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**TOWN OF EXETER
PLANNING BOARD
DRAFT MINUTES
OCTOBER 11, 2018**

6 **1. CALL TO ORDER:** Session was called to order at 7:02 pm by Chair Plumer.

7
8 **2. INTRODUCTIONS**

9 **Members Present:** Chair Langdon Plumer, Pete Cameron – Clerk, Aaron Brown,
10 Gwen English, Kathy Corson – Select Board, Nick Gray – Alternate and John Grueter -
11 Alternate

12 **Staff Present:** Dave Sharples - Town Planner

13 Chair Plumer indicated that Alternates, Nick Gray and John Grueter would be active
14 tonight.

15 **3. Public Hearings:**

- 16
17 **1. Exeter Station Properties, LLC**
18 **22-Unit Multi-Family Condominium Development and associated site**
19 **improvements**
20 **1 Rockingham Street**
21 **C-1 Central Area Zoning District**
22 **Tax Map Parcel #73-175**
23 **Case #18-04**

24
25 Chair Plumer advised that Exeter Station has requested a continuance.

26
27 ***Mr. Cameron motioned to continue until November 1st, 2018. Mr. Brown***
28 ***seconded the motion, with all in favor, so moved.***

- 29
30 **2. Continuance of Public Hearing Exeter Rose Farm, LLC**
31 **Open Space Subdivision and associated site improvements**
32 **Review of Conditional Use Permit (Shoreland Protection)**
33 **Oak Street Extension and Forest Street**
34 **R-1 Low Density Residential, R2 Single Family Residential and**
35 **R-4 Multi-Family Zoning Districts**
36 **Tax Map Parcels: #54-5, #54-6, #54-7, #63-205**
37 **Case #17-27**

38
39 Mr. Sharples advised that he has a letter from the applicant addressing the issues
40 raised. Revised plans have been submitted and responded to third-party review #4.

41
42 Mr. Caldwell stated that there were several concerns raised and they have
43 responded in writing: the cemetery which Todd Baker will address; dead-end road

44 length complies with subdivision regulations and should not require a variance
45 because the length is measured from the intersection of Oak Street Extension and
46 Exeter Rose Lane which was reviewed and approved by Public Works and the Town
47 Planner, response to TRC comments of Underwood Engineers only one comment
48 was not accepted which was a foot-bridge detail that was required. The remedial
49 action plan has been approved. The grading from the Gallagher property was six
50 feet away which complies with the 5 feet minimum. The applicants agreed to
51 construction inspections before and after construction. The shared driveway was
52 subject to a road maintenance agreement between the Homeowners Association
53 and the Town. It will be maintained at a higher standard than an ordinary driveway.
54 The path to the Recreation areas will be fenced off so that homeowners know where
55 the limits of their yards are.

56
57 Oak Street culvert. Water by-passed culvert was because of beaver dam forcing
58 water around and onto Oak Street Extension, preventing flow. Beaver dam will be
59 eliminated, and Oak Street will be raised approximately 6-8" higher to eliminate
60 waterflow on street.

61
62 Request for landscaping. 3 sheets provided.

63
64 Multi-family building added parking, grading. Does not have to be reviewed again by
65 this Board in separate plan.

66
67 Todd Baker talked about the cemetery. He visited the Historical Society for details.
68 Reviewed small cemetery book. The Wiggins Cemetery is on other side. What he
69 had seen was from greenhouse area, no cemetery evidence. If was one, would give
70 protection.

71
72 Mr. Caldwell stated letter on waivers submitted.

73
74 Attorney Tim Phoenix stated hopeful at end point. It began with a yield plan, believe
75 all requirements have been met, there would be cleaning up the site, providing rec
76 areas open space and much needed affordable housing. The peer review from
77 Underwood Engineers has been successful and they meet Zoning Board's
78 requirements as well.

