

**TOWN OF EXETER
PLANNING BOARD
AUGUST 22, 2019
DRAFT MINUTES**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT: Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete Cameron, Clerk, Kathy Corson (acting Select Board representative for this portion of the meeting), Kelly Bergeron, John Grueter, and Nick Gray, Alternate

At 7:58 PM Niko Papakonstantis, Select Board representative and Alternate Jennifer Martel rejoined the Board. Select Board representative Kathy Corson departed.

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:00 PM.

III. OTHER BUSINESS:

Exeter Rose Farm LLC –Clarification of the Planning Board’s January 10th, 2019 decision granting the following waivers to Exeter Rose Farm LLC pursuant to the July 29th, 2019 order of the Rockingham County Superior Court: 1. Section 9.17.2 – Dead End Streets/Cul-de-sacs 2. Section 7.4.7 – Significant Trees (16-inches diameter/caliper or greater) 3. Section 9.9.2 – Wetland Setbacks/Buffer Impacts 4. Section 9.6.1.2 – Perimeter Buffer Strip 5. Section 9.17.5 – Public Ways and Rights-of-Way No public input will be taken at this meeting.

Tax Map Parcels #54-5, #54-6, #54-7, and #63-205

PB Case #17-27

At 7:18 PM due to missing audio recording notification from the Exeter TV staff via Mr. Staples, Chair Plumer directed the Board begin again.

Dave Sharples: reading: PB Case #17-27 Exeter Rose Farm LLC

This matter has been remanded by the Board and you all have a copy of the Court’s order and just to read from the Court’s order which highlights how the court felt about five of the waivers. “Ultimately in large part because of its thorough review process the Board may readily be able to clarify the decision to approve the waiver was based on lawful and reasonable grounds. This is not clear from the minutes themselves though.”

The Judge concluded “on remand the Board shall clarify the basis for its decision to waive the Dead-end Streets, Significant Trees, Wetlands Setbacks, Perimeter Buffer Strip and Private rights of Way regulations. In doing so the Board shall limit itself to the evidence currently in the record.”

So as the order states the Board needs to provide its rationale for granting the five waivers listed in the order.

40 As also stated, the Board shall limit itself to the evidence currently in the record, meaning no new
41 testimony or evidence can be taken. And, as stated in my memo which I'll read the last paragraph:

42 Based upon the proceeding I have taken the liberty of preparing draft decisions for your consideration.
43 These are only drafts, and at the end of the day, the decision rests solely with the Board so use them
44 how you see fit. I have also enclosed a sheet showing who voted on the waivers and their votes.

45 You could read the rationales into the record and then if you agree with the rationale you can adopt it as
46 part of a motion, which I provided, as is customary I provided a motion for each of the five waivers to
47 consider and you can also make revisions or additions as you see fit.

48 In additional to the rationale provided in the Memo, I also sent under separate cover the other day, the
49 rationale for approving the Wetland Waiver as it pertains to the criteria listed in Section 9.9.3 of the Site
50 Plan Review & Subdivision regulations. It wasn't clear if the order was requiring this but thought it was
51 beneficial to add. They talked about Section 13.7. It did mention 9.9.3 but only said it "should
52 consider." I was unclear on this, but decided out of an abundance of caution to provide you with a draft
53 of the rationale to use how you see fit. We can discuss that in more detail when we get to that.

54 Chair Plumer: I'm going to point out that we have six members acting this evening. These people were
55 a part of this case from beginning to end: including myself (Chair Plumer), Aaron Brown, Pete Cameron,
56 Gwen English who is absent/out of town, Kelly Bergeron, Kathy Corson and John Grueter.

57 I have appointed Kathy as an acting member for this particular case and I would ask Aaron Brown if he
58 might start off the process by taking on what he did already.

59 Aaron Brown reading: 9.17.2 Cul-de-Sac Length Waiver

60 At our hearing from January 10, 2019 that waiver was approved 6-1 with Gwen English opposing.

61 So I will go through the five pieces and then I will open it to see if the Board wants to discuss it and if
62 nobody does, I'll just keep going.

63 #1 Granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to
64 other property.

65 The proposed road is 2,372 feet where 1,200 feet is permitted. A separate emergency access
66 maintained by the homeowner's association is provided. The Fire and Police Departments have
67 reviewed the plans and are satisfied with the proposed configuration of the street and access network.

68 The waiver is particular to the northwesterly part of the site where the developed area is surrounded by
69 a perimeter buffer strip and abuts town conservation land and forest land to the North and Norris
70 Brook, wetlands and upland forested buffer to the South, so the waiver will not be injurious to other
71 property.

72 #2 The conditions upon which the request for the waiver is based are unique to the property for which
73 the waiver is sought and are not applicable generally to other property.

74 The parcel is unique, because the only access to a public way is in the southerly end of the site as the
75 rest of the parcel is landlocked by Town conservation land to the North, the railroad line to the East,

76 Norris Brook to the South and through the property, and a fully developed condominium complex
77 further to the South.

78 The previously developed portion of the parcel which is also the most developable portion of the parcel
79 is on the North side of Norris Brook over 1,200 feet away from the public access to Forest Street.

80 #3 Because of the particular physical surrounding, shape or topographical conditions of the specific
81 property involved, a particular hardship to the owner would result as distinguished to a mere
82 inconvenience, if the strict letter of these regulations were carried out.

83 As described above this lot is surrounded by conservation land, Norris Brook and a fully developed
84 multi-family complex. There is no other way to access the previously developed and mostly developable
85 piece of this property.

86 If the waiver was denied it would be a hardship to the owner to prevent it from redeveloping the
87 portion of the lot that is being utilized for residential purposes and that was a commercial operation for
88 many years and from developing a large flatter part of the site where 33 of the proposed 41 lots are
89 situated.

90 #4 Granting of the waiver will not be contrary to the Spirit and Intent of the regulations.

91 The spirit and intent of the Ordinance appears to be to avoid long in and one way out scenarios for
92 public safety and possibly to encourage connectivity between properties by designing new housing
93 developments in more of a grid pattern. The project does supply a secondary emergency access to be
94 utilized in the event the public way becomes impassable.

95 Due to the existing development on the site as well as the natural environment and conservation land
96 around the subject parcel, connectivity to adjacent parcels is neither feasible nor desirable.

97 Additionally the Fire Department now carries 2,000 feet of hose on all four of their engines, a total of
98 8,000 feet of hose and would be able to reach the end of the proposed roadway even with the extra
99 1,172 feet of roadway In the unlikely scenario that the entire public roadway and the emergency access
100 are both completely blocked.

101 #5 The waiver will not in any manner vary the provisions of the Zoning Ordinance or Master Plan.

102 The plans have been reviewed by the Code Enforcement Officer and deemed to be in compliance with
103 the Zoning Ordinance. The Master Plan does not have any specific provisions that are inconsistent with
104 this proposal and in fact this project supports several action items in the Master Plan regarding infill
105 housing development on a Brownfield site and walking distance to downtown and affordable housing
106 choices since the developer is taking advantage of the affordable housing density bonus and must
107 construct nine (9) units of affordable housing as defined by the Zoning Ordinance.

108 **MOTION:**

109 **Kathy Corson: I move that the Board accept the rationale for the Dead-end Street/Section 9.17.2 Cul-**
110 **de-Sac Length Waiver request as discussed and read into the record.**

111 **Seconded: by Kelly Bergeron**

112 **Approved 6-0-0**

113 Kelly Bergeron reading: Section 7.4.7 Significant Trees

114 #1 Granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to
115 other properties.

116 This requirement only requires the applicant to identify any significant trees on the existing conditions
117 plan and does not protect them from being disturbed or removed. In this case the Planning Board
118 conducted a Site walk and walked the entire parcel. As a result of the Board's observations it requested
119 that the applicant identify significant trees in the forested area where the road is proposed to cross
120 Norris Brook.

121 The applicant did identify all significant trees in the area requested by the Board in a Memorandum
122 dated November 14, 2018 from Marc Jacobs, certified wetlands scientist.

123 The identification of significant trees on many acres of forested land that will not be disturbed to
124 develop the land or on portions on each individual lot that will be disturbed to construct the proposed
125 homes will not be detrimental to the public safety, health, and welfare or injurious to other properties.

126 #2 The conditions upon which the request for a waiver is based are unique to the property for which the
127 waiver is sought and are not applicable generally to any other property.

128 The parcel is a previously developed commercial site and with several residential units which are still
129 occupied. The land proposed for the majority of the development has already been disturbed, and is a
130 combination of open field areas, debris piles, and habitable and uninhabitable structures. The one area
131 where the road is being proposed to cross Norris Brook is currently forested and this is the area the
132 Board requested the applicant identify significant trees, which the applicant did.

133 #3 Because of the particular physical surrounding, shape or topographical conditions of the specific
134 property involved, a particular hardship to the owner would result as distinguished from a mere
135 inconvenience, if the strict letter of these regulations were carried out.

