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**TOWN OF EXETER
PLANNING BOARD
APPROVED MINUTES
March 28, 2019**

1. **CALL TO ORDER:** Session was called to order at 7:00 pm by Vice-Chair Brown.

2. **INTRODUCTIONS**

Members Present: Vice-Chair Aaron Brown, Gwen English, Kelly Bergeron, Niko Papakonstantis, Select Board Representative, Nick Gray, Alternate, Jennifer Martel, Alternate and Marcia Moreno-Baez, Alternate.

Staff Present: Dave Sharples, Town Planner

Vice-Chair Brown indicated that Alternates, Nick Gray, Jennifer Martel and Marcia Biaz would be active.

3. **NEW BUSINESS**

HEARINGS:

1. The application of Unitil Energy Systems, Inc. for a commercial site plan review and Wetlands Condition Use Permit (CUP) for the proposed construction of a 53,490 SF building (offices, storage, warehouse and wash bay area) parking and associated site improvements on an 11.70-acre parcel
Corporate Technology-1 Park zoning district
20 Continental Drive
Tax Map Parcel #46-3
Case #18-16
2. The application of Unitil Energy Systems, Inc. for a lot-line adjustment between properties located at 20 Continental Drive and 60 Gourmet Place
CT-Corporate Technology-1 Park zoning district
Tax Map Parcels #46-3 and #46-1
Case #18-20

Ms. Bergeron motioned to accept the applications of Unitil Energy Systems, Inc., Case #18-16 and Case #18-20. Mr. Gray seconded the motion, with all in favor, the motion passed unanimously.

James Petropulos of Hayner/Swanson, Inc. presented the design plan on behalf of the applicant. Mr. Petropulos noted the cases go hand in hand, one site plan and one lot-line adjustment. The 11-acre lot located in Corporate Technology Park zoning district abutted by Gourmet Gift Basket (GGB), undeveloped land to the South, created in subdivision in 1990 (referring to the L-shaped parcel). The majority is wooded, wetlands, which have been flagged by Brendan Quigley. Lot-line plan needed to support new building, relocate between subject line and

43 GGB which would give the Unitil lot more room and better geography. Made
44 sense to shift close to road. Unitil looking to acquire Gourmet Place and convey
45 some land, would be town matter. Proposing a two-story facility, 53,490 SF.
46 Currently their operation is in Kensington and they are first responders during
47 outage or emergency. Proposed development would consist of offices, storage,
48 wash bay, two access locations off Gourmet Place with 80 employees and
49 addition 20 spots for emergency. 61% open space, few impact areas, impact
50 from wetland, with difficult soil conditions, not a lot of choices for infiltration, catch
51 basin and run to back of property, outlet to surface created wetland and drainage
52 off-site.

53
54 Mr. Petropulos reviewed the proposed site lighting and landscaping plan with
55 focus on the front of the building which would have a flat roof, be 26' feet in
56 height and require seven waivers which are fairly straightforward and CUP.

57
58 Mr. Petropulos indicated other permitting necessary, the applicant has secured
59 alteration of terrain permit, been before the Conservation Commission, received
60 a favorable recommendation and think it has been designed responsibly.

61
62 Mr. Sharples noted the project requires wetlands CUP, and several waivers. The
63 applicant appeared before the TRC (comment and response letter enclosed in
64 packet). Project was reviewed by UEI in February and will have a second
65 review. No significant comments. Mr. Sharples advised the lot line is not ready
66 to be accepted due to changes and uncertainties and may need to schedule a
67 site walk and table until the second meeting in April.

68
69 Vice-Chair Brown recommended addressing the waivers and CUP.

70
71 Mr. Petropulos added Gourmet Place is intended to provide access (showing on
72 plan here). There are seven waivers fully explained in package (will paraphrase).
73 7.4.7 Significant Trees, less critical than in R-1 zone;
74 7.5.4 High Intensity Soils Survey (HISS). DES requires site specific soil
75 mapping, provided that so seeking relief from HISS.
76 9.2.4 Architectural Guidelines waiver motion, the flat roof and exterior materials
77 are consistent with nearby buildings;
78 9.5.1.4 Grading within 5 feet of property line waiver motion, approached FW
79 Webb and they support the project.
80 9.7.5.5 Landscape islands with parking lots waiver motion, focus on greenery on
81 perimeter of parking area;
82 9.9.2 Wetland Setbacks, 75 foot structural/parking setback from inland stream
83 waiver, not highest quality wetlands, mitigation approximately \$75,000;
84 9.17.9 Slope Graded Lines, Cape Cod Berm.

