

Planning Board
April 12, 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, Nicholas Gray – Acting Vice Chair, Kathy Corson – Selectman Representative, Gwen English – Member of the Board, Aaron Brown – Member of the Board, Peter Cameron – Clerk.

Staff present: Dave Sharples – Town Planner.

3. New Business

Mr. Mark Leighton representing Phillips Exeter Academy appeared before the Board today requesting a second “ one year “ waiver – Ordinance Article 9(Sections 9.2.3K.12 and 9.3.4F.12) for use of Fertilizer on approximately 10-acres of turf on the varsity athletic fields. The properties are located off of Court Street and Gilman Street in the R-2, Single Family Residential Zoning district and identified as Tax Map Parcel #83-1. Mr. Leighton says they agree with all the conditions the Board is proposing.

Mr. Gray – Acting Vice Chair asked if the request is for the same property as last year?

Mr. Leighton responded that this year’s request is for less property and there are a lot more specifics and details on what type of fertilizer than last year.

Mrs. Kathy Corson – Select Board is asking what is being done with the other fields.

Mr. Leighton says that the other areas are being maintained as normal and not being fertilized.

Mrs. Kristen Murphy – Natural Resource Planner for the Town of Exeter approached the Board and stated that they had been working with Phillips Exeter Academy last year to find a suitable Fertilizer ordinance that would meet the needs of the Academy and still follow the intend of the fertilizer prohibition to begin with. It has been a huge learning curve, there are so many varieties. Mr. Chip Osborn a Organic Consultant was asked for some additional advice and information. Mrs. Murphy says that they will try and get together with the committee and Phillips Exeter to discuss the issue further in the hope to come to some kind of conclusion. Mr. Plumer – Chair asked if Mr. Dave Sharples the Town Planner had any comment on the issue?

Mr. Sharples stated that he had previously given the Board a letter stating his comment on the request.

Mr. Plumer then opened the session for Public comments and questions.

Mrs. Chris Vaughn-Resident of Exeter approached the Board – stating that she is worried about the fertilizer being very bad and would like the Board to take a look at that.

Mrs. Corson – Select Board stated that they are not allowed to by State Law. The State Regulates the Pesticide and fertilizers.

Mrs. Deb Simone Whalen – Exeter Resident, approached the Board and says that according to her understanding the Town of Exeter uses organic products. Mrs. Whalen is worried about handing out waivers and then everyone else would want waivers also. It seems funny that the Academy would want a permanent waiver.

Mr. Leighton says they are using organic products and are only asking for a 1 year waiver not a permanent waiver. He is also asking the Board for more time to work with the committee and feels like there should be a win win outcome for everybody.

Mr. Ron Johnson – Senior Manager for Grounds with Phillips Exeter Academy, approaching the Board and explains that the Athletic Fields Turf are maintained organically. And any glyphosate is used for weed control in the right way. Mr. Johnson says they take soil samples and do turf aerations throughout the year. He states this year they are asking for 3 applications for the year. He says that during the early season when it is still cold they need a blend of synthetic and organic. The synthetic fertilizer is a slow release type and spans over 16 weeks and does not flush into the aquifer. Mr. Johnson states that the state allows it to be used in these areas. The late summer is an all organic fertilizer with only 2% phosphates to comply with the ordinance.

There were no further questions or comments from the Public and the session was closed to the public.

Mr. Gray asked the applicant what other measures could be taken to mitigate the impact of the fertilizer?

Mrs. Murphy stated that there are methods called water soluble nitrogen that cannot wash off and do not go into solutions. When that is applied it will not run off and it requires the breakdown on the soil organisms in order to make the nitrogen available for plants. Using products like that will dramatically reduce the amount of nitrogen. The key is to have a healthy soil component so that it can function to feed the turf. It does become challenging in early spring because there is no activity from all the soil organisms, they are still dormant.

Mrs. Corson states that it is a great opportunity to learn from each other and it has gotten us thinking about what we do anywhere in town and we do appreciate that.

Mr. Leighton says they take this very serious and make a lot of efforts to make sure that it is being applied correctly and use the right products. Mr. Leighton states they do go above and beyond to apply the products in a safe manner.

Mrs. Corson states that maybe at some point there could be a seminar for all the people along the aquifer and people that are affected by this.