136 This is a large previously developed lot. Most of the currently forested land will remain forested and will
137 not be disturbed. Approximately 19 acres of the site shall be permanently reserved for open space,
138 recreational space and conservation land. The expense and effort involved in identifying trees in the
139 areas that will not be disturbed or the areas of the lot to safely construct a single- family dwelling will be
140 a hardship and is unnecessary.

141 #4 The granting of the waiver will not be contrary to the spirit and intent of the regulation.

142 The spirit and intent of the regulation is to identify significant trees so that the Planning Board can
143 determine if the proposal can be modified to avoid disturbing mature trees.

144 The Planning Board held a Site Walk and requested that the applicant provide a plan identifying the
145 trees in the area they were concerned about, thus fulfilling the intent and spirit of the ordinance.

146 #5 The waiver will not in any manner vary the provisions of the Zoning Ordinance or Master Plan.

147 Neither the Zoning Ordinance nor Master Plan has any provisions regarding the removal of significant
148 trees.

149 In the original hearing for this Section 7.4.7 Significant Trees, Planning Board action was approved 5-2
150 with Gwen English & Kathy Corson opposed.

151 Chair Plumer asked: is there anything to change or add to this? - none

152 **MOTION:**

153 **Pete Cameron: I move that the Board accept the rationale for the Significant Tree Waiver request as**
154 **discussed and read into the record.**

155 **Seconded: by Aaron Brown.**

156 **All in favor, with Kathy Corson abstaining**

157 **Approved 5-0-1**

158 Question: Pete Cameron: Do you think we need to identify the particular provisions in the regs, is it
159 clear from the rest of the record?

160 Discussion:

161 Dave Sharples: I think it's clear which, as you're reading the criteria, these are going to be part of these,
162 (holding up document), I think its crystal clear what criteria without saying 13.7.1, 13.7.2, I think it's
163 clear the rationale you're providing for which criteria...

164 Dave Sharples:

165 Wetlands buffer impacts waiver

166 I also to the extent the Court is requesting the Board clarify its rationale for the criteria for 9.9.3 I also
167 provided a draft for the Boards use.

168 Aaron Brown reading: Section 9.9.2 Wetlands Setback/Impact Buffer Waiver

169 Planning Board action was approved 6-1 with Pete Cameron opposed.

170 Wetlands Buffer Impact Waiver (repeated)

171 #1 Granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to
172 other property.

173 The waiver is necessary to allow the roadway and associated utilities to cross the wetland buffer area.

174 This area is approximately in the middle of the site and is not in close proximity to any abutting
175 properties.

176 No relief from this provision is needed to develop any of the 41 individual lots.

177 Roadways are an allowed use in the wetlands buffer area. The applicant is proposing the road in the
178 least impactful area on the site as confirmed by both the applicant's wetland's scientist, and the

179 wetland's scientist hired by the Town of Exeter.

180

181 The waiver is therefore not detrimental to the public safety, health or welfare or injurious to other
182 properties.

183 #2 The conditions upon which the request for the waiver is based are unique to the property for which
184 the waiver is sought and are not applicable generally to other property.

185 A waiver was necessary in order to access the most developable portion of the site, where a commercial
186 operation historically existed. Due to the characteristics of the parcel, no other access was feasible or
187 more desirable to access the land of the prior commercial site.

188 The Planning Board did examine an alternative and the alternative was peer reviewed by a wetland's
189 scientist who concluded that the proposed location of the roadway that was approved by the Board was
190 a location that minimized impacts to the wetlands and buffers.

191 #3 Because of the particular physical surroundings, shape, or topographical conditions of the specific
192 property involved, a particular hardship to the owner would result as distinguished from a mere
193 inconvenience, if the strict letter of these regulations were carried out.

194 The most reasonable location for the roadway was in the location proposed by the applicant.

195 If a waiver was not granted to allow the roadway to cross Norris Brook in this area it would effectively
196 prohibit the applicant from developing the most developable portion of the site which is also the area
197 that has already been developed and the large commercial Rose Farm operation.

198 This clearly demonstrates a hardship to the owner.

199 #4 Granting of the waiver will not be contrary to the spirit and intent of the regulations.

200 The spirit and intent of the Ordinance is to ensure that no other reasonable options to locate the
201 improvements outside of the buffer and impacts to wetlands and buffers are minimized to the extent
202 practical while still allowing the reasonable development of the parcel.

203 The Ordinance recognizes that roadways are a permitted use via a conditional use permit.

204 The proposal was peer reviewed by a wetland's scientist hired by the Planning Board who agreed the
205 proposed location of the roadway was reasonable and located to minimize the impact on existing
206 wetlands and associated buffers.

207 Only the roadway and associated utility improvements were within the buffer and all individual house
208 lot development are outside the wetlands buffer.

209 #5 The waiver will not in any manner vary the provisions of the Zoning Ordinance or Master Plan.

210 The Code Enforcement Officer reviewed the proposal and determined that it does not violate any
211 provisions of the Zoning Ordinance. The Master Plan has no specific provisions regarding the placement
212 of roadways through wetlands buffers.

213 Discussion:

214 Aaron Brown: So this is regarding 9.9.3. Wetland Waiver Guideline Section 9.9.3 to the extent that the
215 court order is requesting the Board to clarify its rationale in approving the wetland waiver in accordance
216 with the criteria set forth in Section 9.9.3. The Board concurs with the statements and findings in the
217 Memorandum dated June 29, 2018 from Marc Jacobs, a certified wetland scientist. In addition to Marc
218 Jacobs' Memorandum the Board received a Memorandum from Bill Campbell, the Chair of the Exeter
219 Conservation Commission dated July 12, 2018 that set forth the Commission's recommendation
220 regarding the applicant's request. This Memorandum was provided to the Board for their September
221 13, 2018 meeting. The Commission's recommendations were reviewed and considered by the Planning
222 Board as evidenced by discussion of the recommendation at several subsequent meetings.

223 Dave Sharples: may I also add, one of the criteria in Section 9.9.3., states that not more than 50% of the
224 drainage structures are within the required buffer and Marc Jacobs does discuss that in the referenced
225 Memorandum but I do have for reference as well the 8/20/19 Memorandum of Jack McTeague, where
226 he provided his conclusion that only 35% of the drainage structures are in the no disturbance wetlands
227 buffer area and he took all the outlet pipes, all the treatment swales and several pages of calculating of
228 the area to come up with that figure to back up what Marc Jacobs had concluded because I asked him to
229 do that. That's what this Memorandum was in response to cos I wanted some documentation and some
230 calculations on how they got that criteria...

231 **MOTION:**

232 **Kelly Bergeron: I move that the Board accept the rationale for wetlands setback waiver request of**
233 **Section 13.7, and Section 9.9.3 as discussed and read into the record.**

234 Discussion:

235 Chair Plumer/Kelly Bergeron: On the memo it says 9.9.2, is that a typo?...

236 Dave Sharples: Just read the third motion that I provided, it, ok that covers it, Section 13.7 and Section
237 9.9.3.

238 **Seconded: by John Grueter**

239 **Pete Cameron opposed. Approved 5-1-0.**

240 Question of Aaron Brown about rationale voting procedure.

241 Dave Sharples: you could abstain or oppose, that's fine.

242 Chair Plumer: Perimeter Buffer Waiver

243 Kelly Bergeron reading: Section 9.6.1.2 Perimeter Buffer Waiver

244 Planning Board action at the January 10, 2019 meeting was approved 6-1 with Pete (Cameron) voting
245 no.

246 Section 9.6.1.2 Criteria. The Board may approve a partial or total waiver to the buffer strip if the
247 configuration or location of the parcel for consideration of abutting property warrants flexibility to the
248 proposed green space.

249 This waiver is specific to the ownership of a portion of the perimeter buffer and will not change the
250 underlying requirements of the buffer.

251 The waiver only applies to the 14 lots along the northerly side of the parcel and was requested because
252 the Planning Board wished to avoid an additional wetland crossing and disturbance of the 6.31-acre
253 portion of the land in northwesterly corner of the site that would be better served as protected open
254 space. A plan that met the perimeter buffer requirement would require an additional wetland crossing
255 and the development of a scenic forested area adjacent to the Town Forest

256 Given its location adjacent to the Town Forest to the North, being flexible with the requirement of
257 ownership of the perimeter buffer area, resulted in more desirable and usable open space than would
258 otherwise have been developed.

259 This land would be accessible by the public and the homeowners within the development to access the
260 Town Forest.

261 Section 13.7 to the extent that the waiver criteria set forth in Section 13.7 applies here is the rationale
262 for the Board's decision:

263 #1 Granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to
264 other property.

265 This waiver is specific to the ownership of a portion of the perimeter buffer and will not change the
266 underlying requirements of the buffer.

