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**TOWN OF EXETER
PLANNING BOARD
DRAFT MINUTES
JULY 25, 2019**

6 **1. CALL TO ORDER:** Session was called to order at 6:34 pm by Chair Plumer.
7

8 **2. INTRODUCTIONS**

9 **Members Present:** Chair Langdon Plumer, Niko Papakonstantis, Select Board
10 Representative, Pete Cameron, Clerk John Grueter, Gwen English, Jennifer Martel,
11 Alternate, Nick Gray, Alternate and Marcia Moreno-Baez, Alternate (@6:36 PM)

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

13 Chair Plumer indicated that Alternates Jennifer Martel, Nick Gray and Marcia Moreno-
14 Baez would be active.

15 **6:30 PM - Presentation by Horsley Witten Group**
16 **Update on Municipal Technical Assistance Grant (MTAG)**
17

18 Nate Kelly of the Horsley Witten Group presented an informational session relative to the
19 Exeter Housing Future project.
20

21 Mr. Kelly noted he initially had a public forum focused on the C-1 zoning district related to
22 Lincoln Street and Water Street, thoughtful of the Waterfront Commercial zoning district. Mr.
23 Kelly indicated he administrated a survey concerning housing in Exeter. The community
24 has a balanced portfolio of housing. A series of images were laid out for people to look at.
25 Most seemed to understand the housing issues and about half said they had no concerns
26 with the project. A copy of the results were provided to the Board.
27

28 Mr. Cameron asked why so many people thought Exeter was mostly single-family homes?
29 Mr. Sharples added this was concerning the C-1 zoning district. Mr. Kelly noted multi-family
30 is allowed by right in C-1, others require special exception. There hasn't been a lot of
31 development.
32

33 Mr. Kelly indicated part of the geographic focus comes from Master Plan development.
34 Parking is the next topic and not an exact science. Parking requirements can take up a lot
35 of space. Some buildings cannot provide parking necessities. Parking becomes an asset
36 and a commodity. Reducing minimums is one option. Consider what kind of trade offs you
37 are looking for in return for loosening regulations. One example is deed-restricted
38 affordable housing.
39

40 Mr. Kelly noted another public forum is scheduled for August 21st and can be followed up on
41 at the August 22nd meeting. Ms. English noted back to school is a busy time for many and
42 recommended putting off until September.
43

44 **3. APPROVAL OF MINUTES**

45
46 **May 23, 2019**

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48 *Mr. Papakonstantis motioned to approve the May 23, 2019 minutes. Ms. English*
49 *seconded the motion. Mr. Cameron abstained. Approved: 6-0-1.*

50
51 **July 11, 2019**

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53 *Mr. Papakonstantis motioned to approve the July 11, 2019 minutes. Mr. Gray*
54 *seconded the motion. Ms. Moreno-Baez abstained. Approved: 6-0-1.*

55
56 **July 11, 2019 Site Walk**

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58 *Ms. English motioned to approve the July 11, 2019 Site Walk minutes. Mr.*
59 *Cameron seconded the motion. Ms. Moreno-Baez, Mr. Grueter, Mr. Gray and Mr.*
60 *Papakonstantis abstained. Approved: 3-0-4.*

61
62 **4. NEW BUSINESS**

63 **HEARINGS:**

64 **Continued Public Hearing on the application of Sparkle Street Realty, LLC for a**
65 **site plan review for the proposed construction of a 3,458 square foot dental office,**
66 **parking and associated site improvements on the property located at**
67 **1 Wayside Drive, NP-Neighborhood Professional zoning district**
68 **Tax Map Parcel #86-1**
69 **Case #19-06**

70
71 Chair Plumer noted a site walk was done on July 11, 2019.

72 Mr. Sharples advised this hearing was tabled for the site walk to be done. Various items
73 were discussed. Plans were revised and reviewed by UEI with the second review
74 completed as well. Electric services were proposed to be relocated. Two waivers have
75 been requested.

76 Jason Hill noted they met with the Board about a month ago and on site walk two weeks
77 ago. There are a few comments to be addressed and a general discussion on
78 landscaping.

