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**TOWN OF EXETER
PLANNING BOARD
APPROVED MINUTES
December 20, 2018**

1. **CALL TO ORDER:** Session was called to order at 7:09 pm by Chair Plumer.

2. **INTRODUCTIONS**

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

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

3. **NEW BUSINESS**

Public Hearings:

- 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

Chair Plumer read out loud the Public Notice.

Cory Belden, PE, Altus Engineering, stated he would give a quick summary of changes. There has been a lot of positive feedback. Did Site Walk November 14th; met with the Select Board who recommended to proceed with driveway access easement, coordinated with DPW on their concerns, did not want to give up parking spot in municipal lot. The proposed plow service agreement, updated traffic memo, pulled three years of data on traffic flow, estimate 49 extra trips on Front Street. A waiver to reduce stall size to provide more space. Vehicles can maneuver through stalls, notable in single space turns, revised grading to collect more runoff water from roadway. The two trees by driveway connection can be saved and not removed. Have improved plan, providing opportunities for younger folks to get into housing market.

Alyssa Murphy stated the architectural plan has been improved. Still three stories. Reduced square footage and made regular footprint (all right angles). Mentioned balconies to provide on plan, not extending balconies. Looked at housing materials. Discussed dens versus bedrooms. Without doors it reinforces they will not be additional bedrooms.

Mr. Grueter asked the square footage difference in each unit – 1,010, 1008, 986, maybe 20 feet. Less than previous.

43 Attorney John Lyon stated units 2-10 (new 9) are only single bedroom units. There
44 cannot be amendment. Any deed transferred will contain some comment (no
45 amending). Bylaws reinforce this as well. Immediate action taken if unit used as more
46 than single-bedroom unit.

47 Mrs. Corson asked can only two people live at maximum? Attorney Lyon stated if
48 somebody had a baby it poses an issue. Could put in condition. Up to Board of
49 Directors. Would not permit someone using two bedroom and would be enforced with a
50 \$100/day fine.

51 Mr. Grueter advised enforcement is easier said than done. Don't see why not put in limit
52 to two people.

53 Attorney Lyon stated would people have to move out if they have a baby? Just don't
54 want a second bedroom. Still has to be enforced.

55 Mr. Grueter added that written notice would be helpful.

56 Mr. Sharples stated add in restriction of two people limit.

57 Mr. Brown advised when built on septic, the number of people is important.

58 Attorney Lyon stated the Board wants to add provision of three if one is under age five,
59 with everything else remaining the same. Doesn't have to be a five-year old.

60 Mr. Brown stated want to encourage one-bedroom use.

61 Mr. Cameron asked what if a family moves into home with a three-year old? Mr. Lion
62 stated willing to have a three-year old, each unit assigned parking spot. Mr. Gray
63 clarified there would not be additional cars with a three-year old or five-year old. Mr.
64 Brown stated you need to be more reasonable because of design. Attorney Lyon stated
65 that having office space adds value to the unit, don't want to lose space. Mrs. Corson
66 stated as long as occupancy addressed, fine with having door or not. Attorney Lyon
67 added listed in that use is only residential. Mr. Grueter asked if usually have cover for
68 when people have office space.

69 Ms. Corson directed Attorney Lyon to the plan and stated she is concerned that
70 firetrucks could not get out. Would like them to look this over. The smallest trucks are
71 32'. Should go back to Fire & Safety. Sprinkler system?

72 Mr. Belden stated because we have to be, will confirm.

73 Mr. Sharples advised that TRC members usually get revised plans. They may want to
74 look at waivers now too.

75 Ms. Corson asked about trash removal. Mr. Belden stated there would be one bin per
76 unit with a private service.

77 Chair Plumer indicated he was concerned with weight of trucks. Mr. Belden stated that
78 are not large dump trucks. Mr. Belden offered they can make spaces bigger if need be.
79 Exeter requires 9x19, ours is 8.5. Open to enlarging but would eliminate some green
80 space.

81 Mr. Grueter stated 1 spot per unit and three guest spaces? – correct.

82 Mr. Brown asked about the drive-in garage. Mr. Belden stated it was considered. Need
83 drive entrance if have garage. Is very inefficient because of extra space. Looked at best
84 use of space.

