

Exeter Planning Board
February 8, 2018
Draft Minutes

6:58 pm Called to Order by Chair, Langdon Plumer

Board Present: Nicholas Gray, Kathy Corson, Peter Cameron, Catherine Woolhouse, Kelly Bergeron, Aaron Brown, Gwen English, John Grueter

John Grueter, Alternate
Nicolas Gray, Alternate

Also Present: David Sharples, Town Planner

Others Present: Timothy Phoenix, Esq., Todd Baker, Keith Patterson, Alison Tanguay, Corey Colwell, Brenda Kolbow, Marc Jacobs, Tim Stone, Steve Pernaw, Jason Reimer, and members of the community.

Tuck Realty Corp. – PB Case #18-01 Moved to 2/22/2018
98 Linden Street
“Duplex” Open Space Development

Mc Farland Ford – PB Case #21610
Plan Amendment
151 Portsmouth Avenue

Mr. Shaples discussed the Amendments to the previous approved site plan for McFarland Ford that were noted when he went out for an Occupancy Certificate, he also referenced a letter dated January 10, 2018 from Jewett Construction that referenced 1. A revision was made in the sidewalk on the north side of the building to connect to entry doors on the east and west side of the showroom which resulted in a change that eliminates two landscaped areas; 2. An existing roof drain, and 3. A new drain lining and catch basin. Only the first item is before the board for review.

Cory Belden, Altus Engineers described the new proposed entryway with reference to original design. The total area is 200,000 square feet with a 0.02 percent change in pervious surface area. Storm water management there is no impact to the site.

Mr. Belden introduced Dan Ray and Susan McFarland

Mr. Plumer opens discussion for the board.

Mr. Gueter asked if there is another opportunity for landscaping in the area, ie: a tree.

Mr. Belden said that the overall site is 462,000 square foot site and described the overall site plan and noted 5 acres given to Exeter as a conservation easement.

Ms. McFarland added there would certainly be opportunity for a tree in the area. They are planning to update their plantings and address it this spring.

Ms. English comment reiterated the need for landscaping and beautification in the area as she looked at the site.

Ms. McFarland discussed the curb cuts and their continuation of plantings and containers with greens, winterberries, and shrubbery.

Mr. Corson inquired to Mr. Sharples as to the genesis of the landscaping in the plans.

Mr. Sharples referred back to the requirement within the regulations of the plan and that is where it was probably proposed it. Not so much as a direct result of the board requiring it.

Mr. Gray asked in there was any change in the grading of the parking lot on the side in question.

Mr. Belden said that there was a curb in that area and the only change was that they made it a flush sidewalk with minor grading coming out about 15 feet.

Mr. Plumer opened session to public comment. There was no public comment.

Motion: Ms. Bergeron moved that the request of McFarland Ford Realty Trust PB Case #21610 for amendment to site plan approval regarding the elimination of the landscaped islands along the front of the building be approved.

Mr. Cameron seconded the motion. The motion passed unanimously.

Exeter Rose Farm LLC – PB Case #17-27

Continued public hearing on Yield Plan for S/F open space subdivision Oak Street Extension & Forest Street

Mr. Plumer commented that they are twenty eight days beyond the sixty five day extension where a decision should have been made. It is his intention to make a decision tonight and that he would only accept new information. Mr. Plumer opens the floor to Mr. Sharples.

Mr. Sharples recapped his memo and gave the board information and his insight and opinions which are only advisory to help board make a decision. He stated that the traffic impact of the proposed development study is better suited to an open space development plan and went on to discuss the density and housing bonuses that maybe available to the applicant depending on the open space review and the conservation commission. Mr. Sharples also went on to discuss the cost of bridge over Norris Brook and the concern over replacement cost. He shared examples of other bridge and culvert projects in town for comparison. He provided his own comments on the definition on viable and feasible. He referenced his dictionary and suggested, could it be built and would it be built. What is unusual about the plan? He discussed the concern of the location of the recreation area. He suggested that the recreation area is something that can be easily moved and that it could be honed in on in open space. He also addressed the issue of

conventional/unconventional design and stated this is a conventional design, and mentioned some of the unique elements of the area. He closed his comments with advisement to the board that his comments are his opinions and are advisory only, that it is up to the board to make the final decision. At the request of the board he provided his opinion on the issues raised as he understood them. The board can accept the yield plan or deny it. If it is denied, he encourages the board to state the ground for denial as rooted in our regulations and specify what specifically provision it fails to meet. He advises the board of their obligation to provide guidance to applicant and describe why the plan fails to meet the regulations and address their concerns if they want to revise the plan.

