

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **FEBRUARY 13, 2020**
4 **DRAFT MINUTES**

5 **I. PRELIMINARIES:**
6

7 **BOARD MEMBERS PRESENT:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete Cameron, Clerk,
8 Niko Papakonstantis, Select Board Representative, Gwen English, John Grueter, Kelly Bergeron, Pete
9 Steckler, Alternate and Jen Martel, Alternate.

10
11 **STAFF PRESENT:** Town Planner Dave Sharples
12

13 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:02 PM.
14

15 **III. OLD BUSINESS**
16

17 **APPROVAL OF MINUTES**
18

19 January 23, 2020
20

21 *Mr. Papakonstantis motioned to approve the January 23, 2020 minutes as amended. Mr. Grueter*
22 *seconded the motion. A vote was taken, all were in favor, approved 7-0-0.*
23

24 **IV. NEW BUSINESS**
25

26 **PUBLIC HEARINGS**

27 1. Continued public hearing on the application of I. S. Realty Trust for the proposed subdivision of an
28 existing 5.58-acre parcel located at 100 Linden Street into five (5) single-family lots and associated site
29 improvements; and a Wetlands Conditional Use Permit for proposed impacts to the wetland buffer.

30 R-2, Single Family Residential zoning district

31 Tax Map Parcel #104-71

32 Case #19-13.
33

34 Mr. Sharples indicated the applicant appeared before the Planning Board at the January 23, 2020
35 meeting and the application was tabled for several items. The Board wanted additional information
36 regarding the landscaping, rain garden detail, lighting detail and photometric plan, and sidewalk detail.
37

38 Revised plans were submitted on 2/6/20. Rain garden, sidewalk and lighting details have been included
39 in the revised plan set. Fixture must be acceptable to DPW. The sidewalk will connect to existing on
40 Patricia Ave. The plans show 3" caliper trees now, one in the center island.
41

42 The applicant is requesting a waiver from Section 7.4.10 of the Board's Site Plan Review and Subdivision
43 Regulations that require a High Intensity Soil Survey. A waiver request letter dated January 20, 2020
44 was provided to the Board.

45

46 Ian Winter indicated all issues have been addressed.

47

48 Ms. Martel asked if there were discussions with the neighbor concerning screening as there are no notes
49 on the plan to screen the southeast corner of the property and Mr. Winter indicated he will make sure it
50 is handled once everything is in place.

51

52 Ms. English noted she appreciates the increase to 3" caliper trees. Ms. English asked if UEI was satisfied
53 with the detention pond being higher than SHWT elevation and Mr. Sharples indicated he left that to
54 UEI to determine.

55

56 Mr. Steckler asked if there was an operation management plan for the HOA with regard to the rain
57 garden and Mr. Winter indicated it is the responsibility of Lot 1. Mr. Steckler asked if there were any
58 protection for it remaining a rain garden and Mr. Sharples indicated it would be part of the conditions of
59 approval. Mr. Steckler asked if it could be specific to the Stormwater Management Plan. Mr. Winter
60 indicated it would be included in HOA.

61

62 Mr. Cameron asked how the sewer extension from Lot 5 tied into the rest of the sewer and Mr. Sharples
63 noted it comes down through the easement and dumps into manhole 3.

64

65 Chair Plumer opened the hearing to the public for comments and questions at 7:32 and being none,
66 closed the hearing to the public for deliberations.

67

68 Chair Plumer indicated there was one waiver for HISS. Mr. Winter read his application into the record
69 indicating that he proposed to connect to town sewer system and eliminate the existing system.

70

71 ***Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of I.S.***
72 ***Realty Trust (PB Case #19-13) for a waiver from Section 7.4.10 of the Site Plan Review and Subdivision***
73 ***Regulations to provide High Intensity Soil Survey information be approved with the conditions stated.***
74 ***Mr. Papakonstantis seconded the motion. A vote was taken, all were in favor, the motion passed***
75 ***unanimously.***

76

77 ***Mr. Cameron motioned after reviewing the criteria for a Wetlands Conditional Use Permit that the***
78 ***request of I.S. Realty Trust (PB Case #19-13) for a Conditional Use Permit be approved with the***
79 ***conditions stated. Ms. Bergeron seconded the motion. A vote was taken, all were in favor, the motion***
80 ***passed unanimously.***

81

82 ***Mr. Cameron motioned that the request of I.S. Realty Trust for subdivision approval (PB Case #19-13)***
83 ***be approved with the conditions stated. Mr. Papakonstantis seconded the motion. A vote was taken,***
84 ***all were in favor, the motion passed unanimously.***

