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**TOWN OF EXETER
PLANNING BOARD
APPROVED MINUTES
January 10, 2019**

1. **CALL TO ORDER:** Session was called to order at 7:01 pm by Chair Plumer.

2. **INTRODUCTIONS**

Members Present: Chair Langdon Plumer, Pete Cameron – Clerk, Aaron Brown, Gwen English, John Grueter, Kathy Corson – Select Board, Kelly Bergeron, and Jennifer Martel – Alternate.

Staff Present: Dave Sharples, Town Planner, Kristen Murphy, Natural Resource Planner

3. **OTHER BUSINESS**

Proposed Zoning Amendments

At the December 6, 2018 meeting, Mr. Sharples provided drafts of potential amendments to be reviewed, which were publicly noticed on December 7, 2018. *Copies of the full text of the proposed amendments are available in the Planning Office.*

- Article 2, Section 2.2 Definitions
- Article 9, Section 9.2 Aquifer Protection District Ordinance
- Article 9, Section 9.3 Exeter Shoreland Protection District Ordinance
- Article 3, Section 3.2 Zoning Map
- Article 4, Section 4.2, Schedule I: Permitted Uses

TO AMEND:

- Article 2, Section 2.2 Definitions **by deleting “2.2.30 Fertilizer” in its entirety.** *(Definition to be added to applicable district regulations).*
- Article 9, Section 9.2 Aquifer Protection District Ordinance **by deleting in its entirety and replacing subsection 9.2.3K.12 (Use of Fertilizer) and amend subsection 9.2.4 Definitions by adding a definition for “fertilizer.”**
- Article 9, Section 9.3 Exeter Shoreland Protection District Ordinance **by deleting in its entirety and replacing subsection 9.3.4 F.12 (Use of Fertilizer) and amend subsection 9.3.2 Definitions by adding a definition for “fertilizer.”**
- Article 3, Section 3.2 Zoning Map **by changing the zoning district designation of the existing PP-Professional/Technology Park district to CT-Corporate Technology Park.**

- Article 4, Section 4.2, Schedule I: Permitted Uses **by deleting “Assisted Living Facility” as a permitted use in the C-3, Epping Road Highway zoning district.**

Mr. Sharples advised there will be five (5) Public Hearings, the first three regarding fertilizer, are proposed amendments to **Article 2, Section 2.2, Article 9, Section 9.2 and Article 9, Section 9.3**, are connected and will require one (1) Warrant Article.

The Planning Board voted at the First Public Hearing on December 20, 2018 to move forward Article 2, Section 2.2, Article 9, Section 9.2, Article 9, Section 9.3 and Article 4, Section 4.2.

Article 9, Section 9.3 Exeter Shoreland Protection District Ordinance, subsection 9.3.4. Use Regulations by revising the definition of **“B. Maximum Lot Coverage”** and Article 3, Section 3.2 Zoning Map by changing the zoning district designation of the existing PP - Professional Technology Park district to CT – Corporate Technology Park (continued public hearing) were continued to this 2nd Public Hearing.

Ms. Bergeron moved to open the hearing to the public at 7:02 pm. Ms. Corson seconded the motion, with all in favor, so moved. Approved 7-0.

Mr. Sharples advised as requested by the Board, the Planning office has notified the property owners of those parcels located in the PP-Professional Technology Park zoning district as well as the abutting property owners to those parcels of the proposed amendment to change the zoning district designation from PP-Professional Technology park to CT-Corporate Technology Park. Included in the letter were copies of Mr. Sharples memorandum and the accompanying map.

Mr. Sharples advised the 1st Amendment is regarding the definition of maximum lot coverage.

Ms. Murphy, the Natural Resource Planner stated that amending Article 9, Section 9.3, Subsection 9.3.4 B relates to impervious cover, proposing to remove “adjacent to” to refer to the entire Shoreland Protection District boundary so it applies to all areas within the district. Historically this has been applied to all areas within the Shoreland Protection District.

Ms. Bergeron moved that zoning amendment Article 9, Section 9.3, Subsection 9.3.4 B be moved forward to the March warrant to be adopted. Mr. Brown seconded the motion, with all in favor, so moved. Approved 7-0.

Mr. Sharples advised the proposed amendment of **Article 3, Section 3.2** would change PP-Professional/Technology Park district to CT-Corporate Technology Park.

Mr. Sharples advised currently there is only one of each district. Change would permit some additional uses. The main changes are permitting hotels and light industry and prohibiting prototype production. CT allows more retail space, amusement centers and medical facilities allowed via special exception.

89 Mrs. Corson asked if remove PP, need zoning amendment? – No, just gets removed.

90

91 Mr. Cameron asked if it would include assisted living facilities? No, those are not
92 allowed in either zone.

93

94 Lou Gargiulo, owner of lots on Holland Ave stated he would love to see this change, this
95 broadens opportunities.

96

97 **Ms. Bergeron moved that zoning amendment Article 3, Section 3.2 be moved**
98 **forward to the March warrant to be adopted. Mr. Brown seconded the motion, with**
99 **all in favor, so moved. Approved 7-0.**

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101 4. NEW BUSINESS

102

103 Public Hearings:

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- 105 • One Home Builders, LLC for a multi-family Site Plan Review for proposed
106 redevelopment including demolition of an existing 5-unit apartment building and the
107 abandoned auto body structures (formerly known as Brad's Auto Body) and
108 construction of nine (9) residential townhouse condominium units, parking and
109 associated site improvements
110 69 Main Street, C-1, Central Area Commercial zoning district
111 Tax Map Parcel #63-255, Case #18-18