Mr. Phoenix legal counsel to the applicant introduces the team.

Boards comments or concerns:

Mr. Corson asked if he (Atty. Phoenix) will address how the applicant has met the final test.

Mr. Plumer opens session to public comment.

Joan Gallagher of 7 Wadleigh Street approached the board and submitted a survey map of her property, and discussed her concerns of the proposed road in location to her property line and house. She addressed concerns of lack of buffers on the proposed plan and discussed the water flow in that area. She also discussed the trees in the area and her concern if the sewer lines go in that they could disturb the roots and harm the trees which are a main source of cooling her home. She also addressed the need for conformity in house design and also parking issues in the neighborhood.

Jason Reimer BCM Environmental and Land Law in Concord who represents the Westside Neighborhood Coalition and The Exeter Conservancy approached the board. He attempted to discuss the projects availability, feasibility and viability and was asked by Mr. Plumer to present only new information. He then goes on to address areas of the yield plan that in his opinion are flawed and require further discussion and review. Discussion among board members ensued that they have heard this information more than once. Mr. Brown offered Mr. Reimer the opportunity to comment on Mr. Sharples' memo. Mr. Brown asked if he had a chance to review it and wanted to supply any testimony to it. He commented on the limitations of the traffic data. The count of the cars, does not take into concern the impact to the residents. He also discussed the subdivision feeding off a local road, and presents a disagreement with Mr. Sharples conclusion of viable, can it be done. From an engineering standpoint anything can be built. He went on to list the provision in the subdivision regulations that the yield plan does not satisfy.

Mr. Gray asked the in previous meetings abutters expressed concerns regarding the cost to the town for culverts or bridges. Our town planner stated the applicants were correct in providing much lower cost for installation than what other culverts would have cost. Given the figures our town planner has offered tonight, do your clients still have a concern or would they rest their case.

Mr. Reimer referred back to Court Street and agreed with Mr. Sharples. He also discussed the issues that would be faced in replacement.

Mr. Gray offered that he still have concerns about the project but rests his case personally with the infrastructure.

Mr. Reimer concluded with their concern with the cost to the town, his client are the immediate neighborhood, the impact to them and as citizens of the town the costs.

Maura Faye of 13 Forest Street thanked board for their time and concern over the project and their discussion and scrutiny. She expressed her concerns over the construction traffic as well as the traffic in and out of the development after completion.

Douglas Flockheart of 62 Park Court approached the board to address his concerns over the drawn cul-de-sacs are still drawn with a right of way of 59 feet a required radius with the edge of pavement, there is no shoulder. He submits the drawing is in error. He addresses issues with utilities to the units, wetlands, and the footprint of the units. He also spoke of the width requirements of the Town for roads in a subdivision and submits that because Oak Street Ext. and Forest Street don't meet the width requirement, the project has only one access which is one large cul-de-sac.

John Richards approached the board and spoke of his concerns with traffic in the area of Salem to Summer then to Cass and Main Streets.

William Murphy approached the board and asked Katherine Woolhouse about the island houses and the odds of getting approval for those houses to build. If he couldn't get those houses then it wouldn't be viable.

Katherine Woolhouse responded the those upland review areas would require CUP and would need a discretionary decision on part of the board and each would have an opinion.

Jennifer Briggs of 6 Forest Street thanked board for their time over this project and expressed her concerns for the pattern of traffic, the width of streets, pedestrian traffic and sidewalks in the neighborhood not being adequate enough for the project,

Eileen Flockheart of 62 Park Court expressed her concerns over emergency access to the neighborhood and new development with the added concern of a freight train that does come through the area.

Karen Dangor of 6 Wadleigh Street addressed the impact of the new development would have on the area schools. She also addressed the age of map showing the extension of Wadleigh Street.

Jason Reimer approached the board and addressed section 9.17.2 length of the cul-de-sacs. He also discussed the various subdivision regulations that he violated by the yield plan. He concluded with an appeal for the board to deny the yield plan and an explanation.

