

**Planning Board**  
**March 22, 2018**  
**DRAFT MINUTES**

**1. Call to order**

The session was called to order at 7:00 p.m. by Mr. Langdon Plumer - Chair.

**2. Introductions**

Members present Langdon Plumer – Chair, Katherine Woolhouse – Vice Chair, Kathy Corson – Selectman Representative, Gwen English – Member of the Board, Aaron Brown – Member of the Board, Kathy Bergeron – Member of the Board, Peter Cameron – Clerk, Jennifer Martel - Alternate, Robin Tyner – Alternate, Nicholas Gray – Alternate, John Grueter – Alternate, .

Staff present: Dave Sharples – Town Planner.

**3. New Business**

**Continued Public Hearing on the application of Tuck Realty Corp. for review of a small scale “Duplex Unit “open space Subdivision plan consisting of 16 Units and associated site improvements. The Property is located at 98 Linden Street – R-2 Single Family Residential Zoning District. Tax Parcel Map 104-70, Case #18-01. Mr. Plumer – Chair stated that he was informed by the Town Planner that the case was not ready to be heard tonight, however the applicant would like to have an informal discussion to gain thoughts and concerns from the Board which arose during the previous meeting. Mr. Plumer – Chair wants to give the applicant time to give their input and for the Board and Public to participate in the discussion. Mr. Plumer – Chair is pointing out that tonight is merely a so called “courtesy” visit and there will be no decisions made.**

Mr. Mike Garrepy - Representing Tuck Realty Corp appeared before the Board today. Mr. Garrepy informed the Board that they have incorporated some changes on the plans since the last meeting effective as of 03/22/2018. The most significant changes are in the Recreation areas where they shifted, relocated and expanded the 3 Recreation areas. Area 1 is between buildings 1 and 2. Area 2 is between building 6 and Area 3 is between building 1.

Mr. Garreby also mentioned that they did reduce the Cul de sac at the request of the Planning Board . Mr. Garreby states that they did work with Jeff Highland of Iron Wood Design a Landscaping Co.and that they now have a pretty good plan. Mr. Garrepy states that they did make a change to the drainage with the addition of a small drainage structure in front of the Subdivision that captured the 1st 200 ft or so of the storm water from the road which was originally pushing toward Linden and now it is being collected on site. There was also an analysis of a pipe structure which was determined it did not need to be changed also a Air release manhole was added. Mr. Garrepy did confirm that there are still 3 waivers. Ms. Jennifer Martel

excused herself from the discussion due to her affiliation with Iron Wood Design where she works for Jeff Highland.

Mr. Jonathan Ring- President of Jones & Beach Engineers Inc. appeared before the Board today to discuss some issues which he said they modified. Mr. Ring states they increased the road from 22 ft to 24 ft as per the request of the Board and also changed the curbing to a sloped Granit curb neither one of those are waivers. There is still a waiver for locating all the trees on the site over 16 in diameter and there is also now a 4 ft sidewalk instead of a 5ft sidewalk. Mr. Ring states the road width waiver was eliminated but the road cul de sac waiver came into play in order to create this off set bubble to create more recreation area. There are also 2 Rain Gardens, one Rain Garden just behind the Mailbox which is just to the left of Unit 8 and the 2<sup>nd</sup> one just before Unit 1 on the left side. Mr. Ring states the 45 radius cul de sac bubble is adequate for the Fire Ladder Truck.

Mr. Dave Sharples – Town Planner addressed the Board in reference to the application and stated that he met with the applicant to discuss some of the concerns. Mr. Sharples states that he was comfortable with the moving of the 200 ft water drain which previously lead to Linden Street, but now leads to the Water Garden. Also the wet pond was discussed and the applicant did satisfy the adding of additional LED lighting. Mr. Sharples states that he did speak with the Fire Department and they raised some concern about the possibility of having an issue of the Truck turning if there was any snow piled up, however as it is now there is no issue with the Truck turning around. Mr. Sharples says the other 2 waivers speak for themselves; the natural features were the 16 in caliber breast height of trees on site and the required 5ft sidewalk. Mr. Sharples does have some suggested conditions of approval that he will pass along later.

