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**TOWN OF EXETER  
PLANNING BOARD  
DRAFT MINUTES  
December 6, 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, Jennifer Martel –  
11 Alternate

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

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

15 **3. NEW BUSINESS**

16  
17 **Public Hearings:**

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

27 Chair Plumer read out loud the Public Notice.

28 Mr. Sharples noted this hearing was tabled from the November 15, 2018 meeting.  
29 Several points were discussed. Items in the revised plans were reviewed and  
30 addressed. The Board communicated with Joanne Gallagher and Exeter Rose, LLC and  
31 received three letters, including a letter from Mrs. Gallagher. The public hearing was  
32 closed on November 15, 2018 and if the Board is to proceed to open and read any of  
33 these new documents, the Board would need to reopen the public hearing.

34 Chair Plumer recommended if the public session is reopened to table the hearing until  
35 January 10, 2019 and be limited to discussion concerning the new information and that  
36 Exeter Area Conservancy be responsible for the costs of additional notices. One  
37 document talks about alteration of terrain requirement and another is a second opinion  
38 on Patrick Seekamp's wetlands report.

39 Ms. English stated that she was in favor of reopening the public session since Mr.  
40 Seekamp was not in attendance at the last meeting and she would like to see Mrs.  
41 Gallagher's letter and is in favor of having all of these documents addressed.

42 Mrs. Corson stated that she was in favor of reviewing Items 1, 3 and 4 on Mr. Sharple's  
43 list, but was not sure about item 2.

44 Mr. Cameron asked what would occur when Mr. Seekamp comes in, cross-examination?  
45 This is subject to serious questions and there is no need to interrogate or question his  
46 qualifications. Mr. Cameron stated he had no opposition to going this route, it would be  
47 a benefit to hear from him.

48 Chair Plumer recommended limiting the session with Mr. Seekamp to present peer  
49 review and only that.

50 Mr. Gray stated that he was not in favor of reopening the public session. Mr. Gray  
51 stated he felt it was on the Conservancy to bring issues to the Board. This serves to  
52 prolong the hearing and was hopeful to reach a conclusion.

53 Ms. Martel stated she was in favor of hearing Mrs. Gallagher's letter and that she should  
54 be able to address the Planning Board again. As for Mr. Seekamp's report, it seemed  
55 straightforward and there is no need to bring him in. The alteration of terrain is a  
56 condition.

57 Mr. Sharples advised that he received an email from Mr. Seekamp regretting missing the  
58 meeting. The report should be enough according to him. There is no confirmation that  
59 he could attend the January meeting.

60 Mr. Brown asked if we ask Mrs. Gallagher questions, are we still in deliberations?

61 Ms. English asked if he was confident there is nothing in the report that is new or useful.

62 Mr. Sharples advised he could not really bring her back, it is more for clarification.

63 Mr. Brown stated the AOT condition was beyond our jurisdiction. Mr. Gray agreed that  
64 the state has authority and responsibility, not the Planning Board. Mr. Sharples advised  
65 that it included charges of misrepresentation. Mr. Cameron stated that "charges" are  
66 taking this too far for this meeting, it is serious to make allegations. Ms. Martel asked  
67 when the alleged misrepresentation occurred? Mr. Sharples advised that it includes  
68 emails between DES and the applicant. The last email was October 26<sup>th</sup>. Ms. Martel  
69 advised this could have been addressed before the public session was closed. Mr. Gray  
70 stated that without a firm sense of what the misrepresentation is alleged to be, we  
71 cannot reopen the public session. Mr. Sharples advised that DES forwarded to Mr.  
72 Rosen on November 27<sup>th</sup>. Mr. Brown recommended if reopened it is worth bringing those  
73 accusations into it, but if not, he is comfortable regardless with tabling #1.

74 Chair Plumer advised the attorney letter is #2. Mr. Brown advised that reading  
75 confidential information or notes does not incline the Board to reopen the hearing for that  
76 and to skip #2.

77 Chair Plumer advised #3 is Mrs. Gallagher's letter and asked if all were in agreement?  
78 Mr. Gray stated he was sympathetic to her cause but what is the new information? Mr.

79 Brown stated she has expressed concern about her position. Mr. Cameron asked if  
80 there was a response to her letter? Mr. Sharples advised that it was just received on  
81 Tuesday, so the applicant's response could not be accepted either. If the public hearing  
82 were reopened for limited purposes, you could include opportunity for applicant to  
83 respond. Mr. Gray asked if the Board could know the general purpose of the letter  
84 without opening? Mr. Sharples advised the purpose concerns the roadway. Mr. Gray  
85 stated he was uncertain if viewing the contents warrants a month delay. Mr. Sharples  
86 stated it is up to the Board and the Board can defer to the attorney's advice. Mr. Plumer  
87 stated he was open for #3.