Motion moved by Mrs. Corson that the request for a waiver for Section Article 9.2.3.K of the zoning ordinance regarding the use of fertilizer in the Aquifer protection District be approved with the following conditions:

- The use of Best Management Practices to limit the potential for nutrient run off or ground water infiltration.
- No fertilizer permitted within the first 100 feet of the Exeter Shoreland protection district, including storm drains that drain to the district.
- From 100 feet to the extent of the district, use of fertilizer is restricted to those that contain a minimum of 50% slow-release nitrogen as a percentage of the total nitrogen content and must be limited to low-phosphate fertilizer(<2%).

The Motion was seconded by Mr. Pete Cameron – Clerk.

The Motion passed unanimously. Motion approved.

Motion moved by Mrs. Corson that the request of Phillips Exeter Academy for a waiver from Section Article 9.3.4.F. of the zoning ordinance regarding the use of fertilizer in the Aquifer protection district be approved with the following conditions:

- The use of Best Management Practices to limit the potential for nutrient run off or ground water infiltration.
- No fertilizer permitted within the first 100 feet of the Exeter Shoreland protection district, including storm drains that drain to the district.
- From 100 feet to the extent of the district, use of fertilizer is restricted to those that contain a minimum of 50% slow-release nitrogen as a percentage of the total nitrogen content and must be limited to low-phosphate fertilizer(<2%).

The Motion was second by Mrs. Gwen English.

The Motion passed unanimously. Motion approved.

4. Continued Business

Continued Public hearing on the application of Tuck Realty Corporation for review of a small scale Duplex Unit open space subdivision plan consisting of a total of sixteen (16) Units and associated site improvements, The subject property is located at 98 Linden Street, in the R-2 Single Family Residential zoning district. Tax Map Parcels #104-70, Case # 18-01.

Mr. Dave Sharples – Town Planner addressed the Board in reference to several items discussed at the last meeting, listed below and followed by a description of how the applicant is proposing to address them:

- **All Driveways for each Unit shall be wide enough to accommodate two cars side by side.**

The plans show each driveway at 20' with note #22 was added to Sheet C2 stating driveways shall be a minimum of 15' wide. The general rule of thumb for a double wide driveway is 20' which what Mr. Sharples is suggesting as a condition of approval.

- **Each Unit shall have a garage to accommodate a minimum of one vehicle.**

Note #23 was added to Sheet C2 stating that each Unit shall have a garage to accommodate a minimum of one vehicle.

- **Show some path between the private access and the Recreation area 3 and provide path detail.**
Plans (Sheet C2) Show a pea stone path with an accompanying detail on Street L2. However, it is unclear on where the path starts and ends and it should be discussed by the Board and shown clearly on the final plans.
- **Reduce width of Building 5 to 90'**
The width of Building 5 was reduced to 90' on plans.
- **The Stone drip edge conflicts with 50' perimeter buffer.**
The Stone drip edge was removed from the plans and Note #25 on Sheet C3 was added that states the drip edge will be outside of the 50' perimeter buffer.
- **Plantings between Recreation area 2 and the private access drive should be relocated.**
Plans were revised to show plantings between the southerly side of building 5 and the proposed pea stone path. It seems there may have been some confusion on what exactly the Board was looking for. It may have been regarding the space between the back of Building 5 and Recreation area 3, whereas the applicant may have thought the Board meant between the side of Building 5 and the pathway. Mr. Sharples and the Board need clarification on what area?

Mrs. English stated that there was a discussion on having plantings between the back of Building 5 and the Recreation Area. But one of the Board members previously mentioned that it would be nice to have an unobstructed view of Recreation Area 3 and maybe not having Trees there. Maybe a couple could be put in the back and at either end just to break it up a bit. It may be nice to have some Tree's in the back of the Building.

The Applicant stated that it could be a possibility for each Unit to have a Tree sort of towards the back on the edge of where Recreation 3 starts. It probably would be a good idea. And the plantings along the south side of building 5 are just to delineate and stay on the pea stone path.

Mrs. Corson suggested maybe 2 Trees on each side to kind of delineate and at the same time being able to tell that there is a Recreation area.

- **Escrow for additional plantings along the buffer between the adjacent properties was offered by the applicant.**
Mr. Sharples relayed to the applicant that he does not want to get involved with determining plantings with a limited budget and feels that it is a discretionary act that could pose future issues. Mr. Sharples suggested the applicant add plantings to the plan along with a note stating that their final determination shall be determined by the Builder to provide the most effective screening between the development and the adjacent property.