Mr. Grueter asked if all the Duplexes' will have double wide driveways. Mr. Garrepy stated there will be room for 2 cars and that they have no problem adding a condition or stipulation asking for a drive way to accommodate 2 cars. Mr. Garrepy also states that there will be no parking in the Cul de sac with it being marked a Fire Lane.

Ms. Kathy Corson asked if there could be a provision added to the Condo docs stating no parking in Street, due to safety reasons.

Mr. Garrepy says that they will check with their Attorneys to see how and what they can add to the Condo Docs.

Ms. Corson also asked how much of a distance there is from the building to the pond and is it really a recreation area?

Mr. Garrepy states there is a 15 ft distance between building 5 and the Pond.

Ms. Corson feels that it may be too close to the building.

Mr. Garrepy states that there may be a possibility of some landscaping as a buffer and they will consider it. The recreation area was discussed in length.

Ms. Corson suggests to make some kind of separation between building 5 and the recreation area.

Ms. English asked if the discharge pipe was taken care off? Mr. Garrepy responded that it did and it will stay as it is.

Ms. English states she is concerned about the big Pine Trees that are now exposed and that they may become a liability.

Mr. Garrepy states that they typically have a no cut no disturb buffer and that they have an allowance to take down what might be considered dangerous, maybe they can add that to the covenant language. The issue was discussed in length.

Mr. Gray has a couple of questions stated that some of the positive was that the walk way around the perimeter was gone. Mr. Gray asked what else could be done to maintain the privacy? Also given the height of the buildings and some of the street lights, how visible would the lighting be?

Garrepy's answer to the privacy issue was to leave the 25 ft buffer and they can add but is hesitant to add without visually being able to see what it would look like and also hesitant to add plants were they may not be needed. He also stated that they do not anticipate the 3 street lights would have any significant spillage into any surrounding buildings.

Mr. Garrepy suggests that the idea of a \$1000.00 dollar escrow could help down the road if anything else was needed as far as possible having to plant more trees or any other buffer.

Mr. Cameron raised a concern about the Cul de sac and wants to be sure that if the Board creates a waiver for the Cul de sac that it will be specific to this and nothing else.

Ms. Corson states that at the last discussion the yield plan was shown with smaller houses and now they are being shown a much larger building which plays a role in how close this will be to Mr. Morrisette's house, the recreation area and the buffer and this need to be addressed further. Ms. Corson extends an apology to the Morrisette's about the regulations.

Mr. Brown is asking about C-2 note 19 which states each dwelling unit shall have a private place such as a deck, porch or enclosed yard per site plan 11.2.7, but they are not showing them because they fit in the building envelope which were they are showing gross building envelope.

Ms. Corson would like to see the 38x100 specified on the note.

Mr. Garrepy says he spoke to Mr. Doug Eastman about the issue as to what is required to go into the envelope anything structure and it would be decks and porches.

Ms. Corson pointed out that it says patio in the 11.2.7

Mr. Sharples responded by stating that he made the comment on the DRC letter and it means that each unit shall provide its own private space and there is a note that states each one will provide one with private space but not clear as to whether it is provided in the envelope. Also the patio cannot go into the 15 ft buffer; it has to be grass or natural vegetation.

Mr. Garrepy states that 11.2.7 does not reference the buffer at all it just talks about private space in some form or fashion. If they have to fashion a different note they can do that.

Ms. Corson states that the decks have to be shown on the plan, it is a requirement.

Mr. Garrepy states they are more than happy to put in the condo docs what describes what the perimeter buffers are in conformance with the ordinance and regulations.

Mr. Brown states that there should not be a deck outside the building envelope.

Ms. English wants to know if there is some kind of safety consideration for school kids?

Mr. Garrepy stated that there is a 24 ft wide sidewalk and a Cul de sac road that seems to be safe.

Ms. Corson is asking to possibly extend the side walk wider to 5 ft from Unit 1 to Linden Street. The 1<sup>st</sup> 10 ft of the sidewalk from Linden Street into the project could be 5 ft wide.

