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**TOWN OF EXETER  
PLANNING BOARD  
DRAFT MINUTES  
NOVEMBER 15, 2018**

6 **1. CALL TO ORDER:** Session was called to order at 7:00 pm by Chair Plumer.

7  
8 **INTRODUCTIONS**

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

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

13 Chair Plumer indicated that Alternate, John Grueter would be active tonight.

14 **2. Public Hearings:**

- 15  
16 1. Continuance of Exeter Rose Farm, LLC  
17 Open Space Subdivision and associated site improvements  
18 Review of Condition Use Permit (Shoreland Protection)  
19 Oak Street Extension and Forest Street  
20 R-1 Low Density Residential, R-2 Single Family Residential and  
21 R-4 Multi-Family Zoning Districts  
22 Tax Map Parcels: #54-5, #54-6, #54-7, #63-205  
23 Case #17-27

24 Chair Plumer read out loud the Public Notice.

25 Mr. Sharples noted the applicant had third-party review on October 11, 2018. The  
26 contract with Seecamp Environmental Consultants is enclosed. Mr. Sharples stated that  
27 he expected Patrick to be here tonight.

28 Mr. Sharples went on the site walk. Some beaver activity was noted above Oak Street  
29 Extension and there were concerns they would come back and flood the area. Have  
30 permits to deal with beaver situation.

31 Ms. English asked about the dry culvert. Mr. Sharples advised for animal passage.

32 Mr. Sharples discussed Fish & Game's findings regarding the presence of eel, fine  
33 sediments and erosion control.

34 Mr. Sharples advised the applicant has updated materials on November 5, 2018. The  
35 applicant has addressed the widening to 18' of Oak Street, the five units, landscaping for  
36 the recreation areas and has moved the sidewalk to a mid-block crossing without  
37 signalization, stop sign or traffic light. Mr. Sharples consulted DPW who prefer sidewalk  
38 where it was rather than a mid-block crossing.

39 The utility lines have been adjusted from the Gallagher property.

40 The applicant asked for a waiver with cul-de-sac length at the Board's request.

41 Included a response from technical letter from Rosine dated October 15, 2018.

42 The significant trees were identified on the plan but still require a waiver.

43 Mr. Colwell with MSC TF Moran presented that he was here with Brenda Kolbow, Keith  
44 Pattison, Todd Baker, Attorney Tim Phoenix, Marc Jacobs and Ms. Tanguay.

45 Mr. Colwell thanked the Board for the thoughtful review. Mr. Colwell stated he presented  
46 a revised plan after hearing from abutter's concerns last month.

47 First, upgraded Oak Street Extension to 18' wide because the Board felt it was too  
48 narrow. It remains private. Reference C-19, C-20, C-24, C-30 and C31. Utilities  
49 shown on C35-37.

50 Provided a detailed Multi-Family Site Plan (C-70) and Landscaping (L-3). The five-unit  
51 building will have two spaces with a couple extra. The paving is porous. There will be  
52 landscaping at the front of the building and vegetative buffers between the parking and  
53 pavement rear and both sides of building. A plant list is attached.

54 The sidewalk has been moved to the other side opposite Gallagher property. The  
55 utilities have been relocated with gas and water under the pavement. Moved electric  
56 and sewer. The closest utility is gas, 3' deep, 20' from the property.

57 Existing building heights have been added. The footbridge has been detailed (C-54).

58 Requested road length waiver. The applicant did not feel it was necessary, but the  
59 Board did.

60 The access easement is not on the applicant's property, so he does not have the right to  
61 widen that. Mr. Sharples added 125' will remain as is.