85 Attorney Lyon stated the problem with making the building taller is ZBA doesn't want it to
86 be taller than the house out front. It is very close to that limit. Like this project more.

87 Mr. Cameron asked about the right turn entry coming out on Front Street. It seems to be
88 an issue to me, making a left turn. Mr. Belden explained it was originally a one-way flow.
89 Depends on time of day. If a busy time of day it makes sense to go right and back
90 around.

91 Chair Plumer asked if a significant increase in traffic?

92 Mr. Sharples advised if someone wants to turn left and can't how navigate that? Is that
93 any safer. Not sure if that's safer.

94 Ms. Martel stated like small space to maximize green space. Existing trees tall and old.
95 Cutting trees would make them seem exposed and should replace with lilacs or
96 something. Mr. Belden stated they will replace overgrown trees with something as
97 applicable.

98 Mr. Belden stated he would like to go over each waiver request. One if for working
99 within five feet of property line. Two is 14-foot driveway. Three is parking within
100 twenty0five feet of front of building with 12 feet proposed, fourth is for recreational
101 space. There are a lot of opportunities in downtown area. The fifth is for parking stall
102 size of nine feet. The sixth is for off-street parking. Assuming the Board does not want
103 to reduce stall numbers. Don't need ADA stall for private property. Could strike one if
104 needed.

105 Mr. Cameron asked if there are two driveway connections? Mr. Belden stated they did
106 not change wording when updated.

107 Mr. Brown stated the waivers were appropriate for the location, except for the number of
108 spaces.

109 Ms. Corson would like to see the Fire Department weigh in on second one. Ms.
110 Bergeron stated we have always done waivers and decision together. Mr. Belden stated
111 so all good except #6 pending Fire Department review. Attorney Lyon stated they would
112 add the language discussed to the by-laws.

113 Ms. Corson stated she does not like the plan, but it is better than the last.

114 **Ms. Bergeron moved to table Case #18-12 until January 24, 2019. Mr. Grueter**
115 **seconded the motion, with all in favor, so moved.**

116 Chair Plumer, at 10:45 pm, warned the meeting would be adjourned shortly.

117

- 118 • Salema K.I.D.S. Realty Ventures LLC
119 For a commercial Site Plan Review for the proposed construction of a 6,860 sf.
120 Commercial building consisting of a 1,840 sf. Donut shop with drive-thru window and
121 5,020 sf. Of retail space and associated site improvements on a 5.68-acre parcel
122 159 Epping Road, C-3, Epping Road Highway Commercial zoning district
123 Tax Map Parcel #47-9.02, Case #18-17

124
125 Chair Plumer read out loud the Public Notice.

126
127 **Mr. Cameron moved to hear Case #18-17. Ms. Corson seconded the motion, with**
128 **all in favor, so moved.**

129
130 Chris Tymula, MHF Design Consultants, stated the parcel has been subdivided. There
131 is a wetland system in this area. Soil mapping was done. They have gone before the
132 Conservation Commission. They did not receive support from them.

133
134 This is for a donut shop and drive through with retail and 39 parking spots. Snow
135 storage will be around whole site. There will be two retaining walls on the North and
136 South side of lot and a substantial amount of landscaping.

137
138 A big concern is parking and buffers. 39 parking spaces with nine employees. 24
139 parking spaces are required. Plans have been redesigned multiple times. Wanted to
140 apply for a variance. Felt it was better to apply for waivers for setbacks of wetland
141 buffers. Pulled some parking from the buffer. Conservation Commission thought we
142 should have moved further from the buffer, impacting 7,000 sf. About 5%. Town
143 requirement seems low for parking. Feel that 30 spaces would be adequate.

144
145 Mr. Sharples advised one spot per three seats in this case.

146
147 Mr. Tymula stated with mixed use in Salem, with 4,300 sf, 38 spaces are required for
148 that. Dunkins likes to have adequate parking, 20-29 spots typically.

149
150 Mr. Sharples advised that CUP and Conservation Commission are biggest issues here.
151 Suggested going for variance. Could theoretically pull 25 feet forward. Could get
152 feedback, go to ZBA and be back for 24th. Buffer line originally 85-75 feet, moving 25
153 feet would do it. Mr. Tymula stated he did discuss this with Dave Sharples and did not
154 feel a variance was the right approach.