79 Mr. Hill advised a gentleman to the North requested a fence over the vegetated buffer.
80 An abutter to the West expressed concerns about headlights. Screening was proposed,
81 redesign of landscaping in the front and concerns about snowfall on the walkway. A
82 snow guard is proposed on the roof to trap snow and allow for melting. Diseased trees
83 are proposed to be removed, addition of tree in front and agreement with third-party
84 review comments.

85 Chair Plumer asked where the fence would be located? Mr. Hill noted after mature tree,
86 satisfied with landscape screening.

87 Ms. English asked if an arborist had looked at the trees? Mr. Hill explained no, just
88 visual observation. Like to preserve where feasible but is not for those trees.

89 Mr. Gray asked about snow storage toward SE and whether filtration basin would catch
90 all of the runoff? Looks like there would be water in the abutting driveway to the right.
91 Mr. Hill advised it is not designed to catch water from melted snow, don't anticipate
92 impact to property, grade is sloped toward Hampton Road. Mr. Hill noted a shallow 6"
93 depressed area could catch water.

94 Ms. Martel asked if the existing stone wall is remaining? Mr. Sharples noted it would be
95 rebuilt after water and gas installation.

96 Ms. Martel indicated she appreciated the addition of the drip edge and reduction of the
97 sidewalk. Mr. Hill noted they will propose 3 feet or no sidewalk at all and the area would
98 be landscaped. Mr. Sharples added there is nothing to separate from the building.

99 **Mr. Gray motioned, after reviewing the criteria for granting waivers, that the**
100 **request of Sparkle Realty, LLC (PB Case #19-06) for a waiver from Section 9.5.1.4**
101 **of the Site Plan Review and Subdivision Regulations regarding grading within 5**
102 **feet of the property line be approved. Ms. English seconded the motion. Voting**
103 **were 6 in favor and one opposed (Ms. Martel). Approved 6-1-0.**

104 **Mr. Gray motioned, after reviewing the criteria for granting waivers, that the**
105 **request of Sparkle Realty, LLC (PB Case #19-06) for a waiver from Section 7.4.10**
106 **of the Site Plan Review and Subdivision Regulations to provide High Intensity Soil**
107 **Survey information on the Existing Conditions Plan be approved. Mr.**
108 **Papakonstantis seconded the motion. With all in favor, so moved.**

109 Mr. Sharples advised there would be conditions of approval required and read those out
110 loud, adding:

111 #9 the wood fence to be included in the plan and legend;

112 #10 snow guard system noted on plans and added to detail plan;

113 #11 three-foot sidewalk removed and replaced with landscaping protected by curb;

114 Mr. Hill noted he preferred to leave as is. Ms. Martel noted the three-foot sidewalk would
115 be pointless and was better to have none with plantings. Ms. English agreed.

116 Chair Plumer opened the hearing to the public for comments and questions at 7:41 PM
117 and being none closed the hearing to the public at 7:41 PM for deliberations.

118 Mr. Cameron noted he had concerns about the trees and traffic which he experienced
119 going from Wayside to Hampton Road.

120 Mr. Papakonstantis echoed the concerns about traffic noting turning will not be any
121 easier.

122 Ms. English questioned the hours of operation. The appointments would be staggered,
123 7 AM to 7 PM and 8 AM to 3 PM three days per week. 40 patients per day but never all
124 at the same time.

125 Ms. English asked what time the lights would be turned off? 10 PM. Mr. Sharples
126 added that downlight and shielding are added to plan as dark sky compliant.

127 Ms. Moreno-Baez asked how the traffic would be from hour to hour? Mr. Sharples
128 indicated peak traffic times to and from west, 4 in, 1 out and same with East. Non-peak
129 hours could remain steady because of staggered appointments.