62 Ms. English asked about the 36" culvert and whether it would be adequate for an 18'  
63 road – there would be some slope, but it could be done. Ms. English asked about the  
64 shoulder – it calls for retaining walls to hold slope back (C-20). Mr. Grueter asked how  
65 far the headwall would stick up – can see grades 1' difference lower than pavement. Mr.  
66 Grueter asked if a guardrail was required for that – is planned. Ms. English asked about  
67 tearing up the road to install utilities. Mr. Colwell explained it's a driveway, serving five  
68 units and doesn't warrant high level upgrades. According to Mr. Ross' report, its  
69 functioning and the structural engineer has reviewed and doesn't feel it warrants  
70 replacement. Mrs. Corson asked how old? – Mr. Colwell responded he did not know the  
71 exact age. Mrs. Corson expressed concerns about burdening the homeowners if it failed  
72 and needed to be replaced. Mr. Sharples referenced Ross Engineering's letter dated  
73 8/8/2018 adding that he has crafted a conditional approval. Ms. English asked if  
74 creation of that would be a wetland impact? Mr. Colwell stated it would not be  
75 permanent or significant. Chair Plumer added that debris would restrict flow. Mr.  
76 Colwell responded the headwall would reduce. Mr. Grueter asked if the culvert had ever  
77 been cleaned out? If it were a Town road it would have to be done. The structural  
78 engineer deemed it adequate to serve the five units. Ms. Corson clarified that it is also  
79 an emergency access.

80 Ms. Martel asked about stormwater management. Mr. Colwell indicated they were not  
81 removing vegetation or exposing soil, just paving. Ms. Martel added that widening the  
82 road increases the impervious surface and runoff from salt and sand added in the  
83 Winter. Ms. Martel asked if it should be brought to town standards and whether  
84 widening the road was beneficial. Mr. Colwell stated they are using temporary erosion  
85 double silt barriers. Mr. Brown disputed there would be more sand or salt because the  
86 road is wider, the plow truck would not be making more trips, there would be no  
87 difference. Mr. Plumer added if the width were 16" there would be more shoulder to  
88 catch the runoff. Ms. Martel felt if the Town was taking responsibility to ask for the road  
89 to be widened it was taking responsibility for the runoff along with it. Mr. Colwell  
90 explained that he discussed a proposed bioretention area with DES and they rejected it,  
91 preferring to have natural vegetation. Ms. Martel asked about curbing. Mr. Colwell  
92 advised it would require more significant disturbance.

93 Mr. Cameron asked about ownership of the easement to Main Street. Attorney Phoenix  
94 advised they never found the owner but assume it is a Wadleigh heir. The easement  
95 agreement is with the Town who has maintained it in the past. Mr. Cameron asked if the  
96 road is damaged who is responsible. Attorney Phoenix stated if the developer damaged  
97 it he would be responsible to fix it. Mr. Phoenix provided a copy of the Oak Street  
98 maintenance agreement.

99 Mr. Jacobs discussed the peer review and fragmentation of Norris Brook corridor and  
100 existing crossings. Mr. Jacobs added that the crossing near the spillway doesn't  
101 represent additional significant fragmentation.

102 Mr. Jacobs discussed the eel with Fish and game who felt there was zero impact and is  
103 satisfied. There would be a rock ramp to assist with migration. Also, black racer and  
104 turtles would be brought to the attention of the workers.

105 Mr. Jacobs provided a plan depicting the trees beginning within the 50' right-of-way,  
106 numbered and flagged 1-49. Mr. Jacobs identified two trees with diameters measured  
107 greater than 50" diameter, #7 which is a red oak with a 55" diameter and is dying and  
108 #27 with a 56" diameter which is a widow-maker. Ms. Martel asked about tree protection  
109 during construction.

110 Mr. Baker summarized the 50-acre plan of a dozen or so homes with five that are  
111 occupied. The yield plan was approved in February. Originally there was a loop road  
112 and extension. The extension was donated to Town forest and affordable housing was  
113 added.

114 Mr. Gray asked about lights visible to abutters property. Mr. Baker responded they will  
115 see them but having to comply with dark sky will be downlit. Ms. English asked about  
116 the light at the end of the cul-de-sac. Mr. Baker said it was suggested by DPW.