155
156 Mr. Brown asked if you could get variance would that improve the project? Mr. Tymula
157 stated there are concerns with parking close to road because of grading and drainage
158 from Route 27. Not sure there is enough room to prevent mixing.

159
160 Mr. Tymula stated the buffer impact is minimal. Seed mix would create wetland buffer
for planting in the future.

161
162 Mr. Brown asked if they were happy with what submitted other than pulling forward?
163

164 Mr. Tymula said yes, a lot of work went into this.

165
166 Chair Plumer stated a lot of stormwater management. Ms. Martel added and a lot of
167 pavement.

168
169 Mr. Tymula stated the amount of land disturbed would be about two acres. Stormwater
170 meets State standards.

171
172 Ms. Corson asked about making the building smaller. Mr. Tymula stated he didn't think
173 size was an issue.

174
175 Ms. Corson asked about the dumpster in the shoreland area. Mr. Tymula stated the
176 best location for the dumpster is in way back.

177
178 Ms. English asked the reason for three lanes around the building. Mr. Tymula stated the
179 new mobile pick up line allows for guest to pass the rest of the line.

180
181 Ms. Martel asked if had explored porous pavement?

182
183 Mr. Tymula stated it is not great for this area in his personal opinion.

184
185 Ms. Martel stated research shows it works well. There is a lot of pavement near
186 wetland.

187
188 Ms. English stated she was not supportive of this, need more work to do.

189
190 Mr. Sharples advised that Conservation Commission felt that there are other places
191 further that can work. Felt it did not make an effort to minimize the buffer impact.

192
193 ***Ms. Corson moved to table Case #18-17 to January 24, 2019. Mr. Grueter***
194 ***seconded the motion, with all in favor, so moved.***

- 195
196
- 197 • One Home Builders, LLC for a multi-family Site Plan Review for proposed
198 redevelopment including demolition of an existing 5-unit apartment building and the
199 abandoned auto body structures (formerly known as Brad's Auto Body) and
200 construction of nine (9) residential townhouse condominium units, parking and
201 associated site improvements
202 69 Main Street, C-1, Central Area Commercial zoning district
203 Tax Map Parcel #63-255, Case #18-18

204 Mr. Sharples advised the applicant requested a continuance until January 10, 2019.

- 205
206
- 207 • Scott Boudreau LLS for a lot-line adjustment of the common boundary between
208 Tax Map Parcel #22-15 (B&M Corporation) and Tax Map Parcel #22-17
209 67 Newfield's Road, RU-Rural zoning district
210 Case #18-19 - Tabled

211 **4. OTHER BUSINESS**

212 Proposed Zoning Amendments

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

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

221 TO AMEND:

- 222
- 223
- 224 • Article 2, Section 2.2 Definitions **by deleting “2.2.30 Fertilizer” in its entirety.**
225 *(Definition to be added to applicable district regulations).*
- 226
- 227 • Article 9, Section 9.2 Aquifer Protection District Ordinance **by deleting in its**
228 **entirety and replacing subsection 9.2.3K.12 (Use of Fertilizer) and amend**
229 **subsection 9.2.4 Definitions by adding a definition for “fertilizer.”**
- 230
- 231 • Article 9, Section 9.3 Exeter Shoreland Protection District Ordinance **by deleting in**
232 **its entirety and replacing subsection 9.3.4 F.12 (Use of Fertilizer) and amend**
233 **subsection 9.3.2 Definitions by adding a definition for “fertilizer.”**
- 234
- 235 • Article 3, Section 3.2 Zoning Map **by changing the zoning district designation of**
236 **the existing PP-Professional/Technology Park district to CT-Corporate**
237 **Technology Park.**
- 238
- 239 • Article 4, Section 4.2, Schedule I: Permitted Uses **by deleting “Assisted Living**
240 **Facility” as a permitted use in the C-3, Epping Road Highway zoning district.**

241

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

245

246 ***Ms. Bergeron moved to open the hearing to the public at 7:09 pm. Ms. Corson***
247 ***seconded the motion, with all in favor, so moved. Approved 7-0.***

248

249 Ms. Murphy, the Natural Resource Planning stated that amending Article 2 (definitions)
250 and Article 9 relating to fertilizer use, currently is a prohibited use of all fertilizer in
251 Aquifer and Shoreland Protection districts. Opportunities for waivers Intent was to limit
252 nitrogen and phosphorous in rivers. Concerns were raised upon adopting ordinances.
253 Significant differences between different types of fertilizer but all were treated the same.
254 The proposed removal of Article 2.2.30 entirely for clarity. 9.2.3.K permit use and add
255 restrictions.