88 Mr. Plumer advised #4 is Patrick Seekamp. Mr. Cameron advised it is common practice  
89 to bring back a third-party consultant. Ms. English stated the problem is that he hasn't  
90 been here. Chair Plumer agreed that part of the request was for him to be here to  
91 present. Mr. Sharples advised that he had him do other review and didn't need to be  
92 here for that. Mrs. Corson stated that if the public session is reopened the Board might  
93 as well cover this one too if the Conservancy is ok with the costs associated. Mr.  
94 Sharples advised the cost may be a few hundred dollars. Mrs. Corson recommended  
95 that it only be done if they are willing to pay for it. Mr. Sharples added that around 22  
96 abutter's notices would need to be sent out.

97 Ms. English motioned to table Case #17-27 to January 10, 2019 to reopen the public  
98 hearing for Items #1, 3 and 4 listed on Mr. Sharples' list.

99 Ms. English amended the motion.

100 **Ms. English motioned to reopen the public hearing session for Case #17-27 for**  
101 **limited purposes as read, conditioned on the Exeter Area Conservancy being**  
102 **responsible for all costs associated and table the hearing until January 20, 2019.**

103 Mr. Brown asked what would happen if they don't pay? Mr. Sharples advised public  
104 would not be opened because continued. Mr. Brown stated he was not sure why  
105 conditioned. Mr. Sharples advised the Town does not pay for notices.

106 **Mrs. Corson seconded the motion. Voting in favor were: Chair Plumer, Gwen**  
107 **English, Pete Cameron, Aaron Brown, Jennifer Martel and Kathy Corson. Mr. Gray**  
108 **was opposed. Motion carried: 6-1.**

109 Chair Plumer advised that it is inappropriate for the public to message any Board  
110 member about the case.

111 Mr. Sharples advised the motion has been continued with limited purposes. If any  
112 emails are received, the Board members should send them to Mr. Sharples and he will  
113 advise the sender that there are limitations on what can or can't be discussed.

- 114
- 115 • Continuance of Exeter Station Properties, LLC
  - 116 M/F Site Plan Review – 22 Units
  - 117 1 Rockingham Street
  - 118 Tax Map Parcel #73-175
  - 119 C-1, Central Area Commercial Zoning District
  - 120 Case #18-11

121 Chair Plumer read out loud the public notice.

122

123 Mr. Sharples advised that the applicant is seeking a multi-family site plan review for a  
124 23-unit development. The hearing was tabled to conduct a site walk. The applicant  
125 submitted revised plans and responses and desires to conduct third-party traffic  
126 review. The applicant wanted their own engineer to present first. They are seeking  
127 three waivers. The TRC had no objection to the waiver requests. Mr. Brown added it  
128 was similar to Conservation Commission.

129

130 Attorney Sharon Somers stated that David Cowie, Eric Botterman of Millennium  
131 Engineering, Mark Rogers, and Ken Cram were also present. Attorney Somers  
132 thanked the Board for the opportunity to conduct the site walk. Attorney Somers  
133 stated that they want to address issues raised at the last hearing and introduce to  
134 traffic engineers. The applicant is looking to get conditional approval tonight.

135

136 Eric Botterman stated that last week he resubmitted plans and would like to walk  
137 through the main items. The roadway was changed a bit to accommodate firetruck.  
138 The Southern access point was removed. The dotted lines on the plan represent the  
139 drainage easement. There is a 12" pipe leaving the site which is adequate for  
140 drainage. The DPW recommended parallel parking 22' long instead of 20' which  
141 would give them 85 spaces. The extra spaces give the occupants space to expand  
142 their business and is more than required for open space. There is a cross section of  
143 the island area. 9" deep pitched toward catch basin with no standing water as a  
144 result.

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146 Ms. Martel stated there are a lot of plants in the island to clog the catch basin and is  
147 curious of the soil profile.

148

149 Mr. Botterman stated that adding soil will help to infiltrate. The Condominium  
150 Association would be responsible for maintaining the catch basin.

151

152 Mrs. Corson asked if that were clarified in the condominium documents? Mr.  
153 Botterman stated it is always the case, but he is not sure if it is directly expressed.

154

155 Chair Plumer asked if the project required a stormwater management plan?

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157 Mr. Sharples advised yes, it was already submitted.