79
80 Public Comment:

81
82 Jason Reimers stated he was asked to speak on behalf of the neighbors who ask to
83 have third-party review of Natural Resources and alternative plan. Rockingham
84 County Conservation submitted letter with technical memos. Crossing does not
85 meet crossing guidelines. Mr. Jacobs says 11.5-foot satisfied regs but went with 16
86 foot culvert. Larger bridge becomes a big liability. Pete Steckler said proposed use
87 may impact fish habitat. Found a rare American eel. Get independent review on if
88 undue damage will be done or not. Conservation Commission needs more
89 information on this as well as Natural Resources and wetland delineation that was
90 not addressed. Third party review for smaller project was "no-brainer." Underwood

91 should not do review. Not suitable for wetlands, etc. An alternative was presented.
92 Board should get analysis on alternative. Town must satisfy that is least impactful
93 plan. Using existing crossing is always more favorable. Does not matter where
94 alternate plan came from. Use list of concerns as guide. Not ready for final vote.
95

96 Doug Flockhart stated the subdivision must comply with subdivision regulations.
97 Wadleigh Street is not a required feeder street. Oak Street, ambiguity want to know
98 what Fire Department says about it. Not wide enough. If improve there will need
99 more details and plans.
100

101 Irene Flockhart stated feel strongly about Master Plan. Know square footage for
102 market value of homes. Is this actually affordable housing? Jam-packed units.
103 Don't want to see aspects of Master Plan ignored. Providing for environment is
104 important work.
105

106 John Richards stated don't see what Town gets out of this. Giving up wetland in
107 times of mass rain. Don't see the benefit.
108

109 Pete Steckler stated crossing tributary to Norris Brook, much smaller watershed.
110 Value of Norris Brook watershed. I referenced wrong condition in letter, debated
111 undue damage with Marc Jacobs. Found eel in tributary not in Norris Brook.
112

113 Robert Roseen stated fairly significant issues still exist. Take look at drainage report,
114 soil maps. 50 acres, 23 acres developed. 26% on A & B soils good for recharge.
115 Claim lot of soils tests done. There will be infiltration. AOT supports gravel wetlands
116 but can do better. Zero recharge for gravel wetlands. Wetlands water must
117 demonstrate hardship, has not been shown.
118

119 Mr. Belanger stated there are four marked stones. Chase Wiggins family. Very
120 overgrown, will find once remove.
121

122 Joan Gallagher stated must protect existing residents. Digging ditches will kill my
123 trees. Grading must be 5' from property line. Subdivision will create disrepair for
124 neighborhood. Accepting would prove total disregard.
125

126 Suzanne stated that at the Conservation Commission meeting the waivers and CUP
127 were denied, what's next?
128

129 Mr. Sharples explained the Conservation Commission does not deny or approve
130 anything, the Planning Board acts with recommendations from Conservation
131 Commission.
132

133 (inaudible) stated has concerns about culvert and animals traveling there. Not sure
134 why buffer strip at bottom.
135

136 Chair Plumer stated it went to Conservation Commission in support of fee ownership.
137 Wanted to provide town survey on Conservation land. They do not recommend

138 approval of CUP. There is not enough information to tell if causes undue damage,
139 locate snow storage areas, ensure that regular inspection of stormwater, enforce not
140 undue impact to Spring.

141
142 Doug Flockhrt asked if it would be sent back to Conservation after this?

143
144 Mr. Sharples advised it is not up to them anymore. We have received their
145 recommendation. Some things have already been addressed. Wouldn't send back
146 to Conservation Commission. Said same thing about wetland waiver. Can bring to
147 Natural Resource planner.

148
149 Robert Roseen stated third-party review . Lack of good stormwater management.
150 Will impact aquatic habitats, not limiting to concentrations of nitrogen.

151
152 Chair Plumer closed the hearing to the public at 8:15 pm.

153
154 Todd Baker stated Town has lot of water crossings, our crossing most reasonable.
155 Plenty of room for wildlife. Have answered all of those questions several times.
156 Have Conservation donation and affordable housing. Provided our answers to
157 Conservation Commission in writing. Unable to please public. Committed to project.
158 Trying to make ecologically and economically reasonable plan.

159
160 Mr. Brown asked to elaborate on dead-end street policy. Couple projects like this.
161 Waiver acceptable?

162
163 Mr. Sharples stated had never seen a situation like this. Blackford request and
164 receive waiver. Some approved without waiver. Ordinance for 1200 ft in effect then.

165
166 Mr. Sharples advised you have to look for intent of ordinance. The intent was for
167 Fire Department servicing. Determined that intersection was where the dead end
168 started.

169
170 Chair Plumer asked if the Fire Dept. had given input?