- 256 • Best management Practices
- 257 • 50% slow release minimum
- 258 • Annual limited (1.5 lbs. N/1000 sq. ft per year)
- 259 • Phosphorous free
- 260 • Application rate limit (.5 lb. N/1000 sq. ft).

261 Also adjusting water provisions. Look to acquire turf management plans. Increase in
262 limits from .5 to 1 or 1.5 to 3.0 annual. Add in three-year timeline to turf management.
263 Returned water for restoration. Under Best Management Practices changed definition of
264 fertilizer.

265 Ms. Martel asked about organic versus non-organic. Not in final definition?

266 Ms. Murphy stated that even organics can be misused. Thought process guidelines
267 were more important than going organic.

268 Mr. Brown stated the three-year provision would encourage us to review the process as
269 it evolves. Ms. Murphy stated not prohibited by making changes to ordinance during
270 those three years. Encourage Board to rely on staff recommendations if things change.

271 Mr. Grueter asked how do you manage this criteria? Ms. Murphy stated s the
272 responsibility of the compliance officer to try to educate the public.

273 Chair Plumer asked if this would have an effect on stores that sell fertilizer? Ms. Murphy
274 advised we would try to educate everyone so that all stores were aware of change in
275 ordinance.

276 Ms. Murphy stated interested in keeping healthy lawns, clean water as a Committee.
277 Will go over impervious cover ordinance but will not discuss much until January. The
278 amendment to 9.3.4B not penetrable by water. Changing to state “shall not exceed 10%
279 on any lot of portion thereof within boundary of SPD.” Historically applied to all areas
280 with SPD.

281 Mr. Sharples stated there are few options on fertilizer amendments. Can move forward
282 and vote on final form of ordinance or can give time for people to hear about it. Could
283 table if wanted to.

284 Chair Plumer closed the hearing to the public at 7:43 pm for deliberations.

285 ***Ms. Bergeron moved to move forward the proposed amendment regarding***
286 ***fertilizer use as presented by the Natural Resource Planner. Mr. Grueter seconded***
287 ***the motion, with all in favor, so moved. Approved 7-0.***
288

289 Mr. Sharples advised the proposed amendment of **Article 3, Section 3.2** would change
290 PP-Professional/Technology Park district to CT-Corporate Technology Park.
291 Development would be enhanced if more uses were permitted, such as light industrial
292 facility. Try to encourage commercial growth along Holland Way Corridor. Not much
293 potential left in PP zone. Some wetland constraints throughout. Ten zoning districts
294 allow commercial and industrial uses, not a lot of difference between two types (PP &
295 CT). Can have a larger childcare area in CT. Lab research no special exception
296 needed for CT. Light industry and hotels allowed in CT, not allowed in PP. Prototype

297 production prohibited in CT. Amusement centers and medical rehabilitation facilities
298 allowed via special exception in CT.

299
300 Mr. Gray inquired if definitions for districts specific to Exeter or State wide?

301
302 Mr. Sharples stated specific to Exeter but relatively consistent throughout Towns.

303
304 Ms. Corson stated she looked at other Towns but not listed state-wide.

305 Mr. Sharples advised ran by Master Plan Oversight Committee. Consensus was
306 positive. Don't think the two are terribly different aside from permitting a few more uses.

307
308 Mr. Brown asked if the Town notifies abutters if this changes? Mr. Sharples stated only
309 Public Notice but yes. Mr. Brown asked if any abutters greatly affected by this? Chair
310 Plumer asked if there are protections in place for direct abutters? Mr. Sharples advised
311 the process is via Special Exception. There was a time when we looked at all uses and
312 rezoned what's there.