Mr. Plumer – Chair opened up the Session to the Public:

Mr. Gary Morrisette at 102 Windham Street appeared before the Board today. Mr. Morrisette states that the Pine Trees on his side are very dangerous and can be taken down, he has no problem with them being taken down and can show them which ones need to be taken down. Mr. Morrisette also states that the current buffer 25 ft buffer is not much of a buffer, the Pine Trees are basically what is dividing his house and the Project. He would like to see some Spruce Trees planted to replace the Pine Trees and used as a buffer. Also the Fence that has been discussed is something that he would like to see from there to his house due to children coming around to his property where he stores some of his Trailers down on Linden street and he wants them to be safe when he backs out of there. Mr. Morrisette also believes that the property were this is going to take place is too small and too wet for any foundation to be built. He thinks his brother may get some water from this, he hopes not. Mr. Morrisette thinks it is way too much to do all this.

Mr. Bill Murphy at 18 Oak appeared before the Board today. Mr. Murphy is asking if the lights could be bi-level dimming especially at night after midnight and 5am if they could be dimmed due to them sitting up 16 ft. and possible creating a glare when sitting by the window.

Mrs. Morrisette appeared before the Board today. Mrs. Deborah Morrisette states that she really has not seen this plan, but is happy that some of the things she mentioned the last time got addressed and they moved house #8. Mrs. Morrisette questions the Roof line where the water is coming off without any gutters. That water coming from the 2 buildings is going to

create a lot of water in the ground, ground water is already at 18in and they have a 12 ft dug ground well on their property and is concerned they will get all the water on their property. Mrs. Morrissette is also concerned about the tall Pine Trees that they own and thinks they are going to be a hazard and due to liability they are willing to take down some of their own trees to protect the applicant's property. Mrs. Morrissette also likes to thank the applicant for getting rid of the dog walk around the property.

Mr. Nick Morrissette the son of Mr. and Mrs. Gary Morrissette appeared before the Board today to state that he thinks the applicant is doing too much with the property and does not think the water plan is going to work.

Mr. Garrepy states that they are not proposing any gutters, but are proposing stone drip edge instead. And it has all been reviewed by the Town Engineer and DPW and it does work. There may be some kind of escape to the swales on the back sides of the homes road and directed into the pond.

Mr. Ring states that this is still being reviewed by the All Terrain Department of the State of NH, they will be looking at the stone drip edges as well. Usually when the water infiltrates it goes down as to sideways.

Mr. Brown would like to point out in reference to the no cut no disturb, that if a healthy tree on your property falls you are not liable, however it could still be a safety hazard and he suggests to get a qualified Forestry person to do an assessment and give feedback to the property owner and the Town, it is a good point to bring it up now to avoid any issues.

Mr. Sharples feels more comfortable if the review comes back to the Board to be reviewed instead of the Town.

Mr. Garrepy suggests if there is a need to cut any hazardous trees to come back in front of the Board to discuss it then.

Mr. Garrepy does not propose to build a fence around Mr. Morrissette's property.

Mr. Bruce White a resident states that those trees will fall and can kill somebody and he feels all the big Pine trees need to be cut they are dangerous.

Ms. Jennifer Bracket Piscobitz at 22 Forest Street appeared before the Board today asking if the Board has considered a third party assessment of strong water management and it seems right with all the issues and to protect the Morrissettes and other properties

Mr. Plumer – Chair stated that they did have a third party review the Wetlands.

Mr. Sharples also confirmed that there was a third party that reviewed the wetlands.

Mr. Garrepy stated that they had several engineers review the plan and feels confident the drainage will work.

Mr. Plumer - Chair proceeded to closed the Public Session after there were no other public requests.

Ms. Corson is referring back to the buffering issue.

Mr. Plumer – Chair states that historically when there has been a decision made to do something we leave that up to the developer and landowner and they usually agree.

Mr. Garrepy states that they agree to be good neighbors and agree that if there is an issue with buffering and screening to fix it through this \$1000.00 escrow money. However a fence is beyond the scope of reasonable and the Morrissettes are certainly within their right to set up a fence on their own expense.

Mr. Grueter states that the developer should not be forced to put up a fence and feels that the Morrissettes have some obligation to contribute. Maybe we can take what was offered or a little bit more of what was offered from the developer for plantings and his putting up a fence will make a contribution.