171
172 Mr. Sharples advised they are involved at TRC meetings. Wanted hydrants at
173 beginning and end of road with turn radius to accommodate largest vehicle.

174
175 Mr. Grueter asked if waiver was in order?

176
177 Mr. Sharples advised the TRC collectively said no.

178
179 Mr. Grueter added the shared driveway is driveway or road?

180
181 Mr. Sharples advised it is both.

182
183 Mr. Grueter asked about width requirement.

184

185 Mr. Sharples advised proposed at 24 feet, more to 18 feet.
186
187 Mr. Sharples advised they will reclaim and pave but not widen. DPW good with
188 width and Fire Department also.
189
190 Mr. Brown reminded it is not just for emergency access. It is also defined for two-
191 way intersection waiver.
192
193 Mrs. Corson stated she struggled with width.
194
195 Mr. Sharples stated two paved roads, one lot served.
196
197 Mr. Brown stated have problem with waiver aspect.
198
199 Mr. Sharples stated 3-4 lots equals 16-18 feet, what if less?
200
201 Mr. Brown clarified if road this is intersection, if drive then need waiver.
202
203 Mr. Sharples advised it is spelled out in Home Owners Association and up to the
204 HOA to keep clear.
205
206 Mr. Cameron stated the narrow entrance concerns me.
207
208 Mr. Gray stated for the sake of being clear, should pursue why waiver is in the
209 applicant's best interest.
210
211 Mr. Sharples advised anything short of maximum standards.
212
213 Mr. Brown stated that plan requires waiver.
214
215 Mr. Sharples advised doesn't alter two way through access.
216
217 Mr. Brown stated right because not a street, not wide enough to be a street.
218
219 Mr. Sharples asked does roadway need to be widened?
220
221 Mr. Brown stated not designated as a thru-way.
222
223 Mr. Grueter stated it should be wide enough for two cars. Like to know what higher
224 standard is.
225
226 Mrs. Corson stated Oak Street is not a complete plan. Should have more details.
227 Concerned about culvert anyway.
228
229 Mr. Sharples asked if it is adequate. If it gets wider there could be more wetlands
230 impact.
231

232 Mrs. Corson asked what is capacity and what happens when hits culvert?
233
234 Mrs. Corson stated emergency vehicles are a concern.
235
236 Chair Plumer asked how wide by Spring?
237
238 Mr. Sharples stated he didn't know.
239
240 Mr. Sharples advised the end of Oak Street is 18 feet where meets Forest Street.
241
242 Mr. Sharples stated emergency access to five-unit multi-family residence be in range
243 of 16-22 feet.
244
245 Mr. Grueter asked if we then have to go back and reanalyze wetland impact?
246
247 Mr. Cameron asked if the approval by State has conditions.
248
249 Tim Stone stated received current letter and responded. Construction documents
250 going to State. Do have approval of plan.
251
252 Mr. Cameron asked if there is a limit to approval and timeline?
253
254 Mr. Stone responded there is nothing required in terms of time. Trips have been
255 estimated. Hoping to keep trips at minimum.
256
257 Mr. Cameron asked going down Oak Street Extension?
258
259 Mr. Stone responded yes, as of now.
260
261 Mr. Cameron asked if it is sufficient to support vehicles going over?
262
263 Mr. Stone stated required lots of soil for areas with no roads. In past experience
264 don't see any concern. If need to lay down gravel or asphalt patching, however seen
265 issues in past with poorer drives.
266
267 Mr. Brown asked under order to get done?
268
269 Mr. Stone stated no but part of clean-up process that may be required.
270
271 Mr. Cameron asked done early on? Concerned of having vehicles on road.
272
273 Mr. Stone stated need to remove soils. Benefits outweigh the short-term detriments.
274
275 Mr. Cameron asked if there were concern with Chestnut Street?
276
277 Chair Plumer asked if brining in material to replace?
278