130 ***Mr. Gray motioned that the request of Sparkle Realty, LLC (PB Case #19-06) for***
131 ***Site Plan approval be approved with conditions outlined below. Ms. English***
132 ***seconded the motion, with all in favor, so moved.***

133 ○ **A dwg file of the plan shall be provided to the Town Planner showing all**
134 **property lines and monumentation prior to signing the final plans. This plan**
135 **must be in NAD 1983 State Plane New Hampshire FIPS 2800 Feet**
136 **coordinates;**
137

138 ○ **All monumentation shall be set in accordance with Section 9.25 of the Site**
139 **Plan Review and Subdivision Regulations prior to the issuance of a**
140 **Certificate of Occupancy;**
141

142 ○ **A preconstruction meeting shall be arranged by the applicant and his**
143 **contractor with the Town engineer prior to any site work commencing. The**
144 **following must be submitted for review and approval prior to the**
145 **preconstruction meeting:**
146

- 147 ● **The SWPPP (storm water pollution prevention plan), if**
148 **applicable, be submitted to and reviewed for approval by DPW**
149 **prior to preconstruction meeting.**
- 150 ● **A project schedule and construction cost estimate.**
151

152 ○ **All comments in the Underwood Engineers Inc. letter dated July 24, 2019 and**
153 **the TRC comment letter dated May 29, 2019 shall be addressed to the**
154 **satisfaction of the Town Planner prior to signing the final plans;**
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156 ○ **Third party construction inspections fees shall be paid prior to scheduling**
157 **the preconstruction meeting;**
158

159 ○ **The Inspection Checklist for all onsite stormwater management systems in**
160 **the Inspection & Maintenance Manual submitted by the applicant and dated**
161 **May 14, 2019 and revised July 12, 2019 shall be completely annually and shall**
162 **be submitted to the Town Engineer on or before January 31st each year. This**
163 **requirement shall be an ongoing condition of approval;**
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165 ○ **The PTAPP submittal (noted in #26 in the letter from Jason Hill and dated**
166 **July 12, 2019) must be accepted by DPW prior to the pre-construction**
167 **meeting;**

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- **A restoration and erosion control surety, in an amount and form reviewed and approved by the Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision Regulations, shall be provided;**
- **The wood fence, shown on Sheet 12 of 14, shall be called out on the landscape plan and included in the legend;**
- **A snow guard system for the building shall be noted on the plans and added to the detail sheet; and,**
- **The three (3) foot proposed walkway on the western side of the building shall be removed and replaced with a three (3) foot strip of vegetated landscaping that shall be protected by curbing. This condition does not apply to the portion of the sidewalk providing access to the building from the ADA accessible parking stall or the westerly door access.**

185 **5. OTHER BUSINESS**

- **D.R. Lemieux Buildings, Inc. – PB Case #21613
Bond release request for Garrison Lane subdivision**

189 Mr. Sharples advised he received a letter dated June 27, 2019 from David R
190 Lemieux, President of D.R. Lemieux Buildings, Inc. requesting a release of their
191 bond as required in Condition #6 of their approval on September 8, 2016.
192 Occupancy Certificates have been obtained for all lots created under this
193 approval. Mr. Sharples received a Memo from Jennifer Mates, P.E., Assistant
194 Town Engineer dated July 3, 2019 which indicated the project was completed in
195 2018 recommending release of the \$10,000 bond to the owner.

196
197 ***Mr. Cameron motioned to approve the bond release request of \$10,000 to***
198 ***the owner dated June 27, 2019 for Case #21613 as referenced in the Memo.***
199 ***Mr. Papakonstantis seconded the motion, with all in favor, so moved.***
200

- **Planning Board deliberations on remand in case Willey Creek Co., LLC v.
Town of Exeter**

204 ***By Roll Call, Mr. Cameron motioned to go into non-public session under***
205 ***91-A:3(II)(I) consideration of legal advice. Ms. English seconded the***
206 ***motion, with all in favor, so moved.***
207

208 The meeting room was closed to the public at 8:20 PM.

209
210 The meeting room was reopened to the public at 8:33 PM.

211
212 ***Mr. Cameron motioned to seal the minutes of the non-public session***
213 ***indefinitely. Ms. English seconded the motion, with all in favor, so moved.***
214

215 Chair Plumer advised the Board will be deciding whether to accept further
216 evidence, unless agreed otherwise, including three (3) pieces of materials with
217 no other evidence or testimony added to the record.