Mr. Garrepy is asking the Board to grant approval today and would like to take take 15 minutes getting thru the conditions of approval.

Ms. Woolhouse – Vice Chair commented on the fact that the Board just received a revised plan today .

Mr. Sharples states the short conditions that he has so far:

Drive way should be a minimum of 15 ft to accommodate 2 cars every Unit will have a garage large enough for at least one vehicle and that should be noted on the plans. He is not sure about a path/connection provided to and from the private access drive in Rec area 2-3 it is not clear right now and needs to be addressed. Building # 5 foot print shall be reduced from 100 ft in width to 90 ft width shown and noted on the plan. The plantings between building between Rec area #2 and the Cul de sac (2AGA and 7ANL) shall be relocated along the western edge of Rec area #3. Escrow for additional planning?? All proposed Structures patios, balconies, porches and decks should be on the plan and noted. The homeowner’s dogs those are going to be a condition for approval and can be added to the Condo docs language. The stone drip edges, still questioning that. The assessment guess can be done, not sure where to go with that and maybe it could be addressed.

Ms. Corson would like to review the drip edge again and states that it appears that the drainage is in the 50ft buffer and that means that there is drainage in the buffer and that is not something that is allowed within the buffer. The drip edge is 3 ft and that is 3 ft into the buffer and that needs to be addressed further.

Mr. Sharples stated that the 1<sup>st</sup> 10 ft of the Linden St sidewalk shall be expanded to 5 ft and it won’t be a condition to the waiver.

Mr. Brown asked what is the process of wanting to cut in that Zone?

Mr. Sharples explained that there are 3 conditions which are dead, hazardous or deceased.

Ms. English asked the applicant about the \$1000.00 escrow and what it would cover?.

Mr. Garrepy explained that \$1000.00 is his offer and a nice gesture to offer it as a buffer.

Mr. Brown motioned to table the request of Tuck Realty Corp Planning Board Case # 18-01 for small scale Duplex Unit open space development be tabled until the next Planning Board Meeting on April 12.

Ms. Corson second the motion.

The motion passed unanimously.

**The application of Exeter Rose Farm, LLC for an open space subdivision consisting of 37 Single Family Lots and associated site improvement on properties located on Oak Street Extension and Forrest 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 and #63-205, Case# 17-27**

Mr. Plumer – Chair pointed out as he previously stated that this will be an informal discussion to have discussions before the final proposal is put together for submission.

Mr. Sharples also stated why he suggested an informal discussion and that he did not recommend to accept the plan for complete, but to review it and ask the applicant to be very specific on the questions that they want the Board to discuss. The applicant supplied us with 5 questions and also 1 question from Mr. Sharples as a result of the TRC comment.

Mr. Tim Phoenix with Hoefle, Phoenix, Gormley & Roberts P.A. Attorneys at Law. Mr. Phoenix the legal counsel to Exeter Rose Farm, LLC here with Todd Baker and Keith Patterson who are the principals and also Cory Calwell and Brenda Cobald of MSC TFM. Mr. Phonex states the last time they were here the yield plan was accepted by the Board and since then the group has been to TRC who made some recommendations and requests and it's compliance with those requests that it leaves us at this time not able to give information for a complete application and we hope to do that the next time. There are a couple of things we are trying to accomplish and what we call have a win win with the town, we think that the housing that we are proposing is needed in the town and clean up a site that is contaminated right now, our intentions is to save the spring that is there and work as closely as possible with the town to do a good project and protect the neighborhood as well.