267 The waiver only applies to the 14 lots along the northerly side of the parcel.

268 All buffer requirements will still apply.

269 There will be no detrimental affect to the public, safety, health, or welfare or injurious to other
270 properties.

271 #2 The conditions upon which the request for a waiver is based are unique to the property for which the
272 waiver is sought and are not applicable generally to other property.

273 The waiver is necessary because the Planning Board requested that the applicant redesign the plan to
274 avoid crossing the stream in the westerly corner of the site.

275 Not only does this design remove the proposed wetland crossing it also allows for six acres of forested
276 land to be placed in conservation and left undisturbed. Moreover the land adjacent to the portion of
277 the perimeter buffer that is the subject of this request is Town-owned, deed restricted, conservation
278 land.

279 # 3 Because of the particular physical surroundings, shape or topographical conditions of the specific
280 property involved, a hardship to the owner would result as distinguished to a mere inconvenience, if the
281 strict letter of these regulations were carried out.

282 It would be a hardship on the owner of the property to permit and construct an additional wetland
283 crossing and develop forested area.

284 Due to the minimum lot size of 15,000 SF per lot, the only way the subdivision could be designed to
285 eliminate the crossing was to allow approximately half of the hundred-foot wide perimeter buffer to
286 become part of the individual lots along the northern property boundaries.

287 Not allowing this waiver and requiring additional infrastructure and impact on the natural environment
288 would be a hardship on the owner and an unnecessary burden upon the Town.

289 #4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

290 The spirit and intent of the regulation is to provide a buffer strip between the developed properties.

291 The entire 100-foot perimeter buffer is provided, and all the buffer requirements still apply. The only
292 reason for the waiver is that approximately half of the buffer area on 14 of the 41 lots will be owned by
293 the individual lot owners instead of collectively by the HOA.

294 Since the requirements of the buffer remain with only the ownership of half of the perimeter being
295 waived, the intent and spirit of the regulations is maintained.

296 #5 The waiver will not in any manner vary the provisions of the Zoning Ordinance or the Master Plan.

297 The development complies with all the requirements of the Zoning Ordinance and the Master Plan
298 makes no mention of perimeter buffer strips...

299 **MOTION:**

300 **Aaron Brown: I move that the Board accept the rationale for the perimeter buffer strip waiver**
301 **request as discussed and read into record.**

302 **Seconded: by John Grueter.**

303 **Pete Cameron abstained, Approved 5-0-1**

304 Aaron Brown reading:

305 9.17.5 Shared Driveway. This was approved 5-2 with Gwen English and Kathy Corson opposed.

306 Shared Driveway Waiver

307 #1 Granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to
308 other property.

309 The improved plan as designed show that all lots have frontage on a Class V highway. The layout was
310 reviewed and accepted by the Exeter Fire and Police Departments during the Technical Review
311 Committee process. This configuration avoided a loop road that would have added approximately 1,000
312 feet of unnecessary impervious surface, roadway and associated drainage facilities simply to provide
313 frontage for these lots. It is a much better configuration to reduce the impervious surface by allowing
314 these three lots to be served by a private right-of-way.

315 #2 The conditions for which the request for the waiver is based are unique to the property for which the
316 waiver is sought and are not applicable generally to other property.

317 Initially the applicant proposed a plan showing 41 lots without the need for a waiver from this provision.

318 During the Planning Board review process the Board encouraged the applicant to pursue the affordable
319 housing density bonus. The applicant agreed and decided that the best way to do this would be to leave
320 two existing houses where they are.

321 The best way to access the existing units while reasonably developing the remaining land and
322 minimizing construction of new public roadways was by taking advantage of the private right of way and
323 creating a shared driveway access to these units.

324 Due to the specific characteristics of this site a plan that allowed access to the existing homes via a
325 shared driveway is a much better design than the burden on the Town to maintain an additional 1,000
326 feet of public roadway that would only serve three homes.

327 Discussion:

328 Chair Plumer: this talks about 2 existing homes, thought it was 4 existing homes?

329 Dave Sharples: I believe the shared driveway accesses 3 of them, one is a duplex, talks about lots, 3
330 homes, but I believe one is a duplex, but it's on one lot.

331 Aaron Brown continues reading:

332 #3 Because of the particular physical surroundings, shape or topographical conditions of the specific
333 property involved, a particular hardship to the owner would result as distinguished from a mere
334 inconvenience, if the strict letter of these regulations were carried out.

335 In order to meet the regulations and avoid the waiver the applicant would have to construct
336 approximately 1,000 feet of additional roadway to service three lots. That roadway would loop around
337 behind lots 28-39 creating the undesirable situation of 11 thru-lots, parcels with streets on both sides,
338 front and back.

339 Furthermore removing this loop road allowed for the development of a much more desirable recreation
340 area that will be shared by all future residents and guests of the development. The loop road would
341 have bifurcated the recreation area and rendered it much less usable for this purpose. For all these
342 reasons as well as the costs of constructing an additional 1000 feet of roadway, denial of the waiver
343 would have been a hardship on the applicant, future owners and the Town.

344 #4 Granting of the waiver will not be contrary to the spirit and intent of the regulations.

345 The spirit and intent of the regulations is to ensure that most lots have direct access to a public way. All
346 lots in the development have the required frontage on a proposed Class 5 highway and could construct
347 direct access but three (3) lots will share a driveway for the efficiency and to lessen impact on wetlands
348 buffers for forested upland areas.

349 #5 The waiver will not in any manner vary the provisions of the Zoning Ordinance or Master Plan.

350 The Code Enforcement Officer reviewed the proposal and determined that it does not violate any
351 provisions of the Zoning Ordinance.

352 The Master Plan has no specific provisions regarding the use of shared driveways.

353 **MOTION:**

354 **John Grueter: I'll move that the Board accept the rationale for the private right of way shared**
355 **driveway waiver request as discussed and read into the record.**

356 **Seconded: by Kelly Bergeron.**

357 **Kathy Corson abstained. Approved 5-0-1**

358 Chair Plumer: "Thank you for your patience..." "Thank you for our readers."

359 Kathy Corson: "It was nice to sit on the Board with you again."

360 At 7:58 PM Niko Papakonstantis and Jen Martel rejoined the Board. Kathy Corson departed.

361 Chair Plumer: VW Towers, if anyone is here for the VW Towers, LLC that case has been continued until
362 October 24, 2019.

363 Chair Plumer: Brentwood Road is last on the agenda.

364 **Continued public hearing on the 2020 Capital Improvements Program (CIP) projects as**
365 **presented by the Town Departments. Copies of the proposed document(s) will be available**
366 **at the Planning Department Office prior to the meeting.**

367 Chair Plumer read the public hearing notice out loud.

368 Mr. Sharples noted that attached to the Memorandum that was provided to the Board in their packet,
369 are the updated pages of the CIP dated August 22, 2019 for your review. The Board held a hearing on
370 the draft document at the last meeting.

371 Changes made from the prior version were to include:

- 372
- 373 • Conservation Commission increase - had \$50,000 yr. out for all of the six years but
374 recommended by the Board to increase. Conservation Commission decided to increase the first
375 year to \$100,000, with the other years remaining at \$50,000
 - 376 • Revision to DPW project garage, asking \$100,000 conceptual design work in 2020 to look at
377 conceptual design of the public works facility, that wasn't reflected in sheets now it is
 - The addition of three recreation vehicles in outer years, 2023, 2022, 2025

378 Mr. Sharples suggested continuing the public hearing to give the public a chance to hear and provide
379 comment. After adopted, Mr. Sharples indicated he will craft a transmittal letter and include any
380 recommendations or statements the Board would like to make which the Board may wish to its motion
381 so the whole Board agrees.

382 Discussion:

383 Mr. Sharples noted the Planning Board did ask at the last meeting for the Public works priority for
384 vehicles and equipment replacement. Mr. Sharples passed out the one-page Memorandum received
385 yesterday from Jennifer Perry.

386 Chair Plumer explained to the public the Planning Board's role and purpose of the CIP and preparing for
387 the next year's budget which starts with the CIP projects. At last meeting each of the Department Heads
388 were here to describe and answer questions about their projects.

389 Mr. Papakonstantis noted two items, the first the prioritizing of the DPW fleet. There were several
390 vehicles and it was suggested to Public Works Director Perry that she put this together for Budget
391 Recommendations/Review Committee. Lacking in the minutes when the Asst. Fire Chief, was talking
392 about the substation design and construction question, he and the Town Manager be questioned about
393 the public safety study being conducted.

394 As we speak and facilities committee is putting together an RFP to address all of the buildings, including
395 the safety complex, Mr. Papakonstantis questioned for the record - if a substation is premature at this
396 time?

397 Chair Plumer opened the hearing to the public at 8:01 PM for comments and questions and being none
398 closed the hearing to the public for deliberations.