158

159 Attorney Somers advised that draft condominium documents have been submitted  
160 and reference the stormwater plan. The documents state the association will  
161 maintain the area. Attorney Somers discussed the possible recreation activities and  
162 spaces for picnic tables. Attorney Somers recommended the eliminated Southern  
163 access could be used as access to the commercial space. Mr. Botterman advised it  
164 was fenced off and there is no need for an easement. It is their intention to keep it  
165 on the plans.

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167 Mrs. Corson asked if the condominium association includes the industrial buildings?

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Attorney Somers advised that industrial building is part of the condominium along with 23 units, the entire property being one condominium.

Mr. Brown stated he could not find the fence in the plans and recommended adding it. Mr. Botterman stated he would do that.

Ms. Martel stated the grading plan shows a slope where the picnic tables are. Mr. Botterman advised it was a shallow slope. Ms. Martel stated she thinks its fine, just would not personally be open to use. Mr. Botterman stated it is adequate, but it is up to the condominium what to do with the land provided. Mr. Sharples added there is a note on the plans that picnic tables are not guaranteed there. Mr. Botterman advised the intent was to show a possible use. Ms. Martel agreed the island was a better place to gather.

Ms. English would like to see a vegetated buffer between housing and railroad track.

Ms. English stated the snow storage is tucked in to the side of the building. Mr. Brown stated if they have to move a lot of snow, that is a good place to move it to.

Chair Plumer recommended having the fence parallel to increase snow storage area. Mrs. Corson advised the applicant could work that out with Mr. Sharples. Mr. Botterman offered to label the whole area as snow storage.

Ms. English asked if the dumpsters were adequate for commercial building? Mr. Botterman advised that should cover the whole area.

Ken Cram stated that they looked at the impact of 23 units at the three intersections involved in the study and contacted NH DOT. Harvard Street carries low volumes of traffic with average speed of 25-26 mph. 86% were around 31 mph. The Police Department was contacted about crashes and indicated there were none reported and no minor accidents. Assessed traffic growth rate and other projects that would be included and there were no other projects proposed in Epping or Brentwood. The Columbus intersection is being worked on for good reason. Columbus being diverted to Winter Street accounts for reduced volume. 134 trips per day are projected. 12 trips in morning peak. 16 in evening peak. Numbers depend on people's jobs. Look at where people live and work and construct model. The net increase varies from 0-6 cars each hour with a small increase given 400 cars use Winter Street now. Critical movements were rated at A or B with A being best and B being worst. The result is a small impact overall in two access points with one lane in and one lane out under stop sign control. Also looked at pedestrians. The highest observed as a pedestrian in peak hour. Would suggest a crosswalk on Columbus Ave. The project would result in one extra car on Harvard Street. Chair Plumer asked if there is a stop sign going out? Mr. Cram stated correct. Ms. English stated she has a problem at the intersection of the railroad crossing. Mr. Botterman advised that would be decision of Town. Ken Cram stated they could make a five way stop. Railroad to Winter is uncontrolled two-way but with no crash history. Mrs.

215 Corson stated keep having to do intersection study. Chair Plumer asked if the stop  
216 sign on Columbus Ave now because of request from neighbor. Any impact near  
217 Railroad?  
218

219 Ken Cram stated it is minimally utilized, 8 cars in the morning and 7 in the evening  
220 cross from Winter to Railroad. Ms. Martel advised the majority of traffic is Winter  
221 Street. Most exit to Rockingham's easier route. Mr. Cram advised all traffic could go  
222 that way and it wouldn't change the findings. There were just not many cars to begin  
223 with. Mr. Brown stated you would notice that difference in cars, think volume is a bit  
224 low. Mr. Cram advised with 1-2-bedroom condos there is not much traffic at all. Mr.  
225 Gray stated that Harvard Street seems low, not sure 3<sup>rd</sup> party review is warranted.  
226 Mr. Brown agreed that it was probably not necessary. Chair Plumer added that  
227 Harvard Street has potential to lower traffic on Railroad Ave. Mr. Brown stated he  
228 was surprised by no accidents reported at that intersection.  
229

230 At 9:49 pm, Chair Plumer asked if there were any questions from the Public.  
231

232 Rene Valiquet, 8 Harvard Street asked about the intended use of the building on  
233 Railroad? Mr. Valiquet believes the traffic study is not accurate and does not  
234 address the proposed commercial use and asked about access for the Fire  
235 Department.  
236

237 Mr. Sharples advised the use is for commercial 1<sup>st</sup> floor with residential above. The  
238 commercial use has not been identified. Mr. Botterman advised the circle will  
239 accommodate a 40' firetruck per their request.  
240