85
86 Mr. Petropulos noted seven items for the CUP:
87 1. Proposed use allowed in zone;
88 2. Use not carried out elsewhere on site, avoid other areas;
89 3. Wetland scientist functional rate assessment, common wooded wetland;

- 90 4. Construction and maintenance not detrimental to 2:1 slope on perimeter,
91 flatter design would increase impact;
92 5. Buffer impact would leave remaining areas in natural state, will be vegetated;
93 6. No hazardous impact, clean use;
94 7. Obtain other permits, are in process of getting those.

95 Vice-Chair Brown opened the hearing to the public for comments and questions
96 at 7:34 and being none closed the hearing for deliberations.

97 Vice Chair Brown noted minor items with the public right-of-way, making sure it
98 meets our requirements.

99 Ms. Martel asked about the detention basin, it appears as if going over the
100 property line? Mr. Petropulos responded yes, the owner owns the abutting
101 property as well. Ms. Martel questioned Stormwater area B points to pavement?
102 Mr. Petropulos explained the underground system will capture the runoff. The
103 slope works front to back. Stores in underground piping system and exits at
104 slower rate, filters out sediments in the subsurface system.

105 Ms. Martel stated there are 2:1 slopes over majority of site, would like to see a
106 more bioengineered approach. Mr. Petropulos indicated it was something they
107 could look into, generating some rock and more vegetation. Ms. English added
108 more natural features.

109 Ms. English asked about storage of chemicals, with concerns about nearby
110 wetlands and rain seepage. Mr. Petropulos responded the transformers are new
111 and contain oil and are only a hazard if hit. The area is well contained. The
112 drainage system is oversized in case it runs into a problem the water quality unit
113 separates hydrocarbon from water which is a good way to address any incident.
114 Poles are treated because they need to be preserved and small quantities of
115 hydrocarbons could come off but would run through quality unit with high
116 maintenance. Ms. English asked if the poles are covered. Mr. Petropulos
117 answered no, there are a lot of safety procedures, don't deliver wet poles, there
118 are many safety measures.

119
120 Ms. English asked about the snow storage location(s). Mr. Petropulos stated
121 there is a fenced in area with a gate. DES wants snow in treatment practice
122 rather than slope.

123
124 Ms. English asked about tree cutting area limits. Mr. Petropulos advised it was
125 tight to diagram, only the area within the rectangle will be cleared.

126
127 Ms. English asked about the trees in parking area, it would be nice to create
128 some shade.

129
130 Mr. Papakonstantis asked about stored equipment and odors. Mr. Petropulos
131 indicated there was nothing problematic.

132

133 Vice-Chair Brown asked about practices on site. Tom Murphy indicated
134 transformer's containment capacity will have countermeasure plan, stored
135 undercover and tested. PCP acquires, used for test transfer processes, internal
136 procedures on spills. Have several consultants as well, visual inspection of pole,
137 PCP soluble with diesel but not water, will be separated in quality unit, dripping is
138 mostly diesel fuel, if drips spill pads absorb oil, is maintained regularly.

139
140 Mr. Murphy commented on recyclables such as conductors and the different
141 dumpsters used to recycle those. No fuel oil will be stored on site and there will
142 be no refueling on site. In 10 years at Kensington never had a release from
143 transformers.

144
145 Ms. Bergeron asked if a three-day supply? Mr. Murphy indicated several size
146 transformers, 40 small units, 25-30 larger ones, largest units are not stored on
147 site.

148
149 Ms. English asked where recycling storage takes place? Mr. Murphy indicated
150 the top left corner of the first shop.

151
152 Mr. Gray asked if oil dielectric needs to be in transformers in storage? Mr.
153 Murphy indicated there is a risk of corrosion without, have experimented with
154 other solutions, this works best as a dielectric. Mr. Gray asked if it was unlikely
155 the unit gets hit? Mr. Murphy advised oil can also release through valve if it
156 starts to heat up. Mr. Gray asked if there were ever any problems with
157 vandalism? Mr. Murphy responded there were a few incidents concerning theft
158 of metal, have cameras and barbed wire. Last time was in Concord in 2010
159 which wasn't as secure as it is now.

160
161 Ms. Martel asked about traffic volume. Mr. Murphy noted the proposed facility is
162 not as large as Eversource, 8-10 trucks are possible and stored internally. Mr.
163 Murphy added the facility can support 10-20 trucks in the emergency area as
164 mentioned previously.