399 Aaron Brown: what was the change on the Conservation Commission fund request?

400 Mr. Sharples advised the Conservation Commission had \$50,000 in the first year, in 2020, and every year
401 for the six-year capital plan. It was recommended by Board, 3 members supported bumping that up. So
402 they went back and bumped it up to \$100,000 for the first year 2020, and \$50,000 in the following five
403 years.

404 Aaron Brown: Gwen called it make up time.

405 Mr. Sharples indicated Conservation Commission discussed it and decided to make the change.

406 Aaron Brown: Agree with Niko, due to the current public safety facilities study the proposal of the
407 substation is premature.

408 Mr. Sharples noted when the Board makes its motion, it may want to articulate that due to the public
409 safety study, the proposal of the substation is premature.

410 Chair Plumer: Are we comfortable this is ready to be forwarded?

411 **MOTION:**

412 ***Mr. Cameron moved that the Board adopt the 2020-2025 Capital Improvements Program as presented***
413 ***to the Board on August 8th with the revisions described tonight and included in its member packets***
414 ***and move it forward to the Select Board and Budget Review Committee, for their consideration.***

415 Discussion:

416 Mr. Sharples advised it would be with the understanding the he will craft and send to the Chair to sign to
417 be sure consistent with what was stated tonight.

418 The Board may want to articulate the timing of public safety study ongoing the proposal of the design of
419 the substation may be premature. Mr. Sharples indicated something to that effect will be in his
420 transmittal letter and includes all of the changes in the member packets tonight and what the Board
421 discussed tonight.

422 ***Seconded: by Aaron Brown***

423 Chair Plumer indicated Jen Martel would be active for voting tonight.

424 **Voting all in favor, the motion carries unanimously.**

425 **IV. Approval of minutes August 8, 2019**

426 Nike Papakonstantis: Every time the minutes reflect the Chair...substitute Vice-Chair Brown. Chair
427 Plumer was absent.

428 **MOTION:**

429 ***Mr. Papakonstantis moved If there are no further revisions, to accept the amended minutes. John***
430 ***Grueter seconded the motion. Chair Plumer and Ms. Bergeron abstained. Approved 5-0-2***

431 The Board discussed whether the July minutes were approved, determined they had been.

432 **V. HEARINGS**

433 **Request by Exeter Hospital, Inc. for a recommendation from the Planning Board regarding the**
434 **sale of Town-owned property Tax Map Parcel #65-147.**

435 Chair Plumer read the public hearing notice out loud.

436 Mr. Sharples noted the property abuts the hospital on three sides and indicated Darren Winham, Town
437 of Exeter Economic Development Director is here.

438 Mr. Sharples noted anytime the town wants to sell an interest in property NH RSA require a
439 recommendation from Planning Board and Conservation Commission, be provided to the Select Board
440 prior to commencement of their public hearing process. Conservation Commission unanimously
441 recommended moving ahead, no concerns with the parcel, map included. Mr. Sharples indicated it is a
442 piece between Seacoast Mental Health and Exeter Hospital.

443 Darren Winham, Development Director presented that the Town was approached by the hospital to see
444 if they could purchase this property. It was discussed with all department heads, DPW, and staff who
445 had no use for it. It is zoned hospital.

446 Thanks to Gerry Hamel, who noted the zoning listed incorrectly on website, there is also a deed
447 restriction. The parcel sold for a dollar to the Exeter Water Works way back when and the Town
448 acquired the entity and the property.

449 Mr. Winham noted the only thing that can be constructed there is a water tower which could only be
450 removed by the current owner. Mr. Hamel indicated Seacoast Mental Health gave the Town a right of
451 way from the southeast corner. Mr. Winham questioned whether if when property is transferred the
452 right of way goes with the property? Mr. Winham noted he spoke with Mr. Chaput and the hospital is
453 fine with us taking the easement out. The ROW is where Seacoast Mental Health parks.

454 Phil Chaput Senior, Senior Director of Facilities Planning at Exeter Hospital indicated this is a 1/3-acre lot
455 behind the hospital. There is a Loading dock etc. The hospital envisions at some point building a facility
456 building on that site on the hospital side at an undetermined date at this point. The facilities building
457 will probably be two level, with equipment on the first level and the hospital will come back when the
458 time comes

459 Nick Gray – I'm just generally curious how the purchase price was agreed to, third party appraisal that
460 was done in order to arrive at this purchase price? The P&S in front of us has not been signed? - no

461 John Grueter: I was at a meeting yesterday where we were discussing the property at 110 High Street,
462 any consideration of a trade? Discuss swap? Phil Chaput: – we prefer not.

463 Chair Plumer opened the hearing to the public for comments and questions 8:18 PM and being none
464 closed the hearing to the public for deliberations.

465 Mr. Sharples indicated if there isn't a motion provided he could suggest one.

466 John Grueter: add discussion of some kind, of the swap if at all possible.

467 Mr. Sharples read out loud the proposed motion:

468 The Planning Board does not take issue with the Select Board moving forward with the disposition of tax
469 map #65-147, with the suggestion that the easement be rescinded so it does not negatively impact any
470 involved property owners.

471 Chair Plumer asked if there were any comments and hearing none, noted there was no objection to
472 adding that.

473 Nick Gray: Is Seacoast Mental Health owned by or affiliated with the Exeter Hospital? - no. Have they
474 been privy to these conversations? – no. Any other abutters? Besides Seacoast Mental Health? – no.

475 Mr. Sharples recommended adding to the motion, which was already read:

476 Also the board suggests the Select Board discuss a potential land swap for 110 High Street.

477 Nick Gray: Does Seacoast Mental Health have any interest in the acquisition? Trying to ensure abutters
478 not notified here have a full understanding that this might take place. Were letters sent out to all
479 abutters? With no actual application would there have been letters sent to abutters anyway?

480 Mr. Sharples explained it was not done as part of the Planning Board process, this is just an RSA request.
481 There are two public hearings with the Select Board, who has to have two public hearings not less than
482 ten days apart or more than 14. It is not something the Planning Boards deals with or that are familiar
483 with the notice requirements.

484 Nick Gray: want to make sure any other interested parties had the ability to arrive tonight and share
485 their thoughts.

486 Niko Papakonstantis: Was a swap ever discussed, until tonight? May I ask why you wouldn't want to
487 consider it?

488 Phil Chaput indicated the hospital wants to retain both pieces of property (High Street) for future
489 undetermined use and prefer not to do anything with that High Street property until such time as
490 something future is needed as well as 112 High Street.

491 Niko Papakonstantis: How long have you been looking at this property?

492 Mr. Chaput noted the hospital had been looking at the parcel for a while, realizing it wasn't going to be
493 built as a water tower, it had the restrictions on it. The hospital was the original seller in 1946 to the
494 Town, and they just want to buy it back.

495 Aaron Brown: Can you read the motion again Dave?

496 **MOTION:**

497 **Dave Sharples read the proposed motion out loud:**

498 **The Planning Board does not take issue with the Select Board moving forward with the disposition of**
499 **Tax Map #65-147 with the suggestion that the easement between Seacoast Mental Health and the**
500 **Town for access be rescinded so it does not negatively impact any involved properties , also the Board**
501 **suggests the Select Board discuss a potential land swap for f110 High Street.**

502 Aaron Brown: that's the intent, we always say not take issue at the beginning, **change to "not oppose"**

503 ***Aaron Brown moved that The Planning Board does not oppose the Select Board moving forward with***
504 ***the disposition of Tax Map #65-147 with the suggestion that the easement between Seacoast Mental***
505 ***Health and the Town for access be rescinded so it does not negatively impact any involved properties ,***
506 ***also the Board suggests the Select Board discuss a potential land swap for f110 High Street. Ms.***
507 ***Bergeron seconded the motion, with all in favor, the motion passed unanimously.***

508 **Continued public hearing on the application of VWI Towers LLC for a site plan review for the**
509 **proposed construction of a wireless communications facility and associated improvements on**
510 **a 31.48-acre parcel located on Kingston Road (Town of Exeter landfill property), in the R-1,**
511 **Low Density Residential zoning district. Tax Map Parcel #100-004. Case #19-02.**

512 Chair Plumer advised the hearing was continued at the applicant's request by letter, noting that WVI
513 Towers, LLC, were not present this evening.

514 Mr. Sharples read the request for a continuance out loud indicating the applicant requests to continue
515 to the Planning Board's regularly scheduled meeting on October 24, 2019 without the need of the
516 representatives to attend the August 22, 2019 meeting.

517 Mr. Sharples advised the applicant asked for same continuance at the ZBA. The ZBA granted their
518 request for a continuance to October 15, 2019 ZBA meeting with conditions that a representative of
519 applicant be present at the October 15, 2019 meeting, that the Board was disinclined to grant further
520 extensions without a compelling reason, and that the abutters must be re-notified at the applicant's
521 expense.