Mr. Corey J Colwell with MSC Civil Engineers and TFMoran appeared before the Board today to discuss the pursuit of the open space subdivision which is the plan before you in color as well as the plan on the screen. The TRC Meeting was held last week after re-scheduling twice due to the weather. TRC requested a couple of additional items last week, those 2 items where a

natural resources plan and a wetland value and function analysis. The Technical Review committee felt that those items were necessary. The Open Space Plan here today has 37 Lots as did the conventional yield plan, the difference between this plan and the yield plan is less road in turn re-equates to less impervious surface and run off, then there is the preservation of 23.19 acres of open space on this plan whereas the did not preserve any space. This plan has let wetland crossing, less buffer impact, it has 6.5 acres of Recreation area and it eliminated the Cul de sac in the R-4 District those are the benefits of this plan over the yield plan. There is also an alternative to this plan but that alternative is a suggestion with meetings with the Town Planner Mr. Sharples. That alternative plan differs from this plan in just a few ways. First it would take the Cul de sac and shorten which will eliminate wetland crossing and eliminate some buffer impact. Then we would add affordable housing with a 15 % density Bonus and shorten Noris Brook to have the opportunity to make a portion of Noris Brook a private road. However that alternative would require some waivers. It would require first by reducing the 100 ft vegetated buffer by 50%. The 2nd waiver would require the 50 ft vegetated buffers surrounding the apartment to the Old Jail House Lot would have to be reduced from 50 ft to 25 ft. And the 3rd waiver is the private road in the subdivision regulation is only allowed 2 Lots, if the road became private then it would serve as many as potentially 8 Lots. It may also require a waiver to surface water buffer impact to the Pond behind Gallagher residents. Those alternatives would have lot less roads and soften the impact on the Gallagher Lot , Wetland and buffer impacts but it would require more significant waivers. The Lots to the North Lots would be 10- 21 and would be reduced in width the minimum area would have to extend back further so that is the biggest change. The alternative layout is there is 37 Lots, and a 15% density bonus would give us another 6 , we are working somewhere between 37 and 43 the exact number could not be given today but would probably be close to 40.

Ms. Tyner is asking where the extra ones would be if reducing the buffer, would there be lot of skinny Lots?

Mr. Colwell states that if you cut that Cul de sac back all that buildable area has to be made up somewhere else. And all that buildable area is made up along that northerly buffer. These Lots on the plan, the Lots to the north 10-21 those would be reduced in width but to make up the minimum area they would have to extend back further that is the biggest change.

Ms. Tyner is asking is there a reason why you have to have more Lots and not just have fewer houses?

Mr. Colwell responds with that they have a yield plan with 37 Lots and that is their target.

Mr. Colwell States their role today is to get feedback and preferences on one layout over the other and would like some guidance. They both will work out, but we want the Boards opinion as to which layout they would like to see and discuss the pros and cons on each one and come back next month with the natural resources plan, the wetland and functions value assessment and this open space concept layout nailed down.

Ms. Corson feels that it is hard for the Board to judge if they cannot see it.



Mr. Colwell states that it is a work in progress and our goal is that that alternate wetland and buffer impact in this Board's opinion offset the waivers? That's really what it comes down to. If the Board feels the waivers are not grantable then this is our plan (pointing at the easel). If the Board feels that the waivers are workable then we would come back with a plan very similar to this one (pointing at the easel) but we would be reducing the wetland and buffer impact.

Ms. Tyner feels that lessening the buffer and adding more homes does not seem like a good combination.

Mr. Colwell states that he does not believe that 43 is achievable and thinks that it is closer to 40-41 and they would potentially gain 4 Lots.

Ms. Tyner is asking why not leave it at 37?

Mr. Colwell states under that density bonus, there is a 15% density bonus with 37 Lots. So there will be additional Lots, 20% of that would be affordable which means there needs to be 9 affordable houses in this subdivision. Of that number 9 25% 3 would need to be affordable houses those would then come in at 80% of AMI and 6 of those 75% would need to be affordable for those with income of 120% of AMI, so it would be 9 affordable houses on this subdivision.

Mr. Gray is asking affordability is defined as under 30% or 33% of the income that was just stated by Mr. Colwell?

Mr. Colwell states that he does not fully understand the affordable definition.

Mr. Sharples states it is 30%.