112

113 Chair Plumer advised the applicant requested a continuance.

114

115 **Mr. Cameron motioned to table One Home Buildings until February 7, 2019. Ms.**
116 **Bergeron seconded the motion, with all in favor, so moved.**

117

- 118 • Scott Boudreau LLS for a lot-line adjustment of the common boundary between
119 Tax Map Parcel #22-15 (B&M Corporation) and Tax Map Parcel #22-17
120 67 Newfield's Road, RU-Rural zoning district
121 Case #18-19

122

123 Chair Plumer read out loud the public hearing notice.

124

125 Mr. Boudreau indicated that B&M Corp wants to convey Parcel A to Backyard Trust.
126 Chair Plumer asked to show the new boundary line. Mr. Boudreau indicated with the
127 pointer on the map.

128

129 **Ms. English moved that Case #18-19 be approved with the following**
130 **conditions:**

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- 132 • **1. Monumentation shown on plan shall be installed in accordance with**
133 **Section 9.25 of the Site Plan Review and subdivision regulations prior**
134 **to signing final plan; and**

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- **2. DWG file of the subdivision shall be provided to the Town Planner showing all property lines and monumentation, prior to signing final plan. This file must be in NAD 1983 State NH FIPF 2800' coordinates.**

Mrs. Corson seconded the motion, with all in favor, so moved. Approved 7-0.

- Exeter Rose Farm LLC
Open Space Subdivision and associated site improvements and
Review of a Conditional Use Permit (Shoreland Protection)
Oak Street Extension and Forest Street
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, 63-205
Case #17-27

Chair Plumer read out loud the public hearing notice.

Mr. Sharples advised the Board has tabled to reopen public just to go over three items:

- Roseen memo;
- Joan Gallagher letter; and
- Patrick Seekamp peer review.

The applicant submitted additional correspondence relative to the Waterstone Engineering memorandum. Patrick Seekamp is here tonight. Mr. Sharples emailed letter to Board regarding Joan Gallagher letter and provided Roseen memorandum in their packets. In her follow-up letter, which Mr. Sharples read out loud, Mrs. Gallagher stated that Rose Farm has satisfied requests, addressed prior and withdrawn concerns and has no further objections to the plan.

Chair Plumer recommended starting with Mr. Seekamp and reminded to focus on limited purposes.

Mr. Cameron asked if there were other comments with respect to that intersection? Did those problems go away? Mr. Sharples stated the prior testimony remains, Mrs. Gallagher has only withdrawn her comments.

Patrick Seekamp stated he has prepared peer review with respect to the functional evaluation as well as looking at the alternative crossing, wetland resource areas associated, as well as walking the area of alternative access. Systems that were evaluated were consistent with each other. Two crossings very close to each other, are tough to compare when part of the same system. The main primary crossing has a dam in disrepair, use large box culvert. Looked at proposed size of box. Agree that dimensions are good Purpose is that still have wetland "beach" area for animals to cross. Looked at alignment of roadway perpendicular to wetland boundary. Trying to minimize footprint. Employing walls to do this. Like wall design. Have stormwater management units that will be needed. Substantially agree with parameters of Marc

177 Jacob's evaluation. Concern that additional considerations be taken for future wildlife
178 activity. What designed should accommodate but can't see what will happen in future.

179 Ms. English asked about Oak Street and box culvert. Mr. Seekamp stated just talking
180 about main crossing now.

181 Alternative to land on Oak Street Ext., 10-12A wide, wetlands associated with Norris
182 Brook, beaver dam upstream of culvert, not sure how many beavers have taken up
183 residence there now. That culvert would need better design. Did not have conceptual
184 design on impact on Oak Street resulting in roadway more parallel to wetland than main
185 crossing contact face against wetlands is problematic (more when parallel in this case).
186 Would have to revise that roadway. Unsure what would happen with stormwater
187 management units in this area, impounded are between two crossing options would
188 need second culvert for this alternative which would essentially create two crossings.

189 #1 American Eel in system. Didn't see evidence of eel. Unclear where that photograph
190 was taken. Tributary possibly provided habitat for them. Provide consideration if eel is
191 part of system. Consider coordinating with Fish and Game on that. Don't know what
192 between railroad culvert and lip by Swasey Parkway. System could support eel
193 population. Fair amount of cutting to do at slope for grade requirement at Oak Street.
194 Soil type there greasy. Tight erosion controls needed. Top soil pulled off soil. Best not
195 to have a lot of that in runoff. Have someone specialized in erosions look at.

196 Ms. English asked if 2nd box passage mentioned for Norris Brook? Beavers likely will
197 make way back to impoundment. Don't know how much the beavers could build.
198 Impounded water under box if that happens and prohibit certain wildlife movement.
199 Secondary box in event that becomes impound area, only plan for future.

200 Ms. English asked few wetland appearances on site walk not on map. Did you notice
201 those? Noticed a small stream behind existing house, feet of impact need be
202 accommodated for. Did not see extra wetlands.

203 Ms. English asked about the Oak Street culvert and leaning toward a certain design to
204 accommodate wildlife? Warrants similar box culvert there. Same considerations there.
205 Portions of roadway close to being inundated because of beaver dam.

206 Ms. English asked about erosion of streams, can things be done post construction? The
207 quicker seeded and stabilized the better.