522 Mr. Sharples recommended as conditions:

523 **A representative need be present at the October 24, 2019 hearing; the Board won't be inclined to**
524 **grant any more continuances without some compelling reason; and abutters will be notified.**

525 **MOTION:**

526 ***Ms. Bergeron moved that the request of WVI Towers, LLC. Case #19-02 for a request for a continuance***
527 ***to October 24, 2019, subject to three conditions as stated above, be approved. Mr. Cameron seconded***
528 ***the motion, with all in favor, the motion passed unanimously.***

529 Mr. Sharples repeated "just to be clear October 24, 2019 at 7:00 PM."

530 **The application of Rose A Prescott Trust for a minor subdivision of an existing 1.53-acre parcel**
531 **located at 50 Hampton Road into three (3) residential single family lots. The subject parcel is**
532 **located in an R-2, Single Family Residential zoning district. Tax Map Parcel #89-02. Case #19-**
533 **09.**

534 Chair Plumer read the public hearing notice out loud.

535 Mr. Sharples noted the Applicant is seeking a minor subdivision of the property located at 50 Hampton
536 Road to create 3 lots where one exists, creating 2 additional single-family lots R-2 SF Residential zoning
537 district.

538 The existing parcel is about 66,500 SF, about 1.5 acres, the proposed subdivision plan depicts Lot 1 as
539 having a Lot area 30,490 SF including existing home. Lots 2 and 3 will have new homes and the SF is
540 21,028 and 15,0000 SF where 15,000 SF is required. All lots meet the minimum frontage of 100.'

541 There has been no TRC review, however it was reviewed by Code Enforcement Officer, Doug Eastman
542 and found to be in compliance with the dimensional requirements as outlined in the zoning regulations.

543 The proposed plan was also being reviewed by Asst. Town Engineer Jen Mates who printed an email that
544 she has no concerns. Have not heard from Water or Sewer.

545 The applicant has not requested any waivers from the Site Plan Review and Subdivision Regulations.

546 Mr. Sharples indicated the proposal needs approval from the Board to allow the Shared Driveway per
547 Section 9.17.5 which requires each newly created lot shall be provided with its own driveway access to a
548 public street unless otherwise approved by the Board. Mr. Sharples noted he contacted the surveyor,
549 Mr. Boyd, so he would be prepared to address this matter.

550 Mr. Sharples indicated he prepared suggested conditions of approval, which he read out loud:

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

554 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
555 Subdivision Regulations prior to the issuance of a Certificate of Occupancy;

556 Mr. Sharples added that the Code Enforcement Officer noticed today – that the building setbacks shown
557 need to be revised, the rear setbacks showing the side, are not to scale.

558 Mr. Sharples added to the proposed conditions:

559 3. The final plan shall revise the building setback subject to approval by the Building Inspector.

560 Mr. Sharples noted just to highlight on the Shared Driveway, the back Lot #2 has the frontage on North
561 Hampton Road which is a state highway which is right before the interchange of Route 101 and there
562 are topographical issues, DOT driveway permit issue and they do have adequate frontage to provide a
563 driveway access on Exeter Road/Hampton Road. Staff felt better situation, for access, they could each
564 provide own driveway, in such a small area on such a well- traveled road, encourage to minimize access
565 points onto a major collector road.

566 Henry Boyd, Millennium Engineering presented that joining him is Mr. Prescott, Trustee of the Trust. As
567 Mr. Sharples indicated correctly said frontage for Lot 2, is an oversize lot does come from the North
568 Hampton Road.

569 It is substantially upgradient from the roadway surface. Adequate width for driveway for each of the
570 lots is provided, but DOT prefers as few curb cuts as possible. The Prescott family wanted to keep as
571 rural as possible. Their request early on was to make Lot 1 with the old homestead as large as possible
572 which is why we put frontage for Lot 2 on Hampton Road. The actual access would come through here,
573 cleaner, nicer for appearance of road, less curb cuts. Utility lines can be run through that same access
574 point through here (pointing to plan).

575 The driveway for Lot 2 would come through, and Lot 3 would share the driveway for a certain point until
576 come off to their own house. Haven't asked for any waivers. Haven't set any monuments until this is
577 approved. Sheet 2 shows topographic contours, utilities. It is on the 1988 vertical data the Town
578 requires and is in order for everything else.

579 As stated, regulations require each lot have access off its own frontage but for the reasons stated we'd
580 really like to request that the Board approve the shared driveway.

581 Mr. Boyd added one more point, that Mr. Eastman had pointed out is the rear setback line for Lot 2 is,
582 abutting Lot 3 division and I drew as a 15' instead of a 25.'

583 Chair Plumer: so those two lots both have rear setback? - Yes, really odd, yes, exactly right.

584 Nick Gray: Don't have Conceptual drawings shared driveway show where that's going to go?

585 (Showing on plan)

586 Mr. Boyd noted Lot 3 has 100' frontage and has the ability to put a driveway here but we figured we will
587 burden Lot 2, because its cleaner and much nicer.

588 Chair Plumer: Single driveway that will take a right for Lot 3.

589 Mr. Boyd added he prefers to preserve ancient stone walls whenever possible. This would only require
590 displacement here as opposed to two different spots.

591 Nick Gray: lots sold as separate single-family homes? Yes, sir.

592 Nick Gray: What kind of maintenance agreement for shared driveway? – Will be a civil matter, Lot 2 will
593 be burdened, Lot 3 will be benefitted by the easement, will have specific rights, will be a lawyer to
594 determine.

595 Chair Plumer: Shared driveways are not uncommon.

596 Chair Plumer opened the hearing to the public at 8:40 PM for comments and questions and being none
597 closed the hearing to the public for deliberations.

598 Dave Sharples read the conditions out loud.

- 599 1. A dwg file of the plan shall be provided to the Town Planner showing all property lines
600 and monumentation prior to signing the final plans. This plan must be in NAD 1983 State
601 Plane New Hampshire FIPS 2800 Feet coordinates;
- 602 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review
603 and Subdivision Regulations prior to the issuance of a Certificate of Occupancy;
- 604 3. The final plan shall revise the building setback subject to review and approval by the
605 Building Inspector.

606 **MOTION: (to open the case)**

607 **Ms. Bergeron moved to accept Planning Board Case #19-09, the application of Rose A Prescott Trust**
608 **for a minor subdivision of the existing 1.53 acre parcel located at 50 Hampton Road, Tax Map Parcel**
609 **#89-02. Mr. Cameron seconded the motion, with all in favor, the motion passed unanimously.**

610 **MOTION:**

611 ***Mr. Grueter moved that the request of Rose A Prescott PB Case #19-09 for a minor subdivision be***
612 ***approved with the conditions as stated above. Vice-Chair Brown seconded the motion, with all in***
613 ***favor, the motion passed unanimously.***

614 **The application of Harbor Street Limited Partnership for design review of a proposed ten (10)**
615 **lot subdivision and associated site improvements on a 4.92-acre parcel located on Brentwood**
616 **(Ellison property). The subject property is located in an R-2, Single Family Residential zoning**
617 **district. Tax Map Parcel #63-93. Case #19-10.**

618 Chair Plumber read the public hearing notice out loud.

619 Mr. Sharples indicated the applicant has submitted a design review application and plans for a proposed
620 10 lot subdivision on a 4.92-acre parcel located on Brentwood Road known as the Ellison property, only
621 for design review, it's not a formal application. Design reviews are covered under NH RSA 676:4 which
622 allows Planning Board and applicant to engage in a non-binding discussion. Abutters have been notified
623 of this meeting in accordance with the statute. Under design review it is simply a public meeting, no
624 public hearing requirement, that comes later. Mr. Sharples encouraged the Board to open to the public
625 for comments and questions to get input as early as possible

626 Mr. Sharples noted the conceptual plan shows how the site could potentially be developed. This
627 conceptual plan shows 10 lots. The plan was first designed as an open space, some lots don't meet the
628 dimensional requirement with a few lots short of the 100' frontage requirements. The proposed
629 development is less than 1/10 acre short of the five-acre minimum size for open space development in
630 the zone.

631 The Board may want to pursue open space with the applicant, as it may be more desirable small lots and
632 lessen impact on the surrounding neighborhood.

633 John Krebs indicated he was representing Harbor Street Limited Partnership. The property is owned by
634 Ken Ellison. The family has owned the property for over 100 years, and it has been used for agricultural
635 purposes. In 1948-9 some of surrounding lots on Spruce Street and Brentwood Road were subdivided
636 off this parent parcel. A plan was recorded years and years ago providing three road accesses, (pointing
637 to plan).

638 The access points that were laid out in ancient subdivision plan were shown here (indicating) on plan
639 and perhaps another but that can't be confirmed as it was so long ago.

640 This is a design review application, not fully surveyed, with the intent to fully comply with all lots in
641 excess of the minimum required 15,000 SF, with more than enough frontage and lot width. There are a
642 few lots shown on the conceptual plan now with inadequate lot width, those can be modified to meet
643 the ZO requirements.