117 Mr. Baker stated there would be aeration of an area that had stagnant water and bat  
118 boxes.

119 The trash rack in the culvert was discussed and Mr. Brown asked about maintenance.

120 Ms. Martel asked about the mid-block crossing and whether the sidewalks shouldn't be  
121 switched to the other side.

122 Ms. English asked if there had been discussions with Mrs. Gallagher. Mr. Baker  
123 responded that Mrs. Gallagher will speak to that and doesn't know if she will be satisfied  
124 with any changes they propose.

125 Mr. Cameron stated that he was concerned about the neighborhood. There will be  
126 excessively large vehicles present for 2-3 years. Mr. Cameron recommended an escrow  
127 for the damage caused by large vehicles. Mr. Sharples advised its difficult without  
128 having a video to tell who may have caused the damage to the road, these are public  
129 roads and built to handle the weight limit.

130 Mrs. Corson advised the handicapped resident needs to have access to the front of her  
131 house. Ms. English agreed the road was narrow and impassable when she visited, and  
132 two cars were parked.

133 Chair Plumer asked if there were comments or questions from the public.

134 Joan Gallagher, 7 Wadleigh stated that Mr. Pattison came into her shop, she wasn't sure  
135 why and they never discussed whether fence or shrubs were wanted. Mrs. Gallagher  
136 expressed frustration over the double standard of requiring her to have a 20' buffer but  
137 not requiring the same of this developer. Mr. Sharples weighed in that the regulations  
138 allowed for either the buffer or plantings and it was the Board's decision to make. Mrs.  
139 Gallagher stated there is no protection for the people and children in the neighborhood  
140 with a lot of vehicles. Mrs. Gallagher is concerned about her property values. Her home  
141 had a field behind when she bought it, now it is a Town road with five houses. Mrs.  
142 Gallagher expressed concerns about the road being ripped up, sidewalks and  
143 dangerous congestion. With the utilities being installed, how would she get to her house  
144 or in or out of her driveway? Mrs. Gallagher stated she owned a business in Town for  
145 43 years and has talked to people who are surprised this is being built in an area that is  
146 50% wetlands.

147 \_\_\_\_\_ (inaudible) of 22 Forest Street stated the road when its widened should be to  
148 Town standards. Would like to see Mr. Seecamp come to the meeting.

149 Jen of 6 Forest Street stated she sees the Board struggle to preserve the integrity of the  
150 neighborhood. The Master Plan discussing collector roads, not small local streets with  
151 no sidewalks. Creation of this development would transform Wadleigh into a collector  
152 road. It impacts the safety and well being and she doesn't want her kids playing out  
153 there for the next two years. Also, what would happen to her foundation?

154 Ms. English asked about setting a speed limit of 25 mph. Mr. Baker said there were no  
155 plans, but they were willing to post a reasonable speed limit.

156 Chair Plumer stated he was not sure how the culvert would handle heavy truck traffic.  
157 Mr. Baker addressed the top of the culvert which is 6-8' stone adding that they drive  
158 trucks over it all the time. The driveway is privately owned so if damaged the  
159 Homeowners Association would repair it. Mr. Sharples referenced TRC comment #17  
160 asking for inspection beyond the scope of Ross Engineering.

161 Mrs. Corson asked about the parking area near the Spring and why it wasn't shown in  
162 the plan instead of in an illustration. Mr. Baker stated it was a gravel driveway with no  
163 painted markings and hard to delineate. Mr. Gray stated the applicant was going above

164 and beyond to create this for the benefit of the community. Mrs. Corson stated the  
165 shared driveway is also a neighborhood turnaround. Ms. Tanguay responded it was  
166 intended to drop off items to the recreation area only and not be for prolonged parking.

167 Mrs. Corson asked about moving the gate to be considered.

168 Chair Plumer stated that considering the late hour, it would be best to table this to the  
169 next meeting.

170 Mr. Brown advised everyone to scan through the proposed waivers and if they think they  
171 need more information to act on those to bring it up now.