241 Mrs. Corson asked if they provided enough parking for commercial? For example. if  
242 the use were to be a corner store.  
243

244 Mr. Sharples advised the commercial use requires 5 spaces provided based on  
245 square footage. The Building Inspector would determine if there is enough.  
246

247 Mr. Cram advised there is not enough traffic to warrant use as a convenient store.  
248

249 Mr. Brown asked about seasonal adjustments and parents driving children to school.  
250 Mr. Cram advised there weren't any big changes and also included delivery people  
251 and guests, all in and outs.  
252

253 Donna Sweeney, 17 Harvard Street stated she believed information was missing  
254 from the report from Harvard to Main or Winter to Epping Road and asked if 81  
255 parking spaces were assigned to commercial?  
256

257 Mr. Brown stated the volume is understated. The study is confined to the project  
258 intersection, not to these other areas away from the project.  
259

260 Mr. Sharples advised that 23 spaces were assigned to commercial and 13 extra  
261 consistent with zoning regulations. Mr. Botterman corrected there were 9 extra, not  
262 13.

263  
264 Elizabeth Loch – Winter Street stated she had concern with vent behind Coady's.  
265 Residents don't want to breathe in fumes. It would be nice to get more information  
266 and look at radius between buildings. A variety of spaces are advertised on the  
267 website. Residents would like more sidewalks at intersection on Railroad and she is  
268 worried about the intersection. Is it possible to make a section of Winter Street one  
269 way? Ms. Loch is concerned people will divert down Harvard Street to avoid buses.  
270 Could the redesign of intersection come from the CIP?

271  
272 Mr. Sharples advised the Capital Reserve Fund is used and the voters decide to fund  
273 it or not and intersections are prioritized. Those funds could be used to study the  
274 intersection. The sidewalks are a separate issue proportionately shared with the  
275 project. Extension of the sidewalks down Railroad would need to be paid for by the  
276 Town not as part of this project.

277  
278 Mrs. Corson advised they cannot address fumes from Coady's. Have spoken with  
279 the Fire Department and less harmful chemicals are used now. Coady's is compliant  
280 with the 10' setback. Chair Plumer asked if there were ever complaints about odors  
281 from Coady's? JS stated you can't smell unless you're right there and they paint  
282 one-two days per week.

283  
284 Mr. Sharples advised that abutters only receive initial notice. Subsequent meetings  
285 are posted in two public places. Mr. Sharples asked if the Board was requesting  
286 peer review? The Board's consensus was no.

287  
288 Mr. Gray stated that Ms. Sweeney made a good point about extra studies. Mr.  
289 Brown agreed that it is a valid point and is not asking for a new study but to estimate  
290 new flow.

291  
292 Mr. Cram advised the projected 5 yr. study hypothetically would add 9 new cares.  
293 Do not know the volume of traffic on Main Street if all go down Harvard to Main.

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295 Mr. Brown stated there is some validity to the school issue, but it is not a significant  
296 change well in the capacity of a town road. Would need to see if the impact warrants  
297 a significant change and don't think that it does.

298  
299 Chair Plumer asked if the Board was not in favor of a third-party traffic study?

300  
301 Mrs. Corson asked what was left to discuss. Mr. Sharples advised there were minor  
302 plan changes and sidewalk configuration.

303  
304 Mr. Sharples asked the distance between pole and structure, if it had 5' of clear width  
305 – yes.

306

307 Chair Plumer closed the hearing to the public at 10:40 pm.

308

309 Chair Plumer asked about waivers. Mr. Botterman advised they were requesting  
310 waiver from high intensity soil survey for septic system.

311

312 **Mrs. Corson motioned to grant a waiver from Article 7.4.10 high intensity soil**  
313 **survey, 2<sup>nd</sup> by Mr. Cameron, with all in favor, the motion passed unanimously.**

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315 Mr. Botterman advised they were requesting a waiver from 9.3.6.4 grading within five  
316 5' of property line.

317

318 **Mrs. Corson motioned to grant waiver from Article 9.3.6.4 grading within five**  
319 **(5') feet of property line, 2<sup>nd</sup> by Mr. Cameron, with all in favor the motion**  
320 **passed unanimously.**

321

322 Mr. Botterman advised they were requesting a waiver from Article 11.3.1.2a permit  
323 proposed parking within ten (10') feet of proposed building.