313
314 Ms. Corson stated will be on ballot to vote as well. Good to notice people to see if
315 anybody has concerns.

316
317 Mr. Sharples suggested going on case by case basis if doing that process.

318
319 Mr. Brown stated that changes in zoning are important to abutters and stake holders.
320 Comfortable with your discretion on who is notified.

321
322 Chair Plumer opened the hearing to the public at 8:14 pm.

323
324 Nancy Belanger clarify road names on map.

325
326 ***Mr. Cameron moved to continue the public hearing until January 10, 2019. Ms.***
327 ***Corson seconded the motion, with all in favor, so moved. Approved 7-0.***

328
329 Mr. Sharples advised the proposed amendment of **Article 4, Section 4.2, Schedule I:**
330 **Permitted Uses** would prohibit Assisted Living Facilities in C-3 Epping Road Highway
331 zoning district.

332
333 The use would be removed from the list of permitted uses. The Housing Advisory
334 Committed heard of proposal to add AL amendment would not immediately affect that
335 proposal. ALF defined in zoning ordinances. Mr. Cameron stated everyone's definition
336 is different (for ALFs).

337
338 Ms. Corson stated there is not much left to major development.

339
340 Mr. Sharples stated there are possibilities for redevelopment. The new proposal is
341 mainly residential use. ALFs in Town already.

342

343 Ms. Corson asked are we limiting ourselves? It is hard to find an affordable facility.
344 Facilities bring in a lot of tax revenue.

345
346 Mr. Sharples stated HAC was looking at remaining land use and whether it should be
347 used commercially.

348
349 Ms. Corson stated she is concerned they won't be able to have any more ALFs in
350 Exeter.

351
352 Mr. Sharples stated plenty of uses here have disappeared as we are so built out as a
353 Town.

354
355 Ms. Corson stated she questions whether it is enough for the future. Existing facilities
356 bring in a lot of tax revenue. Should just think about that and maybe discuss again later.

357
358 Ms. Belanger stated not to slow down, to stop elderly living. Want to promote diversity.
359 Open to discussing what's available.

360
361 Mr. Gray argued also creating a haven for those out of town. Some concerns for
362 proposal, not sure if this is right way to lower median use in Exeter.

363
364 Mr. Sharples stated it has nothing to do with demographics. It is more focused on
365 remaining commercial opportunities, trying to get the best use there.

366
367 Mr. Brown stated pushed to commercial with TIFF, no point to table.

368
369 Mr. Grueter asked if the new ALF has until October.

370
371 Mr. Sharples advised them of the possible amendment and that it would be
372 grandfathered for a year and that their application has to be in by then.

373
374 Mr. Sharples advised, if the Board were to deny, you don't need a motion. The Board
375 could motion to move forward and see where it goes from there.

376
377 ***Mr. Brown motion to move the amendment forward. Ms. Bergeron seconded the***
378 ***motion, with Mr. Brown, Ms. Bergeron, Chair Plumer, Mr. Cameron, Mr. Grueter,***
379 ***Mr. Gray, Ms. Tyner and Ms. Martel voting in favor, and Ms. Corson and Ms.***
380 ***English opposed, motion carries 5-2 in favor.***

381
382 **5. TOWN PLANNER'S ITEMS**

383
384 Field Modifications

385
386 Announcements

387

388 **6. APPROVAL OF MINUTES:**

389

390 **August 23, 2018 – Tabled**

391

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

393

394 **September 20, 2018 - Tabled**

395

396 **September 27, 2018 – Tabled**

397

398 **October 11, 2018 – Tabled**

399

400 **October 25, 2018 – Tabled**

401

402 **November 15, 2018 – Tabled**

403

404 **December 6, 2018 - Tabled**

405

406 **7. CHAIRPERSON’S ITEMS**

407

408 **8. PB REPRESENTATIVES REPORT ON “OTHER COMMITTEE” ACTIVITY**

409 **ADJOURNMENT**

410 ***Ms. Corson motioned to adjourn the meeting at 10:51 pm. Ms. English seconded***
411 ***the motion, with all in favor, so moved.***

412

413 Respectfully submitted,

414

415

416 Daniel Hoijer

417 Recording Secretary