172 Ms. English would like to see discussions with Mrs. Gallagher.

173 Mr. Brown asked if Mr. Seecamp needed to attend the next meeting. Mr. Sharples will  
174 correspond with him by email to get feedback, but they will not require him to come to  
175 the meeting. Mr. Brown would like to push him on erosion control.

176 **Mr. Brown motioned to continue the hearing of Case #17-27 to December 6, 2018.**  
177 **Mr. Cameron seconded the motion, with all in favor, so moved.**

178 2. The application of Pairpoint Group LLC for a waiver from Article 4. Section 4.3 of the  
179 Exeter Site Plan Review and Subdivision Regulations, entitled "Activity Requiring  
180 Site Plan Review or Minor Site Plan Review" to permit the proposed construction of a  
181 non-residential structure on the property located at 23 Water Street. The subject  
182 property is located in the WC-Waterfront Commercial zoning district. Tax Map  
183 Parcel #72-39. Case #18-15.

184  
185 Chair Plumer read out loud the Public Notice.

186  
187 Mr. Sharples noted the applicant had been to the ZBA for variance from the minimum  
188 side setback and again for no off-street parking.

189  
190 Scott Lapointe stated that he represented Pairpoint Group. Mr. Lapointe presented that  
191 the Site Plan Review should not be required due to the fact that the building is the only  
192 item. There is no landscaping or parking so its not practical to go through the process.  
193 The applicant has gone before the Historic Commission. The abutter went through  
194 stormwater runoff plans and the applicant is willing to undertake the same process.

195  
196 Mr. Cameron indicated that non-residential structures trigger Site Plan Review and this  
197 has two commercial units with six residences.

198  
199 Mr. Brown stated that he was not in favor of what was clearly an attempt to circumvent  
200 the regulations. The Board has required it of applicants who have much less going on.

201  
202 Mr. Lapointe asked about a middle ground and doing a minor Site Plan Review to avoid  
203 the unnecessary expense of an engineered drawing. Mr. Sharples advised the applicant  
204 is required to request the waiver in writing and will require Shoreland from the State  
205 anyway. The DPW would require the same review.  
206

207 Mr. Berkowitz stated that he was the owner and wanted to utilize the rainwater to go to  
208 the same place his neighbor does without having to spend \$35,000-\$50,000 to have an  
209 engineer tell me to do the same thing.

210  
211 ***Mr. Brown moved to deny the request of Pairpoint Group, LLC, Case #18-15 for a***  
212 ***waiver from Article 4, Section 4.3 of the Site Plan Review and Subdivision***  
213 ***Regulations. Mr. Cameron seconded the motion, voting 6-0 in favor, moved***  
214 ***unanimously.***

215

216 **3. APPROVAL OF MINUTES:**

217

218 **August 23, 2018 – Tabled**

219

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

221

222 **September 20, 2018 - Tabled**

223

224 **September 27, 2018 – Tabled**

225

226 **October 11, 2018 – Tabled**

227

228 **October 25, 2018 – Tabled**

229

230 **November 1, 2018**

231

232 Ms. English asked for clarification of Lines 152-154. Mr. Sharples advised it concerned  
233 parking within 10' of a multi-family complex.

234

235 Ms. English recommended changing “was” to “are” on Line 141.

236

237 ***Mr. Grueter motioned to approve the November 1, 2018 minutes, as amended. Mr.***  
238 ***Cameron seconded the motion, voting 6-0 in favor with Mr. Gray abstaining due to***  
239 ***absence from that meeting, so moved.***

240

241 **4. CHAIRPERSON’S ITEMS**

242

243 **5. ANNOUNCEMENTS**

244

245 **6. PB REPRESENTATIVES REPORT ON “OTHER COMMITTEE” ACTIVITY**

246 **7. ADJOURNMENT**

247 ***Mr. Brown motioned to adjourn the meeting at 10:36 pm. Ms. Corson seconded***  
248 ***the motion, with all in favor, so moved.***

249

250 Respectfully submitted,

251

252

253 Daniel Hoijer

254 Recording Secretary

255 (via ExeterTV)