279 Mr. Stone stated most will be from on-site. Not digging very deep. Minute
280 concentrations of pesticides.
281
282 Mrs. Corson stated want to understand five feet grading by Gallagher property.
283 Can't see how that can happen.
284
285 Mr. Caldwell stated the end is six feet with minimal grading.
286
287 Mr. Sharples stated he is getting two feet on both.
288
289 Mr. Caldwell stated he will provide blow up but is contour line over another run.
290
291 Mrs. Corson stated is a 20' setback, why not consideration in plan?
292
293 Mr. Sharples advised the Planning Board has flexibility. Landscape strip can be 20
294 feet in length if approved. Fencing can be used instead of 20' strip.
295
296 Ms. English asked Mrs. Gallagher if looking at fencing as an alternative?
297
298 Mrs. Gallagher responded it was never discussed with me. Wanted fence 50 feet
299 beyond line. Would help with headlights on house. Don't want sidewalk by room.
300
301 Mr. Caldwell stated just below end is utility.
302
303 Mr. Sharples advised got revised sheets, BC talked to Barbara McEvoy. Have
304 previous plan with previous sheets.
305
306 Mrs. Corson asked about moving the sidewalk to other side?
307
308 Mr. Sharples stated if move sidewalk, move duct bank.
309
310 Mr. Caldwell stated it was not impossible to move sidewalk. Water would be too
311 close to sewer. It conflicts with underground utility.
312
313 Ms. English asked if change configuration, dig deeper?
314
315 Mr. Caldwell stated yes, would dig closer to property line. Sidewalk can't end before
316 intersection.
317
318 Chair Plumer stated right-of-way on other side, move sidewalk so not worry about
319 utilities.
320
321 Mrs. Corson stated she is concerned about well-being of existing citizen.
322
323 Mr. Caldwell stated we will see if alternatives. May be able to move away from her
324 property.
325

326 Mr. Brown stated vegetative buffer is a possibility. Let her choose.
327
328 Mr. Gray asked about HOA maintenance.
329
330 Mr. Caldwell stated yes, within right of way.
331
332 Mr. Sharples advised not realistic for town.
333
334 Mrs. Corson stated show some snow storage in some places.
335
336 Mr. Caldwell stated none on his document, would be snow banks.
337
338 Mrs. Sharples stated coming back with separate snow storage plan for multi-family
339 building. Could do as one, would like to come back.
340
341 Mr. Brown stated encouraged affordable housing portion. Could facilitate by making
342 one meeting.
343
344 Mr. Sharples advised it showed that five units can be supported but will come back
345 for SPR to construct.
346
347 Mr. Brown stated support expediting into one meeting. Have as part of hearing?
348
349 Mr. Sharples will talk to him.
350
351 Mr. Caldwell stated the risk is that no architectural plans, if dimensions change,
352 changes a lot more.
353
354 Mr. Sharples advised it happens all the time. It goes over threshold then comes
355 back.
356
357 Mrs. Corson stated concerned that the malfunction may be detriment to culvert
358 impact to the infrastructure and not owned by Town. If malfunction, then HOA takes
359 care of it?
360
361 Mr. Jacobs stated the structural engineer evaluated weir twice, said its solid.
362
363 Mr. Caldwell stated anything subject to failure. If fails all water goes down culvert
364 after 12 hours water recedes into brook. Some water would go around. Culvert is
365 pretty high up.
366
367 Todd Baker stated HOA would be responsible.
368
369 Mrs. Corson asked if it is engineered for failures?
370
371 Mr. Caldwell advised todays are, not sure about this one.
372

373 Mr. Sharples advised there are two different reports on those, initial and design
374 repair plans.

375
376 Mrs. Corson asked signage to know where buffer is? Signage for no fertilizer?
377

378 Marc Jacobs stated it refers to signage in HOA documents.

379
380 Ms. English stated weir and culvert concern me. Weir may be harmful to water.
381

382 Marc Jacobs stated removing the weir would alter the wildlife function. Can resubmit
383 alternate plan. Alternate plan used existing crossing. Would need to grade 48%
384 slope. Would require 1000 feet retaining wall. Even with retaining walls
385 approximately 50% increase in impact. Both wetlands functionally the same. Road
386 improvements would cause more impact anyway. Spent great deal of time working
387 on finding balance.

388
389 Mr. Brown stated he was having trouble with the need for an alternate plan.

390
391 Mr. Gray stated decision should be made ASAP. Not sure what having third party
392 review would uncover. Open to having one just need that decision now.

393
394 Mr. Grueter asked who pays?

395
396 Mr. Sharples stated applicant funds third party review, no idea how much it would
397 cost.