208 Ms. English asked if it would be hard to plant in? Fertile land, just tough textured.

209 Stormwater management plan is important to be maintained, buffers, etc.

210 Chair Plumer opened the hearing to the public at 8:12 pm for questions concerning Mr.
211 Seekamp's report.

212 A resident who identified herself of 3 Salem Street wished to raise concerns about the
213 increase of her electric bill. Chair Plumer reminded those speaking this was limited
214 public and she was out of order.

215 Pete Steckler, 4 Locust Ave stated identified critical points in developer's report. No fish
216 observed in evaluation. Agree with team's conclusion that fish and shellfish not primary

217 function of wetland complex at Norris Brook. If agree, then should deny CUP. Consider
218 quality of wetlands impact or quantity. #4 would be classified as major impact. Widening
219 Oak Street would add to wetland impact. #5 should support restoration of existing
220 streams. Alternative project minimum impact, perhaps minor with upgrades to Oak
221 Street. If this new stream was found, could there be other unmapped wetlands on the
222 site? If answers don't meet requirements, then should deny.

223 Marc Jacobs stated some points questionable.

224 Mr. Seekamp stated as far as fish and shellfish, assume credible sighting but never saw
225 presence of eels. Looked at ability to support eels, did not see Brook Trout. Not terribly
226 viable Brook Trout habitat. Most likely little to none. Standards designed to
227 accommodate these animals (fish and others). Don't think major effect on fish. Did
228 consider quality. Almost identical systems. Likely equal quality. Have to consider all
229 impacts in design. Wasn't specific design on alternative so hard to address. Prefer one
230 stream impact over two. Either way will fragment habitat. Have provided ability to
231 preserve habitats and movement. Don't know what alternate design requires. With
232 changes, alternate could become major impact or greater. Both crossing stream.
233 Alternate would have some concerns. Assessed primarily road stream crossing. What I
234 was asked to do. Can't answer #7 because did not go that far on site. Channel was
235 shown on plans, not missed. Only questioned it. Area was calculated. Mr. Jacobs is
236 certified as an I. I trust his work.

237 Chair Plumer asked if Mr. Seekamp had scope for request?

238 Mr. Sharples stated correct, biggest question was comparing two crossings.

239 Mr. Jacobs stated we have acknowledged and accepted that eel is using stream.
240 Working with Fish and Game to accommodate passage. Fish and Game required
241 project and has no concerns as of now. Can be approved as long as meets
242 requirement. Had accommodated for stream in impact, calculations. Stream noted on
243 plan and accounted for in calculations. Conservation Commission did not raise those
244 issues.

245 Todd Piscovitz 22 Forest Street stated the discussion in November was great. Talk of
246 upgrading road and culvert. Talked of upgrading stormwater. May make more sense to
247 just upgrade the existing crossing a little bit more and not build new one. Concern of
248 impacting large trees.

249 Mr. Seekamp stated he could not comment, he did not find the Oak Street Extension
250 area as degraded as Todd said, the unnamed wide tributary is flowing.

251 Mr. Sharples added the tributary has been identified as a perennial stream.

252 Mr. Seekamp stated two streams with one crossing with well-designed culvert.

253 Mark West stated it is not clear how much impact is temporary versus permanent. Don't
254 even know where stormwater will go in alternate plan. In experience DES always
255 recommends using existing crossing rather than building new one. Don't want to further
256 impact. Heavily forested, existing impact would be better than disturbing a new area.
257 Was intermittent channel flagged and shown as wetland? Jurisdictional or not?

258 Mr. Jacobs stated did not flag because worked with surveyor, was not missed.
259 Chair Plumer asked if this is a common practice – yes.
260 Mr. Sharples added confirm is on plans and marked as jurisdictional wetland.
261 Jack McTigue of MSC Engineers stated not fully designed yet, just roadway itself had
262 more impact alone than primary, not sure what would put stormwater on alternate plan,
263 more accesses on primary crossing.
264 Mr. Seekamp stated we had every opportunity to look at both crossings. Fairly similar in
265 value. Could only base assumptions on crossing that would utilize existing culvert. Did
266 not suggest stormwater in wetland.
267 Attorney Tim Phoenix stated that before review was asked for there was a good amount
268 of input. Mr. Seekamp's job was based around that input. He has remained steadfast in
269 his agreement and has been very consistent.
270 Mr. Steckler stated there is a misinterpretation in evaluation. Downstream is whole span
271 from railroad to Oak Street.
272 Chair Plumer asked if from railroad to Oak Street part of scope?
273 Mr. Sharples stated no.
274 Mr. Seekamp stated look at whole system but focused on immediate area of impact.
275 Looked upstream and downstream. Considered whole system to assess wildlife
276 movement, etc.
277 Chair Plumer closed the portion of the hearing to the public at 9:15 pm concerning Mr.
278 Seekamp's report and focused on Charges of Misinterpretation and Mischaracterization
279 as contained in the Roseen November 27, 2018 memorandum.
280 Corey Coldwell addressed the technical memorandum from Mr. Roseen of Waterstone
281 Engineering. Read written communication between MSC and staff contrary to
282 memorandum. Claimed we misrepresented role in AOT for infiltrate downstream. Was
283 in form of waiver. Infiltration need to be considered for future projects. Second claim
284 was that we Incorrectly stated AOT's position for need of infiltration waiver. Site does
285 not seem very suitable for infiltration PMP's according to AOT. Third claim was we
286 incorrectly stated concerning waiver for channel protection and value reduction
287 misrepresented. All communication documented. Provides no benefits to misrepresent
288 AOT's position, would jeopardize project.
289 Mr. Cameron stated concerned with interjecting those terms into meeting.
290 Robert Roseen stated not about AOT permit or gravel wetland, issue is how team
291 mischaracterized decisions based on supposed conversation with AOT. AOT would
292 never assert something is warranted without review. Conservation Commission
293 asserted re-infiltration was for future projects. AOT does not deal with future projects.
294 AOT claims waiver would likely not be granted. Easiest soils to infiltrate in only make up
295 25% of project. Increased runoff volume, erosion, must create impact for wildlife habitat

296 as result. Significant changes will be increased runoff volume will dry streams out if not
297 infiltrated.