165
166 Vice-Chair Brown asked for feedback on waivers and CUP.

167
168 Mr. Gray stated he was okay with waivers as proposed, and fine with practical
169 design of building, strong precedent for trees and soil survey, if neighbor
170 approves of grading then no problems.

171
172 Vice-Chair Brown indicated the proposed use of Cape Cod berm on back.

173
174 Ms. Martel noted she would like to see how much canopy would be lost when the
175 area is developed, opposes Cape Cod curb, seen so many fail with heavy trucks
176 present. Concerned that would release stormwater and become an
177 environmental nightmare. Everything else fine.

178

179 Ms. English stated she agreed with Ms. Martel on both waivers and is on the
180 fence about the landscape islands.

181
182 Mr. Papakonstantis stated he agreed with Mr. Gray but is concerned about
183 significant trees as well.

184
185 Ms. Bergeron stated she had nothing else to add, wish didn't have to survey
186 entire site.

187
188 Ms. Moreno-Baez stated she agreed with Ms. Martel, but the others were alright.

189
190 Vice-Chair Brown agreed the tree waiver was granted too often, have no issue
191 with parking lot waiver, there is less impact without trees there, FW Webb
192 supports grading encroachment, take action on lot line?

193
194 Mr. Sharples noted he would advise holding off because the road agreement, not
195 looking to make road private so may change, not sure would want adjustment
196 before sorting out that change and can cover at the next meeting.

197
198 Vice-Chair Brown recommended scheduling a site walk.

199
200 Mr. Petropulos proposed April 29, with plenty of time to complete plan and
201 comments will be taken under advisement.

202
203 Ms. English asked if considered alternative energy sources for the facility
204 (indicating she did not expect a response just a suggestion).

205
206 Mr. Sharples indicated significant tree waiver can be sorted out with the site walk.
207 New plans are needed by April 18th.

208
209 Vice-Chair Brown proposed April 11th at 5:30. Ms. Martel indicated she would like
210 to see an inventory along with count.

211
212 **Ms. Bergeron motioned to continue Case #18-16 and Case #18-20 until April**
213 **29th. Mr. Gray seconded the motion, with all in favor, the motion passed**
214 **unanimously.**

215
216 3. The application of VWI Towers LLC for a site plan review for the proposed
217 construction of a wireless communications facility and associated improvements
218 on a 31.48-acre parcel located on Kingston Road (Town of Exeter landfill
219 property)
220 R-1, Low Density Residential zoning district
221 Tax Map Parcel #100-004
222 Case #19-02

223
224 **Ms. Bergeron motioned to accept Case #19-02. Mr. Papakonstantis**
225 **seconded the motion, with all in favor, the motion passed unanimously.**

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Mr. Sharples noted the application is for minor site plan approval on 31.5-acre parcel located on Kingston Road for the proposed construction of a telecommunications facility in the R-1 District. The applicant appeared before the ZBA for two special exceptions for height and use and before the TRC (UEI not requested to review) with not much site work to be done. The applicant has not requested any waivers. Conditions have been drafted.

Attorney Brian Grossman presented the proposed structure would be 150' feet with six feet of lightning rod servicing four commercial providers. The structure would comply with building code and be housed by 4500 SF compound surrounded by fence and barbed wire with the electric conduit inside compound. There would be a turnaround for 1-2 vehicle trips monthly. There is 117 feet to the nearest property, utilities come from street utilizing existing access. No additions proposed to landscaping, well shielded by existing vegetation and buildings. There is a petition signed in support of the facility, the plan is suitable for development, will not burden municipal services, is suitably screened, there is no impact to stormwater, a small addition to amount of impervious surface, no offensive lighting, odors, etc. and a great need for communication (wireless) in this area.

Mr. Sharples noted discussed putting utilities underground, otherwise would need waiver.

Vice-Chair Brown recommended adding a condition for that and asked for comments on the application.

Mr. Sharples noted people approached the Town with their issues in service, went to Select Board to talk about possible resolutions. The Town is supporting because this is located on Town property.

Mr. Gray asked about visuals to abutting properties, height and distance. Mr. Grossman advised with the river to the east, 105 feet to the south.

Vice-Chair Brown opened the hearing to the public for questions and comments at 8:54 PM.