- **Make sure that all Patios, decks, Balconies or similar structures as required by Section 11.2.7 shall not be located in the perimeter buffer area.**

Note #19 was added to Sheet C2 stating that the areas required by Section 11.2.7 shall not be located within 50' perimeter buffer strip. The Note does go on to state that private space shall be part of the perimeter buffer and Mr. Sharples believes this is consistent with the Board's intent as the private space required will need to be outside the buffer but it does not mean that private space without any structures cannot be inside the buffer.

- **Language regarding the perimeter buffer shall be included in the by-laws.**
Since the HOA documents have not been finalized and are part of a suggested condition of approval. Mr. Sharples intends to add this language as a condition.
- **The first 10' of the Sidewalk at Linden street will be 5' in width.**
Plans were revised to show a 5' sidewalk for the first 10' off Linden Street.
- **There was some discussion about replacement of any white Pines taken down within the no cut/disturb area that were dead, hazardous or diseased.**
Note #24 was added to Sheet C2 regarding the removal of dead, hazardous or diseased vegetation within the no disturb portion of the perimeter buffer.
- **Meet with the Morrisettes to go over screening/tree removal.**
According to the applicant their Forrester met with Mr. Gary Morrisette and discussed the Tree's along the southern boundary of the site near Mr. Morrisette's residence.

Mr. Gray asked the applicant if there was any delineation of where the back yard of Building 5 becomes the Recreation space for the entire Neighborhood?

The Applicant stated that is where the intend of the Tree's would be and quiet honestly we do not know what the Builder may decide, they may decide to put some kind of privacy screen or fence behind the building to delineate that is kind of down the road, but those tree's are what initially serve that purpose.

Mrs. Corson is asking the applicant of the Condo Docs will reference these areas?

The Applicant stated yes they would.

Mrs. English is concerned about the snow storage area, the only other snow storage area seems to be at the entrance. Also snow storage in the back of the mailboxes does not seem realistic. There are Tree's between buildings that prohibit too much snow storage there and may create a problem. It all does not seem very practical. And we need to identify appropriate places on the plan.

The Applicant states that they can make adjustments to the snow storage area, but on the end the Plow Companies will come in and find other areas that they need to have.

Mr. Brown says he is not opposed to have both sides of the Cul de sac for snow storage. Would that be a problem on the drainage plan? Also maybe move some of the Tree's further back to make room and show more storage on the Cul de sac.

The Applicant stated that the drainage would not be a problem.

Mr. Brown would like to know why the Board should grand the waiver for the 4 Tt Sidewalk.

The Applicant stated that they thought they were beyond that from the last meeting where they agreed the last 10 FT of the sidewalk would be 5 FT. The Applicant states that if the Board wants a 5 FT sidewalk they will put it on the plan. They can fit 5 FT but they rather not.

Mr. Gray is asking the Applicant on an update on the meeting with the Forrester and Mr. Morrissette. Also will there be separate Utilities for each Unit?

The Applicant states that technically it was a Logger that met with the Morrissettes and he only heard this thru his Logger, but the Morrissettes are not hear today to validate the discussion. But he heard that they met on the site and it was a good meeting. There will be separate utilities for each Unit. The plan will show separate connections.

Mrs. Corson states that she agrees to have a 4 FT sidewalk rather than a 5 FT. If it were a large Neighborhood there may be a need for a 5 FT sidewalk but this does not appear to be a large Neighborhood.

Mr. Plumer –Chair Opened the Session to the Public.
There were no comments or questions from the Public and the Session to the Public was closed.

Mr. Plumer – Chair feels a 4 FT sidewalk is fine and a little more green would be great.

Mr. Gray feels comfortable with the currently designed plans and agrees with the shorter width of the sidewalk. Also the Developer made good faith to address all of the Boards concerns.

Mr. Sharples has a question on 2 red lines of the pea stone path that did not connect to each other. Is that what the intent is to have two sections that do not connect, it does not make sense.

The Applicant sates their intent is to just have lawn and move the Azaleas a little bit closer to the edge of the sort of established pathway so that it indicates a clear delineation of the public and the private space. We can also add a Note to the plan that talks about there needs to be common access that leads to each Recreation Area

Motion moved by Mr. Gray that the request from Tuck Realty Corporation Planning Board Case # 18-01 for a waiver from Section 7.4.7. and 9.6.2. of the Site Plan Review and Subdivision regulations regarding identifying significant trees 16” in diameter or greater be approved.