298 Ms. Bergeron stated want to see misrepresentations.

299 Mr. Cameron added, more concerned with specific wording.

300 Mr. Roseen stated team communicated findings that AOT indicated something is
301 warranted. Cannot warrant.

302 Chair Plumer indicated part of discussion prior to decision.

303 Mr. Roseen continued, AOT responded that it was not fully reviewed and finalized.

304 Ms. English stated sounds like applicant said was thoroughly reviewed when it wasn't.

305 Chair Plumer stated and cannot more forward until AOT approval.

306 Mr. Cameron stated he was more troubled by accusation. Not convinced that they
307 misrepresented something.

308 Mr. Sharples added that he had contacted Bethanne at AOT who reiterated what she
309 told him (Mr. Sharples). Had informal conversations but looked at it more carefully. So it
310 is appropriate to have waiver here, knowing details, but not with full plan in front of her.

311 Mr. Grueter asked if that would not change AOT's position?

312 Mr. Roseen stated correct.

313 Ms. English asked 7.2% increase in runoff off does not seem like it will pass with AOT.

314 Mr. Roseen stated basis for wetland waiver, is impacting wildlife habitat. AOT will
315 manage but should be considered by Planning as well.

316 Ms. English asked in elevating foundations, how much runoff can be eliminated?

317 Mr. Roseen stated can manage all of rooftop runoff. Ideal because road runoff has
318 nitrogen and that is managed by gravel wetlands.

319 Ms. English asked if anything around house was managed?

320 Mr. Roseen stated gutters, drip edge, etc.

321 Mr. McTigue of MSC. stated 7.2% increase on side. Other water sources feeding brook.
322 Checked flow of brook. Only 1% increase in brook flow. 7% increase on site flow. Had
323 many meetings and phone calls with Bethanne at AOT about this. Robert Roseen had
324 not contacted her outside of asking for communications.

325 Mr. Sharples stated Mr. Seekamp can still talk about this, just not the previous topic.

326 Mr. Cameron stated he had trouble with the timing of the allegations.

327 Corey Coldwell stated doesn't dispute that Mr. Roseen quoted email. Was very early in
328 discussion. More details discussed and AOT still asserted that waiver was warranted.
329 Agreed that we summarized her thoughts, not misrepresentations.

330 Chair Plumer closed the hearing to the public at 9:53 pm, on all matters and entered
331 deliberations.

332 Mr. Brown stated he believed that approach was a back-door way to give more
333 testimony.

334 Chair Plumer stated to ask questions for clarity?

335 Mr. Sharples advised keep focus on what reopened public for.

336 Ms. English stated she had a few more questions. Mr. Sharples advised generally
337 supposed to ask all questions and then close. Clarification should be clear. I can try to
338 answer questions without reopening, will not end.

339 Mr. Cameron reminded it was reopened for three things only. 1 was withdrawn. If
340 finished, then keep with Board.

341 Ms. English asked about the status of 3G in culvert?

342 Mr. Sharples stated evaluation done, looked okay. But more inspection necessary.
343 Looks collapsed. Not even functional at culvert right now. Wrote condition of approval
344 to address analyzes further and needed repairs.

345 Ms. English asked if a box culvert is the preferred design?

346 Mr. Brown stated it should be engineered regardless.

347 Mr. Sharples advised is a lot more to it as well. Would function better if functioning as 36
348 in. culvert. May be functioning as 12" culvert in current condition. Certain rules trigger
349 for repair and certain rules trigger for box culvert construction.

350 Mr. Brown stated concern is that if reviewed and not good solution, more appropriate
351 solution be installed. Trying to leave that area alone.

352 Mrs. Corson stated make sure functioning at its best to support at emergency exit.

353 Mr. Brown stated may be redone and revised.

354 Chair Plumer stated whatever way of restoring.

355 Mr. Sharples recommended adding in to consider open box culvert and then look into it
356 after. Replacing may be better for impact.

357 Ms. English recommended installing trash rack on 36 in. culvert, cleaning works well.

358 Mr. Sharples advised if Board feels should be installed then have them install.

359 Chair Plumer stated if install box culvert, trash rack may not be appropriate device here.

360 Mr. Sharples stated if trigger any new CUP will come back to Board for review if extend
361 further into what was approved.