398
399 Mr. Cameron asked what would they review?

400
401 Mr. Sharples stated it sounds like they would review Natural Resources' plan.

402
403 Mr. Jacobs stated eel seen in tributary allegedly, 16-foot opening. Would not
404 obstruct eel in either area. Don't need to by pass during construction lessens
405 wetland impact.

406
407 Mrs. Corson asked how big the trucks are?

408
409 Mr. Brown stated I don't think another review is necessary.

410
411 Mr. Cameron stated don't like delay with this, concern it takes time, impact on
412 neighborhood, discussion not quite done. 3-4 weeks in favor, no more than 4 weeks.

413
414 Mr. Sharples asked what is the scope of review or concern?

415
416 Ms. English asked what are we making extra efforts to protect?

417
418 Mr. Sharples stated generally don't care to field and make analysis that way.
419

420 Ms. English asked where see answers about weir and culvert impact?

421

422 Mr. Jacobs stated if there re concerns that repairing weir will impede eel can
423 investigate into providing passage around it.

424

425 Mr. Sharples stated not sure if Planning Board was able to say we can remove it
426 because existing. No human impact, not realistic.

427

428 Mr. Brown asked from condition today, removing weir would have more impact than
429 repairing?

430

431 Mr. Jacobs stated can't say for sure but would change drastically.

432

433 Mr. Sharples stated items in Conservation Commission recommendation have been
434 addressed.

435

436 Marc Jacobs spoke to every issue in letter, addressed all.

437

438 Mr. Sharples agreed everything has been addressed.

439

440 Chair Plumer advised review of functional assessment.

441

442 Attorney Tim Phoenix stated need direction, don't think necessary.

443

444 Mr. Cameron asked what asking to review?

445

446 Mr. Gray asked what contradictions besides eel?

447

448 Mr. Reimer stated several memos addressing issues and critiquing.

449

450 Mr. Sharples advised only regarding wetland functional values, take discretion, still
451 would have to go to State and come back, focus on functions and values.

452

453 Mr. Jacobs stated still very broad, removal of weir.

454

455 Mr. Sharples advised hardship irrelevant.

456

457 Mr. Gray stated applicants have right to build on property. There is nothing we can
458 do to satisfy everyone. Not backtracking for third-party review.

459

460 Mr. Sharples stated limited to all about crossing. Alternate plan to use existing bridge
461 and compare and looking at function and values, need to look into Board authorizing
462 on removing weir. Concern that condition allowed eel to pass.

463

464 Mr. Brown stated applicant could allow eel to pass with rebuilding.

465

466 Mr. Sharples asked if there were other conditions for plan revisions?

467 Mrs. Corson stated not enough detail on where spring is. Concerned with tree
468 waiver.

469
470 Ms. English asked mark tree on plan?

471
472 Mr. Brown stated not plan revision, more condition of approval.

473
474 ***Mr. Cameron motioned to confirm authorization of third-party review on Town***
475 ***Planner's scope as described (with alternate crossing investigation along with***
476 ***functions and values of each plan). Ms. English seconded the motion. With 4 in***
477 ***favor: Mr. Cameron, Ms. English, Mrs. Corson and Mr. Grueter and 3 opposed:***
478 ***Chair Plumer, Mr. Gray and Mr. Brown, so moved.***

479
480 ***Ms. English motioned to continue until November 15, 2018. Mr. Cameron***
481 ***seconded the motion, with all in favor, so moved.***

482
483 • **Announcements**

484
485 **4. APPROVAL OF MINUTES:**

486
487 **August 23, 2018 – Tabled**

488
489 **September 19, 2018 Site Walk - Tabled**

490
491 **September 20, 2018 - Tabled**

492
493 **September 27, 2018 – Tabled**

494
495 **5. CHAIRPERSON'S ITEMS**

496
497 **6. PB REPRESENTATIVES REPORT ON "OTHER COMMITTEE" ACTIVITY**

498
499 **7. ADJOURNMENT**

500 ***Mr. Grueter motioned to adjourn the meeting at 11:17 pm. Mr. Brown seconded the***
501 ***motion, with all in favor, so moved.***

502 Respectfully submitted,

503
504
505 Daniel Hoijer
506 Recording Secretary