Mr. Sharples is asking to be clear on the density already set, it is a waiver from the buffer requirement doesn't add or allow them more Units or Lots. The density bonus is due from providing affordable housing and correct me if I am wrong that the impact waiver to the buffer would simply be to allow the Lot area from there is 100 ft to the 1<sup>st</sup> 50 ft to be included in the Lot so to be counted toward the Lot area because it is the 15000 sft per Lot and we only have 50 ft frontage allowance, usually you see a 50 ft frontage allowance with 6000 to 8000 sqft. Lot. So basically 15000 pushes you across this so you allow the individual Lots to use that buffer area you need a waiver for that. But the buffer requirements know of whatever natural vegetation would change, those would stay on it is just that last 50 ft of the rear Lot of the Lot owners would it would still be the buffer, by reducing the buffer you are just changing half of its ownership of an open space to an individual Lot.

Mr. Plumer – Chair is asking for some comments from the Public.

Mr. Paul DeGrondis at 23 Oak Street appeared before the Board today. And is asking a question about the number of houses being 43 does that include the existing structures should you do that Plan?

The answer from the applicants was yes.

Mr. DeGrons Has there been consideration in the plan on shortening the Cul de sac on not to making the road private but instead eliminating the Cul de sac to make a complete Loop?

The answer from the applicant was that they did not think they would get the same Lot amount if they were to change the Cul de sac and end the road at a certain point. The applicant would prefer a Cul de sac to have it easier to turn around.

Mr. Grueter is asking, so because we are going to affordable housing we are now trying to save that house or 2 that is on 34<sup>th</sup>? That was not in the previous plan.

The Applicant stated that this was correct and that those 2 houses would be part of the Affordable houses.

Mr. Sharples stated that Norrisbrook Way basically accesses 1 the middle Lot, the other Lot 30 on the left hand side could actually be part of the road because we require 50 ft of frontage and that would have that so that really does not access by Norrisbrook Way, the 2 on the bottom is Oak Street Extension a little knob. Did not see why the Town would want to maintain Norrisbrook Way 900 ft of whatever Road for 1 house? It just did not seem to make much sense. Norrisbrook Way did not really seem really why the Town would assume long term maintenance and ownership of that.

He Applicant believes that it is a great idea and that the original Loop idea was before they had the established emergency exits. So they thought they would have had to make the entire Loop, which just carried over from that, but it is a great point.

Mr. Sharples states that without that Loop, that Loop makes the 1200 ft Cul de sac, because it is being measured of that Intersection. If Norrisbrook just goes away then measure from that Intersection to the end of the Cul de sac which measures like 1400 ft which would need a waiver. But if you move the Cul de sac on the other side of the wetlands it would allow a waiver into Northwest.

Mr. Plumer – Chair is asking the Public to speak.

Mr. Bill Murphy states that the applicant has brought so many things to the table like existing housing. It is hard to comment on this. For them to get feedback and guidance it would be helpful if they would give us exactly what we are looking at.

The Applicant responded saying that they have shown us many versions of this plan and it takes a lot of time and effort to really rearrange everything. Next time they come they can bring a real plan to show the concept but for this exercise today they just really wanted to throw out there to see the feedback.

Ms. Corson states that it is hard for the Board to commit themselves with the way things are now.

Ms. English is asking the Board if they generally looking in favor of moving the Cul de sac?

Ms. Tyner stated that she did not like where the Cul de sac is now,

Ms. Erin Steckler a resident has appeared in front of the Board today and asks that if the the Cul de sac is being moved then it would shorten the buffer to the Town Forest and would there be a need for a waiver? And what would be the requirements for that? Ms. Steckler feel that the Town Forest is an incredible resource we have and feels like we have an obligation to protect it. And there appears to be a lot of thought in these buffers and why would we shorten that buffer? How do you weigh the impact of the benefit of moving that Cul de sac verses the cost of shortening that buffer to the Town Forest?

The applicant stated that they would not be asking for relief from the restrictions of the buffer, what we are asking for is to be to include the script of the sqft of the buffer to the side of the Lot so that we can squeeze them in and get rid of the Cul de sac. The limitations of the buffer right now are undisturbed and would still be the same.

Mr. Brown states the property owner would own 50 ft away from the Forest. But the use of the land would be restricted just like it would be if there was a 100 ft buffer. So it gives a minimum Lot size.

The Applicant stated that there would be a stipulation that would be added to the plan.