362 Ms. Martel asked who would clean the trash rack? – The Homeowner's Association.

363 Ms. Martel recommended putting in writing that the Homeowner's Association does.

- 364 Ms. English asked about street lighting at back of cul-de-sac.
- 365 Mrs. Corson asked if that was owned by the Homeowner's Association.
- 366 Mr. Sharples advised it is owned by the Town in right-of-way. DPW had say in where
367 they wanted. Don't know if DPW wants them there.
- 368 Mrs. Corson stated three lights don't match lights from Town are tougher to maintain.
- 369 Mr. Sharples advised most street lights are wooden poles with arms and LED fixtures
370 will be swapped out.
- 371 Mr. Brown recommended if change from what the Town has, then neighborhood should
372 take care of.
- 373 Mr. Sharples recommended making lights the responsibility of the Homeowner's
374 Association unless move to Until maintained fixtures.
- 375 Ms. English asked about the artificial circulation in the pond. Systems that have twelve-
376 hour timer so bats can feed at night. Wildlife enhancement efforts. Don't know who
377 advises locations of bat houses.
- 378 Chair Plumer stated Fish & Game will have bird houses and bat houses located in
379 consultation with Natural Resource Planner.
- 380 Ms. English asked about best management practice of invasives.
- 381 Mr. Jacobs stated they will be managed according to DOT.
- 382 Ms. English asked about the gate on Oak Street extension. There should be signage
383 somewhere to keep from having to turn around. Mr. Sharples advised signage was
384 added in towards beginning.
- 385 Ms. English asked if the footbridge was satisfactory – yes.
- 386 Ms. English asked if any more discussion/inspection concerning Maura Fay's home.
- 387 Mr. Sharples advised offered to perform structure inspection before and after
388 construction, uncommon practices.
- 389 Mr. Cameron stated more concerned with impact on neighborhood with construction
390 vehicles. Consider condition that applicant put letter of credit in case damage occurs to
391 street.
- 392 Mr. Sharples advised there is money in CIP to reconstruct roads. Applicant provide
393 letter with sum agreed upon by Town Engineer in case of damage.
- 394 Mr. Cameron stated concerned with heavy equipment going in at the beginning of Oak
395 Street Extension. They will need to bring everything up that road.
- 396 Mr. Sharples advised don't even have a contractor yet, condition seem fair?
- 397 Mr. Brown – yes.
- 398 Ms. English asked in regard to Mrs. Gallagher's letter, changing anything further?

399 Mr. Sharples advised nothing changing. Wanted them to move sidewalk.

400 Mr. Cameron stated still issues to be had with that.

401 Mr. Sharples advised it is up to Board to decide. Right now, is off Mrs. Gallagher's side.

402 Waivers:

403 Dead-end Street/Cul-De-Sacs

404 **Mr. Brown moved that request of Exeter Rose Farm, Case #17-27 for waiver**
405 **regarding dead-end street, from Section 9.17.2 of the Site Plan Review and**
406 **Subdivision Regulations regarding street length be approved. Mrs. Corson**
407 **seconded the motion.**

408 Discussion:

409 Mr. Brown stated Mr. Sharples did research. 82 cul-de-sacs, 46 greater than 650', 29
410 are greater than 1000', 19 are greater than 1200'. Not all got waiver. Live on one,
411 hasn't been an issue. Reduces wetland impact.

412 Mrs. Corson stated if there is a cul-de-sac because of what we asked them to do,
413 otherwise would have been a lot more roadway with a loop road.

414 Ms. English stated she was not in support. Having a road that is almost 2400' feet long,
415 in an area prone to flooding. Worry about safety aspect.

416 Mr. Sharples advised when vote to grant review the criteria and point out specifics if
417 deny. The criteria were 1) not detrimental to public; 2) unique to property; 3) hardship to
418 owner; 4) intent or ordinance; and 5) not vary provisions of Master Plan.

419 **Voting in favor were: Chair Plumer – aye; Mr. Cameron – aye; Mr. Brown – aye;**
420 **Mr. Grueter – aye; Mrs. Corson – aye and Ms. Bergeron - aye. Opposed were Ms.**
421 **English - nay. Approved 6-1, motion carries.**

422 Significant Trees (16-inches diameter (caliper) or greater

423 **Mr. Brown moved to approve the request of Exeter Rose Farm LLC, Planning**
424 **Board Case #17-27 for a waiver from Article 7.4.7 of the Site Plan Review and**
425 **Subdivision Regulation regarding identifying significant trees, 16" in diameter**
426 **(caliper) or greater, under the five criteria. Ms. Bergeron seconded the motion.**

427 Discussion:

428 Ms. Martel stated it is never a good practice to grant this waiver. Those types of trees
429 are beneficial to everyone. Mrs. Corson agreed.

430 Mr. Cameron stated will be several hundred trees on property, have to measure every
431 tree? Mr. Sharples advised it is based on the base measurement of tree.

432 **Voting in favor were: Chair Plumer – aye; Mr. Cameron – aye; Mr. Brown – aye;**
433 **Mr. Grueter – aye; and Ms. Bergeron - aye. Opposed were Ms. English – nay; and**
434 **Mrs. Corson - nay. Approved 5-2, motion carries.**

435 High Intensity Soils Survey (HISS) for Existing Site Conditions Plan waiver

436 **Mrs. Corson moved to approve the request of Exeter Rose Farm LLC, Planning**
437 **Board Case #17-27 for waiver from Section 7.4.10 and 7.6.11 of the Site Plan**
438 **Review and Subdivision Regulations to provide high intensity soil survey**
439 **information on the entire site, under the five criteria. Mr. Cameron seconded the**
440 **motion. Voting in favor were: Mr. Grueter – aye, Ms. Bergeron – aye, Mr. Brown –**
441 **aye, Chair Plumer – aye, Mr. Cameron – aye, Mrs. Corson – aye, Ms. English – aye.**
442 **None were opposed. Approved 7-0, motion carries.**