644 Mr. Krebs noted two things for discussion with two constraints this property has.

645 Mr. Krebs noted Jim Gove, Gove Environmental is here to ask about the wetland issues.

646 Mr. Krebs noted there is a large area of wetlands off Brentwood Road and small sliver of land. For last
647 100 years used for agricultural purposes. Have affidavits from owner. The narrow sliver was a drainage
648 ditch created to drive some farmland.

649 The other created for drainage work on Brentwood Road, so those are both manmade wetlands, not
650 showing setbacks. Town looked at and concur these are both manmade wetlands

651 There is no way to resolve this, the fact that there is not space for a full 50' right-of-way connecting
652 Brentwood Road and Spruce Street. On Brentwood Road the strip of land where we show the road
653 going through is 40' and Spruce is 44.'

654 Mr. Krebs noted the developer can engineer a Class V town road with no waiver request that would
655 include drainage, sidewalks, within narrow ROW. There is no way to accomplish 50.' Inadequate in size.
656 Talked to Doug Eastman who didn't think it was a problem, but the Board needs to make that
657 determination.

658 Mr. Krebs noted he would like feedback on what the Board's thoughts are on connectors. Mr. Krebs
659 indicated if there is a dispute over whether manmade or natural would have huge effect on the viability
660 of the subdivision.

661 Chair Plumer opened the hearing to the public for comments and questions at 8:53 PM.

662 **Dan Hummel**
663 54 Columbus Avenue
664

665 Mr. Hummel stated when the gentleman talks about the wetlands and these being small areas and
666 manmade, obviously he has not visited our neighborhood in the Spring and Fall. Showing:

667 Photos drainage ditch South side of his property.

668 The property is flooded 1-2 months on the North side of my property as the water comes across the
669 woods.

670 Entire woods, see photo, minor piece of the flooding that goes on, for at least 2 months or more, that is
671 completely under water, so I'm really surprised that Mr. Gove only found that small part was wetlands
672 when really that entire woods is.

673 Up and down Columbus, Brentwood and Washington taking on water, I've been there 30 years, every
674 Spring and Fall totally floods out and there's been no recourse,

675 Where it was one beautiful open field and wood, we were willing to live with that but when change from
676 one building lot to ten lots, it changes whole perspective of what needs to get done there. If you went
677 to where Mr. Gove marked, you can see that the wetland marker...

678 Showing pictures of part of his backyard.

679 The woods, you can see the water that's in there, and again all of that water drains from the front part
680 and spreads to right and left toward the Washington Street abutters and the Columbus abutters
681 nowhere for that water to go, drainage ditch south side, sometimes right up to my garage.

682 Mr. Hummel indicated he spoke with another abutter on Brentwood, their driveway is completely
683 underwater for periods of time.

684 Showing another picture of flooded field.

685 Mr. Hummel stated he does not have pictures of the North side that truly, shows it was a duck pond,
686 and noted a lady came to visit and said, "Julia you never told me you lived on a Lake" and that is what it
687 feels like.

688 Mr. Hummel indicated he has had to run a sump pump to storm drain in the road, which runs 10 days
689 out of a good portion of year. Mr. Hummel has concerns how that will be dealt with.

690 The property all along Columbus is a Clay base, no way it is going into the ground.

691 Mr. Hummel indicated he hoped the Board would look, if changed to 10 lots, to have all properties be
692 water-free, not just this manmade wetland, that goes on and on for months at a time,

693 Mr. Hummel noted he would have difficulty trying to sell his property in Spring or Fall and has suffered
694 irreparable damage to his older home, garage, shed, with beams rotted out due to water standing for so
695 long.

696 Mr. Hummel noted when first moved in, he observed pile rocks, and moved some boulders, discovering
697 big round piece of concrete. His neighbor across street put in an addition and as soon as the addition
698 went in, he was pumping water into his side yard and believes there is an aquifer.

699 Mr. Hummel indicated forward of the wood there are a number of large oak trees that are on his
700 property. If some of those trees are removed or roots pulled out going to do irreparable damage to his
701 wonderful old 100-year oaks.

702 Mr. Hummel continued with two access points....My heart goes out, those are the only two portions, we
703 don't go into a purchase of something blindly. If he were to go into a purchase hoping someone will
704 grant a waiver for 40' instead of having the required 50.'

705 Mr. Hummel stated he overheard number of times when talking about Rose Farm people, impact on the
706 owner, would be difficult for that person to move on. "I'm sorry, that person just purchased the
707 property, the impact on all the abutters that this purchase is going to have, that 40' is going to put a
708 driveway within ten feet of somebody's home." "Think about you and your home and would you like a
709 road coming in ten feet from your home that wasn't there before?" "I understand the plight here, but its
710 known information, it's not a big surprise."

711 Mr. Hummel added the Impact of 40' opening to the abutters on Spruce Street is a concern. The road
712 40' in, this addition, to their driveway, dumps on Spruce Street, which is a two-way traffic but minor and
713 now ten homes, twenty cars, going one way or another. The impact on the character of that part of the
714 community, who do we keep in mind, the new owner or people who have lived there, raised their
715 children and continue to raise their children?

716 Mr. Hummel noted traffic backs up waiting to get onto Brentwood and believes more traffic would
717 impact on Columbus, Brentwood and Epping.

718 If nothing else, Mr Hummel noted his hope is that a drainage study will be done, a significant drainage
719 study, a wetlands mapping, not by someone being employed by the owner and the Board hold for all
720 abutters that if this goes through and the property is developed there is no water guaranteed on any of
721 our properties. Roads; protection given to people who have been living there for a long time.

722 **Christine Paccito**

723 (Live two houses from Dan)

724

725 Ms. Paccito stated in 2011 she had an addition designed and garage for her house, all architecturally
726 done, and once they dug out the garage, driveway everything had to be reengineering cos the water
727 table was higher than expected. There was all clay pipe, and Ms. Paccito believes there was something
728 under there and it never dries out.

729 Ms. Paccito offered she has pictures, with Ducks every year.

730 **Deb Vasconcellos**

731 Live on Spruce (not direct abutter)

732

733 Ms. Vasconcellos stated she has a huge problem with water in her back yard, it becomes a pond. Once
734 part of the Ellison parcel. The neighborhood has done some work for drainage. She had to have the
735 Street dug up due to a problem with a sewer pipe. When it was dug up, it cost her more money,
736 because of the clay and the high-water table. It doesn't just impact abutters, the water impacts the
737 neighborhood.

738 Ms. Vasconcellos noted her concern with the exits, on Spruce Street in particular she noted she can't
739 imagine an exit there, in someone's yard, in their driveway. Ms. Vasconcellos added that she has been
740 an advocate for children her whole life, and believes the impact on children in the neighborhood would
741 be tremendous. "This is an atrocity." Ms. Vasconcellos indicated she has walked and driven, and
742 people question there is going to be a street there? even on Brentwood and recommended the Board go
743 and look at it.

744 Ms. Vasconcellos added that listening to talk about Rose Farm, the hardship on the owner, that's the
745 new owner, we need to think about the current owners, bigger than just this lot, about the Town what
746 all this growth is doing to it. "It's not going to be a town anymore." What it's going to do to our school
747 system, taxpayers. "I'm a teacher."

748 Ms. Vasconcellos opined we are not going to be able to live in this town. This is just going to tax so
749 much not just financially all our services, we need to look beyond this project and think what are we
750 doing to it.

751 **Jim Christianson** (not a direct abutter)

752 57 Washington

753

754 Mr. Christianson expressed concerns that he will be harmed at his house by traffic and that it's going to
755 become a cut through noting Washington carries a lot of traffic. Cars are going to cut through here.
756 (inaudible) (away from mic at plan)

757 Mr. Christianson believes to have two accesses to the property, "is just crazy" and is going to be an
758 impact for Spruce and Brentwood which is a great, quiet neighborhood, with the bus stop, where
759 elementary school children walk, and it has a blind corner.

760 The speed limit is 25 mph but no one drives 25 mph. Washington is at times a speedway.

761 Aaron Brown: Thank you for your comments thus far and thank you for the application. Want to bring
762 up something about waiver criteria. One thing to recognize is property rights, do go both ways.

763 This Board worked really hard to consider all the abutters' interest in the Rose Farm project for a couple
764 years. Rest assured we hear you; we appreciate the public comments. This is a volunteer board. If you
765 want to educate yourself, be knowledgeable, lot of you are, having photos is helpful, familiar with the
766 area, live nearby, have seen water. I'm in the real estate world. That is something a responsible
767 development is required to do but also have to recognize the physical limitations of the property, so
768 there is five tailed criteria. We have to balance legal rights of the applicant and the abutters, that's our
769 charge.