**The Motion was second by Mr. Aaron Brown
Motion carries unanimously. Motion approved.**

Motion moved by Mr. Gray that the request from Tuck Realty Corporation Planning Board Case # 18-01 for a waiver from Section 9.15 of the Site Plan Review and Subdivision regulations to permit the proposed sidewalk to be less than 5 FT in width to be approved.

The Motion was seconded by Mrs. Corson
5 Yay and 1 Nay. Motion carries. Motion approved.

Motion moved by Mr. Gray that the request from Tuck Realty Corporation Planning Board Case # 18-01 for a waiver from Section 9.17.2 of the Site Plan Review and Subdivision regulations to permit the Cul de sac radius to be less than 59 FT in width be approved.

The Moton was seconded by Mrs. Corson
Motion carries unanimously. Motion approved.

Motion moved by Mr. Gray that the request from Tuck Realty Corporation Planning Board Case # 18-01 for a small scale Duplex Unit open space development be approved with the following conditions:

1. A DWG file of the Subdivision plan shall be provided to the Town Planner showing all property lines and monumentation prior to signing the final plans. This plan must be an NAD 1983 State plan NH FIPS 2800 D co ordinance,
2. All Monumentation shall be set prior to the issuance of the first certificate of occupancy
3. A Pre Construction meeting shall be arranged by the Applicant and his contractor and the Town Engineer prior to any site work commencing. The following must be submitted for review and approval prior to the Pre Construction meeting. The SWPP storm water pollution prevention plan if applicable to be submitted and reviewed for approval by DPW prior to the Pre Construction meeting and a project schedule and cost estimate must be submitted.
4. All Comments from the Underwood Engineer and Corporate review letter dated February 8, 2018 should be addressed to the satisfaction of the Town Planner prior to signing the final plans.
5. All appropriate fees are to be paid including but not limited to Sewer Water connection fees, impact fees and inspection fees prior to the issuance of Building Permit.
6. A Maintenance Log, Inspection and maintenance check list for all on site storm water management systems shall be provided to the satisfaction of the Town Planner prior to signing the final plans. A completed Log and Check List shall be submitted to the Town Engineer annually on and before January 31st. This requirement shall be an ongoing condition of approval and noted in the Home Owner Association By-Laws.
7. All applicable State Permit approval numbers shall be noted on the final plans.
8. All Condominium Documents including the declaration and By –Laws shall be submitted to the Town Planner for review and approval prior to signing the final

Plans. In the event that the Town Planner deems that review is needed by the Town Attorney this review shall be at the Applicants expense.

9. The limit of cut and disturbance shall be flagged in the field prior to any site work and these shall be maintained until a certain certificate of occupancy is issued.
10. As proposed by the Applicant the Access Drive shall remain Private and all future maintenance shall be the responsibility of the Home Owners Association. This condition shall be noted on the final Subdivision plan.
11. The Applicant shall submit proposed names of the Private Access Drive to the E911 Committee for review in accordance with Town Ordinance Chapter 14. The Street Name shall be adopted prior to the issuance of a certificate of occupancy for any Units.
12. If determined applicable by the Exeter Department of Public Works, the Applicant shall submit the Land use and Storm Water management information about the project using the PTAPP on-line municipal tracking tool. The PTAPP submittal must be accepted by DPW prior to the Pre Construction meeting.
13. All Driveways for each dwelling Unit shall be a minimum of 20 FT wide as shown on the plans.
14. All precedent conditions of approval shall be completed within 180 days from the date of this conditional approval.
15. Final Plan shall show one Tree at each of the westerly corners of recreation in area # 3. Final Plans adjust snow storage areas, so they do not conflict with Landscaping and no plantings shall be removed from the plans and snow storage shall be added on the northerly side of the Cul de sac.
16. Final plans shall show recreation areas 1 and 2 connected to the private access drive and pea stone path shall be removed. And the Azaleas along the southern boundary of Building 5 be spread out to continue to the western edge of Recreation Area # 3.

Mrs. Corson seconded the Motion.

The Motion carries unanimously. Motion approved.

Continued Business:

The Application of Exeter Rose Farm LLC for an open space subdivision consisting of 37 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 and 63-205. Case # 17-27.

Mr. Plumer – Chair states the Board is accepting the Application.

Mr. Sharples considers the application as complete for review purposes. Also the applicant is presenting 2 additional concepts A and B . In Concept A they are removing Norris Brook Way, still with 37 lots but making some changes by shortening the Cul de sac and therefore eliminating the need of a waiver. Concept B is where the Cul de sac is in a different spot and we do not have any road profiles. Concept B would not stand alone.