443 Wetland Buffer impact

444 **Mrs. Corson moved under the five criteria to approve the request of Exeter Rose**
445 **Farm LLC, Planning Board Case #17-27 for a waiver from Section 9.9.2 of the Site**
446 **Plan Review and Subdivision Regulations regarding the installation of a portion of**
447 **roadways, driveways and grading within the wetlands setbacks, as presented.**
448 **Ms. Bergeron seconded the motion. Voting in favor were: Chair Plumer – aye, Ms.**
449 **Bergeron – aye, Mr. Brown – aye, Chair Plumer – aye, Ms. Corson – aye, Ms.**
450 **English – aye; Opposed were Mr. Cameron – nay. Approved 6-1, motion carries.**

451 Perimeter Buffer strip

452 **Mrs. Corson moved under the five criteria to approve the request of Exeter Rose**
453 **Farm LLC, Planning Board Case #17-27 for waiver from Section 9.6.1.2 of the Site**
454 **Plan Review and Subdivision Regulations regarding ownership of the perimeter**
455 **(vegetative) buffer. Ms. Bergeron seconded the motion.**

456 Discussion:

457 Mrs. Corson recommended identifying buffer for lots.

458 Mr. Sharples advised it is up to the Board. The first 50 feet not to be disturbed, the next
459 50 feet no buildings. Mrs. Corson stated the first 50 feet not on property. Mr. Brown
460 asked about the back-buffer strips. Mr. Sharples advised this waiver is for ownership not
461 limitations. In Homeowner's documents, it should be permanently marked.

462 **Voting in favor were: Mr. Grueter – aye; Ms. Bergeron – aye; Mr. Brown – aye;**
463 **Chair Plumer – aye; Mrs. Corson – aye; Mr. English – aye. Opposed were: Mr.**
464 **Cameron – nay. Approved 6-1, motion carries.**

465 Shared Driveway

466 **Ms. Bergeron moved to accept the request of Exeter Rose Farm LLC, Planning**
467 **Board Case #17-27 for waiver from Section 9.17.5 of the Site Plan Review and**
468 **Subdivision Regulations regarding shared driveways serving more than two lots,**
469 **under the five criteria. Mr. Brown seconded the motion. Voting in favor were: Mr.**
470 **Cameron – aye; Chair Plumer – aye; Mr. Brown – aye; Ms. Bergeron – aye; Mr.**
471 **Grueter – aye. Opposed were: Ms. English – nay; Mrs. Corson – nay. Approved**
472 **5-2, motion carries.**

473 Ms. English stated she was against the spirit of the shared driveway ordinance.

474 Shoreland Protection District – Use of Fertilizer

475 Mrs. Corson stated need plan from them as condition of waiver.

476 Mr. Sharples stated there is a planting schedule in plans.

477 Mrs. Corson stated in Homeowner’s Association is prohibition, rewrite to reflect new
478 amendment in warrant.

479 **Ms. Bergeron moved to accept under the five criteria the request of Exeter Rose**
480 **Farm LLC, Planning Board Case #17-27 for a waiver from Section 9.3.4.F.12 of the**
481 **Zoning Ordinance regarding the use of fertilizer in the Shoreland Protection**
482 **District. Mr. Grueter seconded the motion. Voting in favor were: Mr. Grueter –**
483 **aye; Ms. Bergeron – aye; Mr. Brown – aye; Chair Plumer – aye; Mr. Cameron – aye;**
484 **Mrs. Corson – aye; Ms. English – aye. None opposed. Approved 7-0, motion**
485 **carries.**

486 Conditional Use Permit, CUP

487 Mr. Jacobs read conditions for CUP & Jurisdiction

488 9.3.4G2A: – not detrimental to water quality;

489 - SPD drawn from edge of wetland buffer not river or stream.

490 9.3.4G2B - no waste water discharged or disposal of toxic waste;

491 - connect to municipality sewer system.

492 9.3.4G2C - no damage to habitats;

493 - lack habitats to affect; does not allow anything and uses open box
494 culvert;

495 9.3.4G2D - complies with regulations in 9.3.4A minimum lot size;

496 - for reasons outlined in Mr. Jacob’s official document outlining criteria in
497 Shoreland Protection District January 29, 2018.

498 **Mr. Cameron moved, after consideration of the five criteria, to accept the**
499 **Shoreland Conditional Use Permit request of Exeter Rose Farm LLC, Planning**
500 **Board Case #17-27. Mr. Grueter seconded the motion. Voting in favor were: Mr.**
501 **Grueter - aye; Ms. Bergeron – aye; Mr. Brown – aye; Chair Plumer – aye; Mr.**
502 **Cameron – aye. Opposed were: Mrs. Corson – nay; and Ms. English – nay.**
503 **Approved 5-2, motion carries.**

504 Final Motion

505 Mr. Sharples read out loud the conditions for approval for the proposed construction of a
506 41-lot open space development and associated site improvements on the above-captioned
507 properties, as presented, subject to the following conditions:

508

- 509 1. A dwg file of the subdivision plan shall be provided to the Town Planner showing all
510 property lines and monumentation prior to signing the final plans. This plan must be in
511 NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.
512
- 513 2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;
514
- 515 3. A preconstruction meeting shall be arranged by the applicant and his contractor with the
516 Town engineer prior to any site work commencing. The following must be submitted for
517 review and approval prior to the preconstruction meeting:
518
- 519 i. The SWPPP (storm water pollution prevention plan), if applicable, be
520 submitted to and reviewed for approval by DPW prior to preconstruction
521 meeting.
 - 522 ii. A project schedule and construction cost estimate.
523
- 524 4. All comments in the Underwood Engineer Inc. review letter dated September 20, 2018
525 and the TRC comment letter dated July 24, 2018 and any subsequent comments as the
526 result of further review shall be addressed to the satisfaction of the Town Planner prior to
527 signing the final plans;
528
- 529 5. The Norris Brook culvert and granite headwall referenced in comment # 17 in the TRC
530 comment letter referenced above shall be further analyzed by a Structural Engineer
531 beyond the initial Drainage Structure Inspection performed by Ross Engineering and
532 dated August 8, 2018 and include design/plans of needed repairs. The analysis and
533 design/plans shall consider an open box culvert and shall be equipped with a trash rack.
534 The design/plans shall be submitted to the Town Engineer for review and approval prior
535 to signing the final plans. The granite headwall shall have a “rock ramp” or similar
536 structure to allow the passage of American eels. The Applicant shall consult with New
537 Hampshire Fish and Game Fisheries Biologists regarding the final design of the “rock
538 ramp” or similar structure intended to improve on and allow for the passage of American
539 Eels into the upper Norris Brook watershed;
540
- 541 6. All appropriate fees to be paid including but not limited to: sewer/water connection fees,
542 impact fees, and inspection fees(including third party inspections), prior to the issuance
543 of a building permit or a Certificate of Occupancy whichever is applicable;
544
- 545 7. The final plans shall show and note an easement to access and maintain the portions of
546 the retaining wall (associated with the proposed public roadway shown as Rose Farm
547 Lane) that are outside the 50’ right-of-way in the event the Select Board accepts the
548 proposed public roadway;
549
- 550 8. The Stormwater Management System Operation and Maintenance Plan Log Sheet in the
551 Stormwater Management System Operation and Maintenance Plan dated September 26,
552 2017 and last revised on August 31, 2018 shall be submitted to the Town Engineer
553 annually on or before January 31st. This requirement shall be an ongoing condition of

554 approval and noted in the Home Owner's Association by-laws and Declaration where
555 appropriate;

556

557 9. All applicable State permit approval numbers shall be noted on the final plans. This shall
558 include the Remedial Action Plan regarding the clean-up of the site;

559

560 10. The culvert, closest to the jailhouse spring on the southerly end of Oak St Ext shall be
561 inspected and repaired subject to the review and approval of the Town Engineer;

562

563 11. All condominium documents (including the Declaration and By-laws) shall be submitted
564 to the Town Planner for review and approval prior to signing the final plans. In the event
565 the Town Planner deems that review is needed by the Town attorney, this review shall be
566 at the applicant's expense;

567

568 12. The Oak Street Extension Maintenance Agreement (the Agreement) shall be reviewed
569 and approved by the Town Planner prior to signing the final plans. The Agreement will
570 include language designating the Homeowner's Association being responsible for
571 maintaining all utilities within the private roadway. The Agreement shall also include
572 language that the gate on Oak St Extension shall remained locked at all times except for
573 emergency access and the roadway shall be kept clear at all times for emergency access
574 use. In the event the Town Planner deems that review is needed by the Town attorney,
575 this review shall be at the applicant's expense;

576

577 13. As proposed by the applicant on page 2 of their cover letter dated October 1, 2018, the
578 Exeter Rose Farm, LLC, agrees to perform structural engineering inspections of the
579 foundation of Maura Fay's house pre and post construction;

580

581 14. The limit of cut/disturbance shall be flagged in the field prior to any site work and these
582 flags shall be maintained until a Certificate of occupancy is issued;

583

584 15. As proposed by the applicant, the access drives off the proposed public way shall remain
585 private and all future maintenance shall be the responsibility of the Homeowner's
586 Association and this condition shall be noted on the final subdivision plan and included in
587 the applicable homeowners association documents;

588

589 16. If determined applicable by the Exeter Department of Public Works, the applicant shall
590 submit the land use and stormwater management information about the project using the
591 PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal
592 must be accepted by DPW prior to the pre-construction meeting;

593

594 17. The applicant shall provide oversight for the project during construction by an
595 environmental monitor experienced in erosion control and slope stabilization with
596 particular emphasis on active construction activities in and around wetland buffer areas.
597 The Environmental Monitor shall be available and responsible or oversight of erosion
598 controls during periods of active wetland filling and crossing construction events to
599 identify and quickly remedy erosion control needs, repairs or upgrades during subdivision

600 construction until significant crossing and slope stabilization has been achieved. The
601 name and background of the environmental monitor shall be supplied at the
602 preconstruction meeting to insure the firm/person hired satisfies this condition;
603

604 18. The applicant shall submit proposed names of the private access drives and proposed
605 public way to the E911 Committee for review in accordance with Town Ordinance
606 Chapter 14. The street name shall be adopted prior to the issuance of a Certificate of
607 Occupancy for any units;
608