Sheila Mullen of 4 Cross Road stated there is some confusion about the abutters notice and opined authorizations were made prior to notice and requests that permitting be delayed until concerns are addressed and request made in writing. Ms. Mullin stated she is opposed to the structure which is basically a 15-story building and not aesthetically pleasing and will lower property values and is unsure how it benefits the Town or any of us. Want to know what other options were explored by the Town. No cell service issue with my home and think there may be a better alternative with a small option used for 5G tech. Ms. Mullin stated she is also concerned about safety, radiation, cancer risk, earthquake

272 factors, environmental impacts, impact on wildlife, birds, bats and other safety
273 concerns and stated she did not think the use is appropriate.

274
275 John Gezer of Cross Road stated there are many studies questioning the health
276 effects. 156' is not unobtrusive in his opinion and it does affect those that live
277 here.

278
279 Travis Grieb of 1 Farmington Road stated he agreed with health concerns, the
280 total height is dramatic, and build for future of 5G.

281
282 Marie Carr of Cross Road stated the existence of a tower causes long lasting
283 negative environmental impacts, the tower's use could become obsolete and
284 there is no problem with cell service at her house.

285
286 Rick Carr of 4 Cross Road stated he has cancer and doesn't want to add to those
287 risks. Who will be liable if those issues pop up? Too many known as well as
288 unknown impacts. Don't feel these issues were addressed at the Zoning Board.
289 Don't want this approved without addressing those first.

290
291 Ms. Mullen asked who pays to inspect and how often? The owner can add
292 height to the top without prior authorization. How will it be maintained and how
293 long will the lease be for? What is the potential income? Who would be
294 responsible to deconstruct when it becomes obsolete? How far digging? Would
295 like proof that alternatives were explored. Have a petition against the tower as
296 well.

297
298 Attorney Grossman stated in response, it complies with frequency exposure to
299 the extent that can be required. The health concern is less than that of a baby
300 monitor according to health experts. There are no guy wires and lights usually
301 that's a problem with bird and bat strikes. Migratory bird path is already a
302 regulation for communication and building 5G tower for current technology.
303 Other options will not provide strong enough signal given geography. NH
304 building code and other standards require it to comply for earthquakes and wind
305 speeds. There are no wetlands on site. It is powered by standard electricity;
306 structural analyses are run. There will be no additions made without prior
307 authorization. Towers are designed not to fail and deal with stressors by
308 deflection and bending and strength of base, must meet FCC requirements no
309 matter how many carriers. Varsity wireless owns tower, each carrier manages
310 own equipment. Unauthorized use triggers alarm. Lease with Town not sure of
311 payment. A removal bond has been proposed by Mr. Sharples as a condition of
312 removal necessary. Would do Geotech before digging.

313
314 Mr. Carr asked how could there be no lights on it considering aviation traffic
315 requirements? Why wasn't the other tower built taller to begin with?

316
317 John Gezer stated standards cover a 220-pound man, proximity to tower affects
318 health hazards according to studies.

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Joe O'Donnell, Walnut Street asked what the life expectancy of the tower would be and whether it would be bonded. Mr. Sharples indicated it would be.

Attorney Grossman advised the threshold for lighting is typically 200 feet, a condition for lighted ground that it doesn't disturb abutting property. Maintenance would be during the day; the lease may be 20-25 years. The new tower is not replacing the old tower, no one tower height could fully address shortage.

Mr. Gray asked about site walk. Ms. English agreed as well as Vice-Chair Brown who added especially with confusion of notice. Mr. Sharples will recheck the direct abutters who were notified.

Vice-Chair Brown scheduled the site walk for May 1st at 6 PM.

Ms. Bergeron motioned to continue Case #19-02 to May 9, 2019 with a site walk to take place on May 1, 2019. Mr. Papakonstantis seconded the motion, with all in favor, the motion passed unanimously.

- 4. The application of EMMA Properties, LLC for a minor site plan review for the proposed addition of eleven (11) parking spaces and reconfiguration of existing parking striping on the property located at 18 Hampton Road
NP-Neighborhood Professional zoning district
Tax Map Parcel #86-4
Case #19-03

Ms. Bergeron motioned to accept Case #19-03. Mr. Gray seconded the motion, with all in favor, the motion passed unanimously.

Mr. Sharples indicated the applicant is seeking minor site plan approval for the proposed addition of 11 parking spaces and reconfiguration of existing parking striping on the property located at 18 Hampton Road. There has been no TRC review or UEL review of the application. The applicant has not requested any waivers; however, it appears they will need a waiver regarding the drive aisle width. The drive isle width between the 5-parking stall row is 16' feet wide where Section 9.13.6 requires a 22' foot wide aisle for 90-degree stalls.