770 **Dave Haskell**

771 21 Spruce Street

772 Abutter

773

774 Mr. Haskell indicated he doesn't have water, but his property backs up to the woods and there is water
775 there constantly at the edge of his property.

776 Mr. Haskell described Spruce Street as a dog walking street, with a lots of kids, skateboards, tricycles,
777 and it jogs off to Spruce Court. It is a light use residential area very different from Columbus. That
778 entrance on Spruce Street, Mr. Haskell believes there is a huge drainage ditch to the middle of the road.
779 For 15 years, once in a blue moon a tractor goes through, it is pretty darn narrow, and backs up to two
780 driveways. Mr. Haskell stated he doesn't know the process in terms of looking at usage to the
781 community around it.

782 Mr. Haskell noted he believes throwing a lot of traffic in would change the character of the
783 neighborhood. Most are tiny capes, starter homes. Mr. Haskell asked the Board if there was some way
784 for the neighborhood to get educated on this process?

785 Aaron Brown: come to the meetings, good to talk to Dave Sharples and Doug Eastman who can give you
786 a thumbnail sketch on what happens, what's required. Try to have a give and take with applicant,
787 developer and community, to see what's going on.

788 Kelly Bergeron: The Town website has resources, the process for application, what needs to be
789 presented. Barb McEvoy, she can answer questions, copy regulations. Waivers are in those documents
790 and available to the Public. The Planning Office is a great resource.

791 Chair Plumer suggested asking the developer to look at an open space plan; puts houses closer together
792 leaves more land. Might be more compatible kind of design, it's a close neighborhood.

793 **(inaudible) Live at 4 (inaudible)**

794 Noted concerned about traffic, having a child under two years old. Brentwood is ridiculous in the am.
795 Trying to get out of her driveway at 8 in the am is already difficult. Access is horrendous. She is worried
796 about the new roadway becoming a cut through. Washington and Columbus are cut throughs.
797 Brentwood is busy as is. Traffic backs up, recommend a traffic study. Question the flooding impact to
798 her own property.

799 **Christine Paccito:** Has the property changed hands or is this exploratory?

800 Chair Plumer: It's not uncommon for developer to make arrangements with owner, we never ask that
801 question.

802 Aaron Brown: owner has given Mr. Krebs authorization to speak for the owner.

803 **John** (inaudible)

804 23 Spruce Street

805

806 The driveway would be right along the road, he has three kids, 10, 8 and 3, the oldest is autistic.

807 Concerned about the Impact on kids, on his older child.

808 **Lisa Reynolds**

809 6 Brentwood Road

810

811 Ms. Reynolds stated that she noticed on this legal notice it states, "No public input will be taken." She
812 indicated she is not as prepared as she could be. She has Incredible concerns about the drainage. Ms.
813 Reynolds noted she bought er house in Dec. 1993, there was snow on the ground and when it melted
814 the water never went away. Half of the back yard remained under water for the next 18 years. She
815 spent thousands regrading her property. Ms. Reynolds noted she is the neighbor Dan Hummel
816 referenced about the driveway completely underwater from runoff from the field. Ms. Reynolds noted
817 she had a new driveway installed, at a cost of \$24,000 for regrading and new driveway, not to mention
818 the concerns with egress and digress, with a 40' ROW. I say buyer beware. "The traffic, as Katie stated,
819 it's impossible." "I'm legally blind, I can see cars lined up at 7 am when my daughter leaves for school."

820 “One day I wonder how far cars go down, so I got on my bike, cars were all the way down to Pond.”
821 Imagine 20 more cars trying to leave, people won’t get to work on time. Think about how it’s going to
822 impact school buses. Ms. Reynolds noted she was heartsick about this while she realizes Ken has the
823 right to sell his property. Ms. Reynolds stated she often wonders if those manmade wetlands are really
824 manmade. Her sump pump goes off on the hour all summer. Ms. Reynolds believes it is an extremely
825 high-water table and will provide photos for Planning (she did not do so tonight because the legal notice
826 said no input).

827 Aaron Brown: on the legal notice if you read through the agenda this hearing is #5, under other business
828 and under Rose Farm section it says no public input will be taken at this meeting, there was no public
829 input, important part, court order revisiting why we granted waivers, sorry about confusion, the good
830 news is this is a design review, haven’t taken an application.

831 Chair Plumer: we always try to involve the public as much as possible, you’re the neighbors, you’re the
832 ones who are going to be affected, very helpful, back and forth. We’re public too.

833 James Gove, Gove Environmental Services showed the only section of the parcel where he found hydric
834 soils. Mr. Gove indicated that he went into the area that was shown there and noticed water, clearly
835 the water is there sometimes but could find no hydric soils. Mr. Gove noted Oaks don’t grow in
836 wetlands and he knows the table is high here and in springtime.

837 This section (pointing upper left) actually had a series of ditches all the way, looking at old aerial photos,
838 can observe a set of three ditches, with no photographic signature you normally see of a wet area. For
839 some reason these ditches got cut off, through some kind of manipulation of these areas here, this one
840 remained looked like filled in, that’s when area expanded it appears upland.

841 Kelly Bergeron: I live on the corner, seen Dan and his sump pump when I’m walking my dog, yard is wet,
842 Spruce is very narrow, it seems a lot narrower than Columbus and Washington. Washington &
843 Columbus are cut throughs. They’re right, no regard to speed limit, don’t stop for stop sign. I personally
844 was t-boned at intersection of Columbus and Winter. Well known cut through it’s a problem already.
845 The property owner has right to develop land our responsibility to make it palatable for everyone
846 involved. Water is a big issue through the neighborhood which has nothing to do with the development,
847 my backyard is a Lake every time it rains. Nothing to do with this development. Wonder if it’s a
848 neighborhood issue. Interesting to find out. Concerned about width of road.

849 Nick Gray: Assertion we always have here is their engineers will make it better. Have we ever checked
850 on a project, reached out to an abutter, to see if it yielded results as predicted? For example, Lincoln
851 Street, where condos being built, has that solved water issues?

852 John Grueter I would think the abutters would reach out to Dave if it didn’t work.

853 Aaron Brown: Planning gets a report, on swales, culverts. It should improve, is a requirement of the
854 process, at least stabilize, not putting your water onto your neighbor.

855 Aaron Brown: you haven’t done test pits yet? Soil is ok from a wetland’s classification purpose; it has a
856 high-water table.

857 Jim Gove: We dig down 12" with auger that's it, that's the criteria. Encountered mostly sand, may be
858 underlaid by clay, I don't know that. The area in the middle, there is a ridge, with moderately well
859 drained, this would be poorly drained above and below.

860 John Krebs: Constrained by what Ken Ellison's family left him, there's nothing we can do about it.
861 Bound by towns regulations and ordinance, this is not the design I like to do, Exeter requires a full-size
862 Cul-de-Sac, not a T Cul-de-Sac - that is not allowed, it's not practical. Not intent to create a thru road.
863 One suggestion is one access with emergency access

864 Chair Plumer: it's been done in the past.

865 John Krebs: Like to leave here today with a sense of what you think about the narrower right of way,
866 whether you would consider granting waiver, off the table? Allowing the narrower right of way
867 wouldn't change the road, not looking for a waiver for the road, only a narrower right-of-way.

868 **Deb Vasconcellos** stated I Invite you to drive where they want to put this road.

869 Pete Cameron: I go by every day.

870 **Deb Vasconcellos** asked "have you looked at where they want to put that road, do you think that's ok?"

871 Pete Cameron: no I didn't say that, be careful.

872 **Deb Vasconcellos** recommended the Board check out Spruce Street asking "Would you want your
873 driveway to be the road because that's what it is."

874 Pete Cameron: it's not that we don't consider this. Somehow you don't think that we do. There was
875 reference to Rose Farm earlier. You can't imagine the number of hours this board sat for 25 hearings.
876 We spent a lot of time weighing your concerns with the concerns of the owner. I fully believe that's a
877 thing we're best qualified to do. We step back and try not to take sides.

878 **Raina Ellis**

879 Not a direct abutter

880 1 Brentwood

881

882 Ms. Ellis stated that she understands the property owner has rights, the abutter has rights, and are
883 invested in this life. Turning it upside down, learning how to live differently. "At what point does the
884 town take the soul of the town into consideration?" "When is too much development too much?"

885 Ms. Ellis noted In Sudbury, MA where she grew up, she was shocked to notice all of this green space.
886 There was some new development, but the town really protected the town, the land of the town and
887 didn't take just any space and say well the owner owns it they can develop it.

888 Ms. Ellis noted she has ½ acre and asked "Can I subdivide it and put two more tiny houses at the
889 expense of my neighbors?" "I have an old house and it would look horrible." "At some point you have
890 to protect what the town stands for." "I assume you must and would love to know more about that."