609 19. All designated affordable units shall be identified in the Home Owners Association
610 Declaration and by-laws and these documents shall include language regarding the sale
611 and rental of the units consistent with this approval and Section 7.7.1 in Article 7 of the
612 Town of Exeter Zoning Ordinance as amended through March 2016. The deeds for the
613 designated affordable units shall be submitted to the Town Planner for review and
614 approval prior to signing the final plans. In the event the Town Planner deems that
615 review is needed by the Town attorney, this review shall be at the applicant's expense.
616 The sale of any designated affordable unit shall require a transfer certificate issued by an
617 independent management company and signed by the Code Enforcement Officer prior to
618 the sale of any designated affordable unit. The transfer certificate shall be in a form
619 approved by the Town Planner to insure it is consistent with this approval. No transfer
620 certificate shall be unreasonably delayed, conditioned, or denied by the Code
621 Enforcement Officer after receipt of the approved certificate from the independent
622 management company. Renting of any of the designated affordable units shall be capped
623 at 100% of the Fair Market Rent (FMR) area Western Rockingham County, NH HUD
624 Metro FMR Area or comparable source as approved by the Town Planner. A rental
625 certificate shall be issued by an independent management company and signed by the
626 Code Enforcement Officer prior to the rental of any designated affordable unit. The
627 rental certificate shall be in a form approved by the Town Planner to insure it is
628 consistent with this approval. No rental certificate shall be unreasonably delayed,
629 conditioned, or denied by the Code Enforcement Officer after receipt of the approved
630 certificate from the independent management company;
631

632 20. If an identification sign for the development is installed in the sign easement shown at the
633 intersection of Forest and Wadleigh Streets, it should be included in the HOA documents
634 in addition to being mentioned in Note 39 on the subdivision plan. The documents
635 should include language that the Town will not be held liable for any damage to sign and
636 recommends that the Select Board require a liability waiver if they accept the proposed
637 public way;
638

639 21. Assurances for completion of all proposed public improvements shall be provided in
640 accordance with Section 12 of the Site Plan Review and Subdivision Regulations prior to
641 any site work;
642

643 22. A maintenance guarantee in accordance with Section 12.3.1 of the Site Plan Review and
644 Subdivision Regulations shall be provided. This guarantee shall run for a period of two
645 years from the date of acceptance of the roadway;

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23. All site clean-up, in accordance with an approved remedial action plan, shall be completed prior to the issuance of a certificate of occupancy (C/O) for any dwelling unit or structure. One C/O may be given, prior to clean-up, on one of the lots along the proposed public roadway prior to the crossing of Norris Brook. This condition is to allow a home to be built and occupied by Joan and Benjamin Dagostino to replace their existing home that is being removed;
24. The 6.31 acre open space parcel shall be deeded to the Town in accordance with the Exeter Conservation Commission's vote to accept this parcel for conservation. This shall be completed prior to the issuance of a building permit for any dwelling unit or structure;
25. All recreation areas shall be developed in accordance with the plan set with the last revision date of 11/5/18. The final plans shall remove the word (Conceptual) on plan sheets L1 and L3;
26. The street light in the cul-de-sac shall be moved to the start of the cul-de-sac subject to the review and approval of the Exeter DPW. The streets' lights shall be behind the meter and be the responsibility of the Homeowner's Association unless they utilize a Unitil-maintained fixture;
27. An aeration system shall be installed within Rec Area 3 and will be on a timer to automatically shut down during times when bats are active;
28. Bird houses and bat houses shall be installed in consultation with the Natural Resource Planner;
29. Signage shall be provided on Oak Street Extension with language that discourages cars from driving down to gate unless in emergencies;
30. The Applicant shall provide an Irrevocable Letter of Credit in an amount agreed upon by the Town Engineer, to provide security to repair any damage to adjacent public roadways due to the development of this subdivision; and
31. The conditions set forth in the e-mail from Kim Tuttle, dated October 26, 2018, shall be satisfied.

Ms. Bergeron moved to approve the request of Exeter Rose Farm LLC, Planning Board Case #17-27 for Subdivision approval, with the conditions as read. Mr. Grueter seconded the motion. Voting in favor were: Mr. Grueter – aye; Ms. Bergeron – aye; Mr. Brown – aye; Chair Plumer – aye; Mrs. Corson – aye. Opposed were: Mr. Cameron – nay; Ms. English – nay. Approved 5-2, motion carries.

689 Mr. Sharples advised the Homeowner's Association has the key to the gate at Oak
690 Street.

691 Ms. English asked about training construction personnel about wildlife. (October 26,
692 2018 NH Wildlife).

693 Mr. Sharples advised can add to conditions.

694 Ms. English added flagging trees that remain.

695 Mr. Sharples advised part of one of the conditions.

696

697 **5. TOWN PLANNER'S ITEMS**

698

699 Field Modifications

700

701 Announcements

702

703 **6. APPROVAL OF MINUTES:**

704

705 **August 23, 2018 – Tabled**

706

707 **September 19, 2018 Site Walk - Tabled**

708

709 **September 20, 2018 - Tabled**

710

711 **September 27, 2018 – Tabled**

712

713 **October 11, 2018 – Tabled**

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715 **October 25, 2018 – Tabled**

716

717 **November 15, 2018 – Tabled**

718

719 **December 6, 2018 - Tabled**

720

721 **December 20, 2018 - Tabled**

722

723 Chair Plumer advised there will be a meeting on January 31st to go over the minutes and
724 review a case. Mr. Sharples added can see if can split between the January 24th.

725

726 **7. CHAIRPERSON'S ITEMS**

727

728 Nomination/Election of Vice Chairperson - Tabled

729

729 **8. PB REPRESENTATIVES REPORT ON "OTHER COMMITTEE" ACTIVITY**

730

731 **9. ADJOURNMENT**

732 ***Ms. Bergeron motioned to adjourn the meeting at 11:58 pm. Mr. Cameron***
733 ***seconded the motion, with all in favor, so moved.***

734

735 Respectfully submitted,

736

737

738 Daniel Hoijer

739 Recording Secretary