Ms. Mary D. Hanson at 5 Walnut Street appeared before the Board and stated that one of the comments from the Conservation team was that it appears to be encroaching a little more and more. And if it's their Home Owners Association enforcing this, then she feels there is no guarantee that people are not encroaching on that property. Ms. Hanson is not really clear on what the applicant is asking for today. The applicant is proposing a plan you cannot see and they are saying they are going to help John Gallagher, but certainly from everything else she has heard there are other proposals and the Board has been out there and know where Benny's house is compared to hers. If they are going to preserve her house and cut road, you bringing that road closer to her house, there is no way that you are not encroaching on her house, because the road starts at her house. Unless they are moving it over, which they do not own, they cannot do it. It will make it worse for her not better.

The Applicant replied and stated that the only way to do this would be having to move her house and they have been in approaching with her.

Mr. Bill Murphy a Resident asked the Board if you can get a waiver for a Lot size?

Ms. Corson responded and stated that one would have to get a variance.

Mr. Plumer – Chair stated that the Variance would have to be granted by the Zoning Board.

Mr. Sharples stated that his intentions to move it forward is the buffer is not used at all the only change is the ownership of the underlying land and 50% of it or whatever they need to figure it out, it might be less than that. As far as encroachment, he has seen both ways. Regardless of the owners who own the land in homeowners situation where there is part of an individual Lot there is a thread

of encroachment. Mr. Sharples has seen encroachment with every ownership. But the buffer is not reduced the point is it is still going to be a 100 ft buffer, it just means that the first part will be owned by the individual home owner.

Ms. Corson feels that we have to go back to what is the intent of these buffers? The intent of the buffers initially was to protect the neighbors. For instance R-1 is more rural, and that was to protect the people on the other side from being encroached on. Ms. Corson is more interested in the Wetland buffers.

Mr. Sharples states that one of the unique ordinances is and he'll read some of it:

The Board may approve a partial or total waiver to the buffer strip if the configuration or the location of the parcel with consideration of abutting properties warrants flexibility to the proposed open space. So there is the flexibility to do this.

Mr. Plumer – Chair suggested to table the Application.

Mr. Sharples stated that it hasn't been opened, but if you table it to a date certain. You already notified the abutters, the Public was notified for tonight and his suggestion is it was not complete for view purposes. Don't accept it and have a public hearing. Mr. Sharples suggests to table the application until the next Planning Board Meeting.

Ms. Corson and Mr. Cameron agree to notify the abutters.

Mr. Sharples states the application has to be by April 5<sup>th</sup> 2018

The Applicant stated that they can do that.

Ms. Corson questioned whether there is enough time to go thru TRC.

Mr. Sharples states that they can review it again and they are felexible.

The applicant states they can have the alternate plan by the 5<sup>th</sup> as well.

Mr. Gray wanted to know if the applicant will incorporate the Boards comment today and present one plan on the 12<sup>th</sup> or are you still going to be considering an alternate plan?

The Applicant stated that they have not given up on any plan and are prepared to proceed with this Plan period, we are willing to provide the alternate plan based on the comments today. There will be a choice, so if the Board does not like the alternate plan, then they back to this one.

Mr. Brown states that the Applicants presentation will be pretty critical at this point and he suggests to give some time to this plan presenting this and saying this is our option with limited waivers etc. and this is what we've gotten to alternative #2 thru the process with the Town and everything.

The Applicant agreed with Mr. Brown.

The Applicant thanks the Board and states that this has been very helpful.

Mr. Plumer – Chair motioned for a continuance on April 12, 2018.

Ms. Corson seconded the motion.

The Motion to continue on April 12, 2018 passed unanimously.

Mr. Plumer – Chair is pointing out the upcoming Registration for the 24<sup>th</sup> Annual Spring Planning and Zoning Conference, this is always an excellent thing to do.

Ms. Bergeron Motioned to deny the request of San Juan Realty Trust for a 1 year extension to Planning Board Case # 2611 and 2611A due to the fact that last year they were given a 3<sup>rd</sup> and final extension according to our regulations.

The motion was second by Mr. Plumer – Chair

The motion passed with 7 yay and 1 nay

Mr. Plumer – Chair adjourned the Session at 10:45 pm

Respectfully submitted

Melody Hypolite