891 Chair Plumer: it deals with zoning and what's allowed in those zones. Talking about setbacks earlier on
892 the case we had earlier, those are set by the zoning. There are a percentage of large pieces not

893 available in Exeter, a percentage of conserved land. Infill projects are what we see now. This is an infill
894 project.

895 Rose Farm one of last large multi acre, some homes big yards, subdivide happens anyway, all regulations
896 are set and if there's hardship. Back to cutting a tree, we have regulations you can't disturb land within
897 five feet of the property line. Sometimes you have to do, it, each case is individual. The Planning
898 Department is great resource. There is Information there, look at the Master Plan.

899 **Raina Ellis:** "Lisa is to left of where that cut through would be." "She doesn't drive." :She rides her
900 bicycle back and forth." "I can't imagine her on her bicycle trying to get past multiple times with two
901 little girls."

902 Chair Plumer: Look down the road, current owners x number of years, will not be the current owners,
903 someone else will be the owner.

904 **Dave Haskell** noted the volume and speed on Washington and Columbus are huge and believes it would
905 become the same here, but narrower. Traffic engineers come in and do studies. Mr. Haskell noted he
906 doesn't believe it makes sense to make a high-volume street ten feet narrower.

907 Nick Gray – what is our understanding of the requirement, the intention of a 50' ROW? Is it so homes
908 too close to streets where there is full speed traffic at 35 mph, or even turns where cars in theory are
909 supposed to be going ten miles per hour? Trying to understand the context. Is it to intended to protect
910 homes and individuals from full speed traffic or does it also apply to intersections?

911 Chair Plumer: thinking about setbacks, looking at chart on the easel, 25' feet to the edge of the
912 property, that house is practically in the road, and its less than a 50' ROW. I just don't know how it's
913 going to work. It puts traffic practically going through your house. Of course the other alternative we
914 always say, "If you don't like it buy it." Not trying to be smart, sometimes neighborhoods will get
915 together and do that.

916 **Dave Haskell** asked "how far does a property have to be from the road?"

917 Aaron Brown: A house? - Yes, a house. A buildable lot has a minimum lot size of 15,000 SF, 1/3-acre,
918 width, frontage 100', setbacks, 25' off road, sidelines 15' rear 25' in that zone.

919 **Dave Haskell:** "Could a road be 15'?"

920 Aaron Brown: There can be a road right up to your boundary, that's a structural setback. A road or
921 driveway can be right up on your boundary, but not your house.

922 **Dave Haskell:** "I don't see where the house is."

923 Aaron Brown: It's not depicted. It does not apply by the way. It's an existing structure has nothing to
924 do with the applicant. You can't make him make his house conform with our code. 10' from house, can
925 put a road – he owns the land, those are the rules. Used to build houses right up on property lines in
926 the past. That's one of the reasons why we try not to do that anymore. If both 15' then 30' apart at
927 least.

928 Chair Plumer: Open space plan structures could be closer than that. Depends how you stack it and pack
929 it.

930 **Christine Paccito** asked are there many roads in Exeter that are 40' wide, will this set a precedent or is it
931 something that comes up regularly?

932 Mr. Krebs noted Spruce Street ROW is a variable width and is not typical. Intent is not to ask for waiver
933 of road width, for ROW. The Road itself would be 24', no reason can't put 24' road in 40' ROW. No
934 intention to ask waiver road width.

935 Aaron Brown: getting late, usually shut down at 10. I know John has asked for some feedback on the
936 ROW specifically. I can be honest and say I'm pretty undetermined on it. I'm open minded, but I have to
937 do more research, its unique. The ROW opens up very quickly. The access has a dramatic impact on the
938 abutters, would be next to the new road. I have to personally look at that. We don't have these very
939 often.

940 Mr. Krebs indicated that Dave Sharples asked about putting the road in another location, (pointing to
941 another location on plan) but does not believe DES would go for that, it is a tough wetland permit to get,
942 not practical.

943 Chair Plumer: we could ask for a traffic study.

944 Aaron Brown: If this Board does not grant a ROW of less than 50' this project is done, and I'm saying I'm
945 not comfortable.

946 Pete Cameron: not prepared to do that.

947 Nick Gray: feel similarly, I am also particularly reluctant to give that approval on the Brentwood Road
948 side of the development where you have those two structures. Feel like there could be a creative
949 solution, one entrance with emergency gate to Brentwood, you could have a sliver of Map, purchased
950 with a willing seller and redevelop that driveway. Don't like idea of two narrow roadways going into a
951 heavy intersection.

952 **Lisa Reynolds** thanked the Board for their time and added "No one talks about wildlife in the field, I
953 homeschool my children, and seen turtles, deer, a buck and a doe and a fawn a month ago were living in
954 a thicket in the middle of the field, seen by every abutter, turtle, frogs, fox, weasel, I could go on and
955 on." "I don't think anyone's mentioned that so I think an environmental impact study would be
956 prudent."

957 **MOTION:**

958 ***Vice-Chair Brown moved that the request of Harbor Street Planning Board Case #19-10 design review***
959 ***phase be tabled to September 12, 2019 at 7 PM, seconded by Niko Papakonstantis, all in favor, so***
960 ***moved.***

961 Pete Cameron: The Board thanks you for coming. This is the input we need. We can't operate in a
962 vacuum. Sorry about the confusion with the agenda about input.

963 Aaron Brown: It's really not. You misinterpreted the agenda, there's a dot, I can see how you could
964 potentially, I wouldn't have.

965 Aaron Brown: You won't be re-notified. You have to look at the website.

966 **VI. PUBLIC COMMENT**

967 **Raina Ellis**
968 1 Brentwood Road
969

970 Ms. Ellis noted she was very concerned about the sidewalk project (CIP). She had a bad experience with
971 the last project that affected their home. The road was widened, a ton of work done, and she has no
972 idea what it ever accomplished except that it took some of the land, moved traffic close house. At that
973 time they were told they would get some trees put in to help guard against traffic. Ms. Ellis stated she
974 was a young homeowner and didn't document anything, taking them at their word, adding the person
975 who said they would buy the trees and put them in, when we went back to them, said "We can't do
976 that."

977 Ms. Ellis indicated she had spent \$4,000 putting trees in, trying to make a barricade, some on property
978 not their own. Ms. Ellis believes those are going to get ripped out, as well as possibly some mature trees
979 that were there before we moved in, 12 years ago. There's a big weeping cherry, a Japanese maple with
980 a large caliper. Ms. Ellis asked, "Why do we need more pavement in this Town?" "Especially why do we
981 need another sidewalk when we have one on the other side of the street?" "It seems like if we didn't
982 have this grant, it wouldn't be a smart priority for the Town."

983 Aaron Brown: Have you seen a plan?

984 Raina Ellis responded "yes, Dave's been pretty reasonable." "Once we got over the initial shock not
985 being notified or aware of the project and being pretty angry, he did a good job neutralizing us."

986 Chair Plumer: sidewalk to Great Bay unless you drive a car, not everyone drive's a car.

987 Jen Martel (inaudible) not just about Great Bay...

988 Aaron Brown, Chair Plumer: this isn't really Planning Board business. This comes in as a CIP project, no
989 authority other than we get it together and start the ball rolling.

990 Raina Ellis stated they would be asking for replacement trees.

991 Aaron Brown: Town can authorize putting in trees, surprised they haven't offered already.

992 Ms. Ellis noted it was very non-committal. "They want to buy a little corner where my beautiful
993 Magnolia on corner already getting beat up." "I would put that on the list of trees we're going to need
994 to replace."

995 Aaron Brown: I don't think that's unreasonable. This is on the record now which is helpful. If it were
996 me, I'd write a letter, if you haven't already, keep that line of communication open, we have a lot of
997 good people running the town. I don't think they're trying to step on people. It is hard, Location of your
998 home is a tough spot, you're looking at lights all the time, lot of traffic.

999 Chair Plumer: How do you like the new streetlights; more efficient LED's being done in phases all over
1000 Town.

1001 Aaron Brown: no streetlights there. Nick Gray/Niko Papakonstantis: not adding them, replacing with
1002 LED those that are existing.

1003 **VII. Extension of a conditional approval, Planning Board Case #17-26**

1004 **MOTION:**

1005 *Mr. Grueter moved to approve the one-year extension request, as outlined in letter from Jonathan*
1006 *Ring dated August 21, 2019, Planning Board Case #17-26 be approved. Vice-Chair Brown seconded the*
1007 *motion, with all in favor, so moved.*

1008 John Grueter: This extension shall be valid until August 24, 2020.

1009 **VIII. Adjourn:**

1010 The next meeting will be on: September 12, 2019

1011 *Vice-Chair Brown moved to adjourn, Ms. Bergeron seconded the motion, with all in favor, the motion*
1012 *passed unanimously.*

1013 The meeting was adjourned at 10:13 PM.

1014 Respectfully submitted,

1015

1016

1017 Daniel Hoijer,
1018 Recording Secretary
1019 Via Exeter TV