324

325 **Mrs. Corson motioned to grant waiver from Article 11.3.1.2a to permit parking**  
326 **within ten (10') feet of the proposed building, 2<sup>nd</sup> by Mr. Cameron, with all in**  
327 **favor, the motion passed unanimously.**

328

329 Mr. Sharples read out loud the proposed standard condition of appeal. **GET FROM**  
330 **DS.** Chair Plumer requested to add in the fence.

331

332 **Mrs. Corson motioned to approve Case #18-11 under conditions of approval**  
333 **read by Town Planner and added by the Board, 2<sup>nd</sup> by Mr. Cameron, with all in**  
334 **favor the motion passed unanimously.**

335

336 1. A dwg file of the subdivision plan shall be provided to the Town Planner showing all  
337 property lines and monumentation prior to signing the final plans. This plan must be in  
338 NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates.

339

340 2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;

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342 3. A preconstruction meeting shall be arranged by the applicant and his contractor with the  
343 Town engineer prior to any site work commencing. The following must be submitted for  
344 review and approval prior to the preconstruction meeting:

345

346 i. The SWPPP (storm water pollution prevention plan), if applicable, be  
347 submitted to and reviewed for approval by DPW prior to preconstruction  
348 meeting.

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ii. A project schedule and construction cost estimate.

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351 4. All comments in the Underwood Engineer Inc. first review letter and the TRC letter dated  
352 September 26, 2018 shall be addressed to the satisfaction of the Town Planner prior to  
353 signing the final plans;

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5. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees, and inspection fees (including third party inspections), prior to the issuance of a building permit or a Certificate of Occupancy whichever is applicable;
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6. A Maintenance Log and Inspection & Maintenance Checklist for all onsite stormwater management systems shall be provided to the satisfaction of the Town Planner prior to signing the final plans. A completed log and checklist shall be submitted to the Town Engineer annually on or before January 31<sup>st</sup>. this requirement shall be an on-going condition of approval and noted in the Home Owner's Association bylaws;
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7. All applicable State permit approval numbers shall be noted on the final plans. This shall include the Remedial Action Plan regarding the clean-up of the site;
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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 the Town Planner deems that review is needed by the Town attorney, this review shall be at the applicant's expense;
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9. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the land use and stormwater management information about the project using the PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-construction meeting;
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10. Security in the form reviewed and approved by the Town Planner shall be provided to insure all common area improvements are secured prior to any unit being transferred;
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11. Remove "prop. grilling area" and "prop. picnic tables" notes and just identify recreation areas to satisfy the minimum requirement;
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12. Show fence in the southeast corner of Building #1 (bottom left corner as viewed on the plan) to the rear property line as indicated by the Planning Board;
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13. If a dumpster will be needed, it shall be shown on the final plans with screening and pad as required by the Board's Site Plan Review Regulations;
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14. The proposed sidewalk in the right-of-way (ROW) along the frontage will be reconfigured as approved by the Town Planner;
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15. Add snow storage area to the southeast corner of Building #1; and
- 395  
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16. The landscape plan shall be redesigned as discussed by the Board subject to the review and approval of the Town Planner.
- Continuance of Anne C. Bushnell 2004 Trust  
M/F Site Plan Review – 9 Units  
12 Front Street  
Tax Map Parcel #72-2  
C-1, Central Area Commercial Zoning District  
Case #18-12
- 398  
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404 Chair Plumer read out loud the Public Notice.

405 Mr. Sharples noted Case #18-12 has been rescheduled until December 20, 2018.

406 **4. OTHER BUSINESS**

407 Proposed Zoning Amendments

408 Mr. Sharples provided drafts of potential amendments to be reviewed on December 20<sup>th</sup>.

409 Mrs. Corson asked if they could meet early, at 6:30 pm. Mr. Sharples agreed.

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

411 Field Modifications

412 Announcements

415 **6. APPROVAL OF MINUTES:**

417 **August 23, 2018 – Tabled**

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

421 **September 20, 2018 - Tabled**

423 **September 27, 2018 – Tabled**

425 **October 11, 2018 – Tabled**

427 **October 25, 2018 – Tabled**

429 **November 15, 2018 - Tabled**

431 **7. CHAIRPERSON'S ITEMS**

432 Chair Plumer advised the Select Board appointed Mr. Grueter as a regular member and  
433 will select their Vice-Chair soon.

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

438

439        **9. ADJOURNMENT**

440            *Mr. Cameron motioned to adjourn the meeting at 10:51 pm. Ms. Corson seconded*  
441            *the motion, with all in favor, so moved.*

442

443    Respectfully submitted,

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446    Daniel Hoijer  
447    Recording Secretary