Mary D. Hanson of 5 Walnut Street approached the board to ask to clarify what is the impact if you accept this yield plan and then if it comes to the site plan would and you want to reduce houses would you have to site reasons as to why each site is not acceptable.

Mr. Plumer responded that they would have to make some clear measurable reasons that would relate to the guidelines set forth. He also stated that there still needs to be some engineering that needs to be done which is not required of the yield plan.

Mary D. Hanson requested if you would accept this as a yield plan, to please vote it down.

Atty. Phoenix addressed the issue of the yield plan being viable, available and feasible and how it meets the requirements for the yield plan for Mr. Cameron.

Atty. Phoenix additional comments were: He adds that the spring will be kept. He addressed that Oak Street would be for emergency access only. He also stated that the length of road meets the requirements of length and cul-de-sacs. He also discussed the primary issue for the CUP in regards to wetland crossings and protections. He referred to Court Street bridge and Industrial Drive box culvert for examples. He touched on neighbors' concerns of traffic.

Corey Colwell from T F Moran, addressed the three sections of the ordinance that it is asserted that they did not comply with: Cul-de-sac requirements, shared driveways, sec 7.13.12 manmade features. He also addressed the position of the road and property at the top of Wadleigh Street, the water flow, drainage improvements, pavement, and shoulder. He also addressed the issue of buffers in the property deeds.

Mr. Pernaw of Stephen G Pernaw & Company approached the board to address the study area of streets for the traffic study. He discussed the use of local streets vs. collector streets and cited several examples from local streets in town. He addressed the concern that Wadleigh Street would become a collector street. He reference DOT guidelines for traffic volumes.

Ms. English asked about large trucks such as moving vans moving in and out of the area.

Mr. Pernaw reflected that the trucks servicing the new area would be the same that service the area now.

Ms. English expressed concerns about large trucks navigating the area and also in relation to low wires.

Mr. Pernaw referred to their field work and documented field work. Oak Street Ext. was measured at 15 feet which in his belief wasn't enough for two way traffic. His recommendation was to make it one way or to gate it.

A discussion among t the board occurred in regards to who owns Oak Street Ext., the deeding and right of way.

Mr. Gray addressed a resident's concerns as to why the Cass Street traffic was not included in the impact analysis and if Mr. Pernaw could conjecture if that area was included in the study area.

Mr. Pernaw reviewed what the study requested and asked to view a map of the Cass Street area. He discussed the projected routes of proposed traffic in any given direction with respect to schools and drop offs.

Mr. Sharples suggests studying the impact of traffic in the Cass Street area in the Open Space development phase.

Mr. Flockheart addressed the measurements of the cul-de-sac which is 59 feet. He also spoke of the 6 houses on Wadleigh Street and the traffic in relation to children playing in that area and the rise in deliveries.

Ms. Gallagher commented that there is no availability to this property if there is a 15 foot setback on each side of the road as she had to do with the driveway with a 15 foot setback to the abutters properties all the way around.

Mr. Cameron asserts have Exeter Rose Farm met the three tests. If not, and the board votes no, then there needs to be reasons why.

Ms. Corson responded that this is a very difficult decision and discussed the challenges and struggles with elements of the Yield Plan.

Board discussed the longevity of the Yield Plan deliberation on their part of the board as well as concerns over the number of units proposed on the yield plan, as well as crossings over Norris Brook and cul-de-sacs and the current character of the neighborhood abutting the proposed plan site.

Mr. Sharples provided examples of previous projects that had crossings over wetlands for the purpose of accessing units/buildable land.

Motion: Mr. Brown moves that the request of Exeter Rose Farm, LLC case #17-27 for Yield Plan approval of 37 single family units open space development be approved.

Ms. Bergeron seconded the motion.

Ms. English, Nay
Mr. Brown, Aye
Ms. Bergeron, Aye
Ms. Woolhouse, Nay
Mr. Plumer, Aye
Mr. Cameron, Aye
Ms. Corson, Nay

Motion carries. Passes 4: Ayes, 3: Nays

Mr. Sharples announced to the board Liberty Utilities desire to come before the board regarding their early design and permitting phase of a pipeline project that will pass through Exeter with a storage facility in Epping.

Motion to adjourn at 10:30 was accepted.

Respectfully Submitted,

Kellie Dietz

DRAFT