- 2.) 9.2.4 Relief requested from certain architectural guidelines, not necessary or conducive in commercial settings.
- 3.) Relief requested to grade within 5 feet of a property line due to improvements to the existing driveway.
- 4.) Relief sought concerning landscape islands within parking lots, Applicant prefers one central island, not several throughout.
- 5.) 75 foot structural/parking setback from wetlands relief sought. Work allowed within 75 feet of Wetlands setbacks.
- 6.) Waiver sought to allow Cape Cod berm in lieu of granite curbing.
- 7.) Waiver sought to allow the use of overhead utility lines along the entrance drive for approximately 800 feet as shown on the plans.

Mr. Petropulos, Granting these waivers is in accordance with Town Site Plan Review and Subdivision Regulations Code 13.7 and Town RSA 674.44 III E. He continued that the waivers are reasonable requests concerning the size of this project and that a strict enforcement of these requirements would pose a hardship and further difficulties upon his client. They are looking to create a project similar to that of neighboring Gourmet Gift Baskets, in size and in scale.

The Applicant does have a couple of permits still to obtain from the State. The project has been through the TRC Process, and Underwood Engineering twice. The Applicant has been before the Conservation Commission to seek their input for the conditional use of the wetlands and the shoreland and received their approval along with 4 recommendations that were cited to consider:

- 1.) That the owner will continue to work with the Conservation Commission to establish a mutually agreed upon location of the trail connection prior to the issuance of a Certificate of Occupancy.
- 2.) Rather than seeing the backside of a building, additional plantings will be added in concert with the pathway along the backside of the building's Continental Drive view.
- 3.) Snowplowing is not to be discharged over the back slope along the buffer toward protected areas and Little River.
- 4.) A large Oak tree on the property located by the Commission is to be marked and protected.

Ms. Corson, Concerning the traffic light, the TIF Warrant Article does include the traffic light as a \$1.1M addition to the TIF. If for some reason that does not get approved at Town Warrant, this is saying that somehow this is going to be built. As with Planning Board Case #17-30, 3-5 Continental, stipulations can be made wherein the Applicant shall be responsible for their proportional share of the costs.

Steve Pernaw, of Stephen G Pernaw & Co in Concord, NH, spoke on the intersection traffic study, particularly the trip generation summary, which at 5% intersection impact, is based on the gross floor area of the building, not the number of tenants. The impact would hold whether one large tenant or three separate tenants occupied the building. Property owner, Tom Monaghan, also spoke.

To Ms. Woolhouse's concern, Mr. Brendan Quigley spoke regarding the wetland and buffer impacts, as situated to the project.

Concerning snow storage and stormwater management areas, the Board suggests signage identifying where snow can and cannot be discharged, specifying awareness of Little River and Conservation Area.

Ms. English, Concerning vegetated landscape islands, the Board suggests they be provided in the parking lot areas between every 10-15 spaces to avoid long rows of parked cars. The future parking area in the front shall be removed from the final plans. This area shall remain a vegetated island. As per 32 white pines, perhaps some could be different species.

The historical importance of the Pre-Revolutionary War stone wall on the property was discussed. Property owner, Tom Monaghan, spoke on his intent to retain the stones from the stonewall and use them onsite in a historical fashion.

No Public Comment. Returned to Board.

MOTION Moved by Ms. Corson to approve the request of Garrison Glen, LLC, PB Case #17-29, for a Shoreland Conditional Use Permit be approved.

Motion seconded by Mr. Grueter. MOTION CARRIES Unanimously. MOTION APPROVED.

MOTION Moved by Ms. Corson to approve the request of Garrison Glen, LLC, PB Case #17-29, for a Wetland Conditional Use Permit be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

Waiver Motions:

1.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 7.4.7 of the Site Plan Review and Subdivision Regulations regarding identifying significant trees 16" in diameter (caliper) or greater be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

2.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.2.4 of the Site Plan Review and Subdivision Regulations regarding architectural guidelines for new construction be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

3.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.5.1.4 of the Site Plan Review and Subdivision Regulations regarding grading within 5 feet of the property line be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

4.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.7.5.5 of the Site Plan Review and Subdivision Regulations regarding landscape islands be provided in parking lots between every 10-15 spaces to avoid long rows of parked cars be approved,

provided the future parking area in the front shall be removed from the final plans. This area shall remain a vegetated island.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

5.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.9.2 of the Site Plan Review and Subdivision Regulations to permit impacts within the buffer to poorly drained soils be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

6.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.17.9 of the Site Plan Review and Subdivision Regulations to allow Cape Cod berm in lieu of granite curb be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

7.) Ms. Corson, Moved that the request of Garrison Glen LLC, PB Case #17-29, for a waiver from section 9.23 of the Site Plan Review and Subdivision Regulations to allow the use of overhead utility lines along the entrance drive for approximately 800 feet as shown on the plans be approved.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

Mr. Sharples read Conditions of Approval into record with changes as requested by the Board and as agreed upon with the Applicant. Conditions 1-9 are a reiteration of the standard regulations. Conditions 10-16 are specific to this application.

10.) Per Mr. Brown, conditional upon Exeter Conservation Commission and at least one Planning Board member to establish a mutually agreeable trail connection location prior to the issuance of the Certificate of Occupancy.

11.) Once the location of the trail connection referenced in condition #10, above, is identified, a final landscape plan shall be submitted showing strategically placed plantings that reduce the visibility of the project from the trail. Plan to be approved by the Town Planner prior to the issuance of the Certificate of Occupancy.

12.) Winter snow maintenance shall be performed by a Green Snow Pro Certified contractor or functional equivalent. No Snow Storage/Dumping signs shall be shown on the final plans along the westerly edge of the pavement to the rear of the building to the satisfaction of the Town Planner, suggested every 75 feet or so.

13.) Large Oak Tree identified in NW corner of the site shall be protected during construction.

14.) Traffic signal at the intersection of Continental Drive and Epping Road shall be operational prior to the issuance of the Certificate of Occupancy. In the event the TIF does not fund the traffic signal and widening at the intersection of Continental Drive and Epping Road, the Applicant shall be responsible for their proportional share as authorized by NHRSA 674:21. The proportional share the Applicant shall be responsible for shall be determined using the same mathematical equation used to determine the exaction for the recent Planning Board Case, 3-5 Continental Drive, PB Case #17-30.

15.) 16 of the 32 proposed white pines shall be changed to a different species, chosen to be appropriate by the landscape architect.

16.) Final plan shall be revised so the Photometric Plan shall show 0.0 foot candles at all property lines, except at the shared driveway.

MOTION Moved by Ms. Corson that the request of Garrison Glen, LLC, PB Case #17-29, for Site Plan approval, be approved with the above 16 conditions as read by Mr. Sharples.

Motion seconded by Mr. Cameron. MOTION CARRIES Unanimously. MOTION APPROVED.

Approval of Minutes

MOTION to accept minutes as revised for December 14, 2017 by Mr. Grueter, seconded by Ms. English.

Motion CARRIES with 1 abstention, Ms. Woolhouse. MOTION APPROVED.

Meeting Adjourned, 10:11 pm.

Respectfully Submitted,

David S. O'Donnell

DRAFT