Cindy Henderson and Ron Henderson appeared on behalf of EMMA Properties, LLC and presented the application was a result of realizing the parking deficiency exists and need to expand the parking stalls plus 1200' impervious surface. Everything goes down to detention pond which provides infiltration.

Vice-Chair Brown asked if there were any other comments? Mr. Sharples noted most have been addressed and wanted to know parking calculations as well.

Mr. Smith noted todays calculations are 68-71 spaces are needed and they currently have 52. To get to 63 would need closer to today's standards.

366
367 Vice-Chair Brown opened the hearing to the public for questions and comments
368 at 10:09 PM.

369
370 Randy Chouinard asked about removing the sidewalk?

371
372 Mr. Smith advised the lawn area.

373
374 Mr. Chouinard stated he had no issues with this, have come to Board a lot about
375 parking, overparked at the other property (16 Hampton). Parking downtown
376 constantly becomes a problem.

377
378 Vice-Chair Brown closed the hearing to the public for deliberations at 10:09 PM.

379
380 Vice-Chair Brown asked how came up with 11 spaces? Mr. Smith indicated it
381 was the number he could come up with while maintaining setbacks which if those
382 were maxed out would require a variance with Zoning.

383
384 Ms. Martel stated she echoed Mr. Sharples' concerns.

385
386 Ms. English asked about lighting? Mr. Smith advised existing lighting should
387 cover it. Mr. Chouinard added there are a few businesses open late hours.

388
389 ***Ms. Bergeron motioned to accept the waiver for Case #19-03 for driveway***
390 ***aisle width. Mr. Papakonstantis seconded the motion, with all in favor, the***
391 ***motion passed unanimously.***

392
393 ***Ms. Bergeron motioned that the request of EMMA Properties, LLC,***
394 ***Planning Board Case #19-03 for Minor Site Plan approval be approved with***
395 ***the following conditions:***

- 396
397
- 398 1. ***A dwg file of the plan shall be provided to the Town Planner showing***
399 ***all property lines and monumentation prior to signing the final plans.***
400 ***The plan must be in NAD 1983 State Plane New Hampshire FIPS 2800***
401 ***feet coordinates;***
 - 402 2. ***Third-party construction inspections fees shall be paid prior to***
403 ***scheduling the pre-construction meeting;***
 - 404 3. ***A maintenance log and inspection and maintenance checklist for all***
405 ***onsite stormwater management systems shall be provided to the***
406 ***satisfaction of the Town Planner prior to signing the final plans. A***
407 ***completed log and checklist shall be submitted to the Town Engineer***
408 ***annually on or before January 31st. This requirement shall be an***
409 ***ongoing condition of approval;***
 - 410 4. ***If determined applicable by the Exeter Department of Public Works, the***
411 ***applicant shall submit the land use and stormwater management***
information about the project using the PTAPP Online Municipal

412 *Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be*
413 *accepted by DEP prior to the pre-construction meeting.*

414
415 *Mr. Papakonstantis seconded the motion, with all in favor, the motion*
416 *passed unanimously.*
417

418 **4. OTHER BUSINESS**

419 **APPROVAL OF MINUTES**

420 **March 14, 2019**

421 *Ms. Bergeron motioned to accept the March 14, 2019 minutes, as amended. Mr.*
422 *Gray seconded the motion, with Mr. Papakonstantis, Ms. Moreno-Baez, and Ms.*
423 *Martel abstaining, approved 4-0, so moved.*
424

425 **Site Walk March 7, 2019**

426
427 *Ms. English motioned to accept the March 7, 2019 Site Walk minutes, as amended.*
428 *Ms. Martel seconded the motion, with Mr. Papakonstantis, Mr. Gray, Ms. Bergeron,*
429 *Ms. Moreno-Baez abstaining, and none opposed, approved 3-0, so moved.*
430

431 **MASTER PLAN DISCUSSION - Tabled**
432

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

434 Field Modifications

435 **6. CHAIRMAN'S NOTES**

436 Vice-Chair Brown asked if the members each received a copy of Riggins Rules that was
437 sent out. Mr. Sharples noted it was referenced and new members should receive a copy
438 of those and will send to everyone.

439 **Next Meeting: April 11, 2019**

Site Walk: April 11, 2019

20 Continental Drive

441 **April 25, 2019**

May 1, 2019

Kingston Road

443 **7. ADJOURNMENT**

444 *Ms. Bergeron motioned to adjourn the meeting at 10:24 pm. Ms. Martel seconded*
445 *the motion, with all in favor, so moved.*

446 Respectfully submitted,
447 Daniel Hoijer
448 Recording Secretary