Motion moved by Mr. Brown to accept the Application.

Motion seconded by Mr. Gray.

5 Yays 1 Abstention

Motion passed to accept the application.

The Applicant is asking for 3 waivers.

Mr. Sharples does not recommend any action on the waivers or the plans this evening. The goal is to get input from the Board for the Applicant to get a sense of direction.

Attorney Tim Phoenix was present representing the Applicant, Exeter Rose Farm LLC. He states they are here to get more input from the board on the Concept A and B that they have put together from the last meetings comments and suggestions.

Mr. Todd Baker indicated that his company is managing the Exeter Rose Farm project. Mr. Baker is pointing their vision to turn a neglected hazardous property into a charming Neighborhood of single family homes, and at the same time to help satisfy Exeter's demand on single family homes and to sell the homes at prices that are affordable. Mr. Baker says there is a drainage issue and they have met with Joan Gallagher and Tom Light to discuss and proposed a route for water to go other than their property. Concept B is 45 lots, 20% affordable, it saves the existing homes and Conservation land and less impervious surfaces, which would require waivers. There are several areas that would require waivers.

Mr. Tim Stone with Stone Hill Environmental approached the Board to discuss the elimination of hazardous waste. They have prepared and submitted action plans to the DES and expect to hear back from them within a month. And they hope with the remedial action plan that they can complete the actions in the summer period, late summer during the drier period.

Mr. Mark Jacobs approached the Board to discuss the functional wetland evaluation and the natural resources plan that was submitted. Tested were the Ground Water recharge and discharge and all 4 of the study sites have significant discharge water. There is a small amount of recharge in upland areas. There has been a concern about steep slopes in past meetings and site walk. The project is trying to minimize the steep slopes by the construction of roads and houses. They are also trying to preserve a lot of the Forest areas.

Mr. Steven Pernaw, with Pernaw and Company approached the Board to discuss the traffic issues with Plan A and B. The 37 dwelling units with 39 trips per day, Plan B would create 49 trips per day. In all it would be less than 1 car per minute. According to the Traffic study they did it is not effective to use speed signs, but stop signs could improve the situation. Perhaps they could be considered as a possibility to slow down traffic.

Mrs. Alison Tanguay approached the Board to discuss Recreation design. The Trail Network is something that they would like to preserve and enhance. In the hope to collaborate in specific Recreation design. Most interested in opportunities to take care of natural environments by increasing opportunities for runners, walkers and enjoyed by all people. A community garden can not only cultivate gardening but also create togetherness.

Mrs. English has some questions for Mr. Jacobs in reference to plan B and protecting the natural habitat. Visually it is a beautiful property, but from an environmental stand point it did not have much value. And would like to know what Mr. Jacobs thinks about how the blue area would affect the yellow area and if B was chosen how the development would affect the blue area?

Mr. Jacob states that it is important to focus primarily on the Wetlands. If you look strictly at the yellow study area and strictly at the wetlands of all four areas on site, he would have to concur that it probably has the lowest total functional value of all the wetlands on the site. But if we are looking at that area in light of Concept B or the development concept and you look at the entire area the forest that lies to the west of the yellow study area is probably the nicest forest of the site. If the sole focus is to minimizing wetland impact, yes B loses some of its attractiveness in terms of its environmental impact. But if you look at the bigger picture and take into account the upland forest to the west of the yellow study area; just the opposite would be true. Concept B becomes much more attractive in terms of limiting environmental foot prints.

Mr. Brown thinks what the applicant is seeking is guidance, kind of like the last time the applicant was here. As a proponent to affordable housing, it comes into design and comes into density. It all comes down to density. And he is in favor of what Concept B represents. One thing he does not see on this Concept is opportunity for more Multi Family Units.

Mr. Gray is in favor of affordable Multi Family Units. The Applicant states they prefer Single Family homes to Condos. But they will explore the options further.

Mr. Plumer-Chair is suggesting continuing the case on May 10th. Mr. Sharples is suggesting to ask the applicant to have the discussion continued at a later date such as May 10th or 24th. The applicant chose to move it to May 10th.

Motion moved by Mrs. Corson to have the discussion continued to the May 10th meeting; seconded by Mr. Cameron. Motion passed unanimously.

Motion to adjourn by Mrs. Corson Motion approved. Mr. Plumer declared the meeting as adjourned at 10:30pm.

Respectfully submitted

Melody Hypolite