218 Mr. Sharples asked if impact fees were assessed in this case? – yes.

219
220 Chair Plumer asked for a summary of why the Board denied the request. Mr.
221 Gray stated the consensus was the Board felt uncomfortable granting 100%
222 waiver because of the possibility of having school-age children in residence. Mr.
223 Sharples added there must be deeded restrictions on occupancy to ensure
224 children will not live in those units to justify 100% waiver. Mr. Cameron agreed.
225 Mr. Sharples noted the request was for 100% and the Board is only permitted to
226 act on what is before them. Mr. Papakonstantis asked if the only matter before
227 the Board is the school impact fee? – correct.

228
229 Chair Plumer indicated the Board may reconsider with deeded restrictions. Mr.
230 Sharples indicated willingness to do so has been demonstrated with deeded
231 restrictions. Mr. Gray noted if no children under age 18 were to live in the units.

232
233 ***Mr. Papakonstantis motioned to grant the requested 100% waiver of public-***
234 ***school impact fees, subject to the condition that the age-restricted units be***
235 ***bound by appropriate deeded age restrictions on occupancy, as required***
236 ***by Exeter Zoning Ordinance Article 11.7.1 form and wording to be approved***
237 ***by the Town's legal counsel. Prior to the issuance of a Certificate of***
238 ***Occupancy, the Building Inspector/Code Enforcement Officer shall verify***
239 ***that a deed conveying ownership of the age-restricted unit has been***
240 ***recorded at the Registry of Deeds with the necessary age-restrictions. Mr.***
241 ***Gray seconded the motion, with all in favor, so moved.***

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243 • **Master Plan Discussion**

244 Mr. Sharples summarized the last meeting which recapped rezoning potentials
245 and a desire to move forward to full Board discussion. Mr. Sharples noted the
246 goal to revise code and allow flexibility in designs with MTAG, etc. Need
247 flexibility in design without saying you can do whatever you want. Using finances
248 to improve design is the next priority.

249 **6. TOWN PLANNER'S ITEMS**

250 **Field Modifications**

251 Mr. Sharples advised that 16 Hampton Road showed a walkway initially, put in sidewalk
252 that goes to bottom of hill, mailbox. Would like to have reviewed and approved.

253

254 **Announcements**

255 **Coastal Resilience Grant Proposal**

256 Mr. Sharples announced Julie LaBranch from the Rockingham Planning Commission
257 came to the Select Board meeting to present a grant opportunity to develop and submit
258 for this. Mr. Sharples provided a copy of a letter from Chair Plumer dated July 26, 2019
259 to Kirsten Howard at NH DES. The Select Board voted to support the application. The
260 \$10,000 grant requires \$5,000 in matching funds which can be supported from
261 Planning's budget. Citizens supported the warrant article in 2019 to create a
262 sustainability office and Committee. The Planning Board can vote to authorize Chair
263 Plumer to sign the letter of support on behalf of the Board.

264 ***Mr. Cameron motioned to authorize Chair Plumer to sign the letter to Kirsten***
265 ***Howard at NH DES concerning the Coastal Resilience Grant Proposal – Exeter***
266 ***Sustainability Advisory Committee: Charting a Court for the Sustainability Office***
267 ***dated July 26, 2019. Mr. Gray seconded the motion, with all in favor, so moved.***

268 **7. CHAIRPERSON'S ITEMS**

269 **Next Meeting: CIP - August 8, 2019 & August 22, 2019**

270 **8. PLANNING BOARD REPRESENTATIVES REPORT ON "OTHER**
271 **COMMITTEE" ACTIVITY**

272

273 **9. ADJOURN**

274 ***Mr. Papakonstantis motioned to adjourn the meeting. Ms. Martel seconded the***
275 ***motion, with all in favor, the motion passed unanimously.***

276 ***Chair Plumer adjourned the meeting at 9:01 PM.***

277 Respectfully submitted,

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281 Daniel Hoijer
282 Recording Secretary
283 Via Exeter TV