85

86 Mr. Sharples read out loud the conditions of approval:
87

- 88 **1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be**
89 **provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg**
90 **or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**
91
- 92 **2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;**
93
- 94 **3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town**
95 **engineer prior to any site work commencing. The following must be submitted for review and**
96 **approval prior to the preconstruction meeting:**
 - 97
 - 98 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted**
99 **to and reviewed for approval by DPW prior to preconstruction meeting.**
 - 100 **ii. A project schedule and construction cost estimate.**
101
- 102 **4. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**
103 **fees, and inspection fees (including third party inspections), prior to the issuance of a building**
104 **permit or a Certificate of Occupancy whichever is applicable;**
105
- 106 **5. All proposed public improvements shall be secured in accordance with Section 12 of the Site Plan**
107 **Review and Subdivision Regulations;**
108
- 109 **6. All comments in the Underwood Engineer Inc. review letter dated January 24, 2020, the TRC**
110 **comment letter dated October 7, 2019, the letter from Ass't. Town Engineer Jennifer Mates**
111 **dated February 3, 2020 and any subsequent comments as the result of further review shall be**
112 **addressed to the satisfaction of the Town Planner prior to signing the final plans;**
113
- 114 **7. The Inspection and Maintenance Plan Log Sheet in the Stormwater Management Report dated**
115 **August 1, 2019 shall be submitted to the Town Engineer annually on or before January 31st. This**
116 **requirement shall be an ongoing condition of approval and noted in the Home Owner's**
117 **Association By-laws and/or Declaration (where appropriate);**
118
- 119 **8. As part of the final plan submission, the applicant shall provide a signed copy of the**
120 **Commitment to Maintenance Requirements in the Notice of Long-term Inspection and**
121 **Maintenance Manual in the Stormwater Management Report dated August 1, 2019;**
122
- 123 **9. All applicable State permit approval numbers shall be noted on the final plans. This shall include**
124 **the Remedial Action Plan regarding the clean-up of the site;**
125
- 126 **10. All easement and/or stormwater maintenance documents shall be submitted to the Town**
127 **Planner for review and approval prior to signing the final plans. The detention basin, rain**
128 **garden and all other stormwater BMP's shall be addressed in the documents. In the event the**
129 **Town Planner deems that review is needed by the Town attorney, this review shall be at the**
130 **applicant's expense;**

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- 11. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall be maintained until a Certificate of Occupancy has been issued for all five units;**
- 12. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the land use and stormwater management information about the project using the PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-construction meeting;**
- 13. The applicant shall contact the Code Enforcement Officer and Deputy Fire Chief to determine the addresses for the units;**
- 14. The proposed street light fixture shall be reviewed and approved by the Exeter Public Works Department; and**
- 15. Three (3) eight-foot (8') minimum height evergreen trees shall be shown on the final plans in the southeast corner of Lot #1 (near the rain garden).**

2. The continued public hearing on the application of Harbor Street Limited Partnership for two (2) lot line adjustments and subdivision of a 4.96-acre parcel into five (5) single-family residential lots Off Brentwood Road and Spruce Street R-2, Single Family Residential zoning district Tax Map Parcel #63-93 Case #19-18.

Ms. Bergeron recused herself and departed the meeting at 7:51 PM. Chair Plumer indicated Alternate Jen Martel would be the active alternate.

Mr. Sharples indicated the applicant appeared before the Planning Board at its December 19, 2019 meeting and the application was tabled to the January 9, 2020 meeting. The applicant requested after the December 27, 2019 site walk to be continued to the January 23, 2020 meeting to complete the drainage analysis. Subsequently the applicant requested a continuance to the February 13th to provide additional information regarding the drainage analysis. The engineering representing the abutter is satisfied with the changes now. Lot 93-5 has the swale extended. The backyard will be graded towards that to alleviate the risk of overflow there.

Mr. Sharples noted the applicant is requesting one waiver from the Board's Site Plan Review and Subdivision Regulations for the requirement that the post development peak flow rate not exceed that of the pre-development condition. The 2/5/20 waiver request letter was provided. There are additional agreements between Mr. Falzone and the abutters to be added to the conditions of approval.

John Krebs indicated he was available to answer questions.

175 Ms. English asked if parcels A and B were going to the respective abutters and Mr. Krebs answered
176 affirmatively.

177

178 Ms. English asked about the trench around the Brentwood Road property getting cleaned and Mr.
179 Krebs noted it may be deepened by 6" as well.

180

181 Ms. English asked if the oak trees would be removed and Mr. Krebs noted that on Lot 5 they would be.
182 Mr. Sharples added that is an area of concern with drainage and will need to be graded around.

183

184 Mr. Steckler asked about the drainage analysis and which direction when discharging additional water
185 and Christian Smith noted there are five locations in the analysis which he pointed out on the plan set.

186

187 Mr. Steckler asked if the discharge was being increased to H100 and H500 and Mr. Smith indicated
188 affirmatively. Mr. Smith added that was largely due to Lot 5 and Mr. Falzone agreed to clean the basin
189 to increase flow.

190

191 Ms. Martel asked about the removal of trees and if they could be saved and Mr. Sharples noted this is
192 where they are grading so slope toward swale.

193

194 Chair Plumer opened the hearing to the public for questions and comments at 8:07 PM.

195

196 Dan Hummel indicated if there was a way to save the tree he was okay with that and may request some
197 screening. Chair Plumer asked if three evergreens would be suitable. Mr. Krebs agree to revise the
198 plan to show evergreens to screen his home and to save the 22" oak.

199

200 Chair Plumer closed the hearing to the public at 8:09 PM for deliberations.

201

202 Ms. English noted she appreciated the effort to communicate with abutters.

203

204 Mr. Steckler noted the plan discharged more water to the Town's system and asked if the Town could
205 handle the additional discharge and Mr. Smith indicated the two locations show increase before this
206 process with the swales providing infiltration and the past man-made ditch connecting to a basin is
207 being restored. The DPW was at the TRC meeting and did not voice any concerns. Mr. Sharples noted it
208 was reviewed by the Town Engineer and is okay with small increase.

209

210 Vice-Chair Brown asked about the Conditions of Approval with abutter agreements. Mr. Sharples
211 indicated he had no concern about adding those. Mr. Krebs indicated normally they are between
212 abutters and the applicant/developer and adding allows the Town to enforce.

213

214 Mr. Krebs read his waiver request into the record indicated the small access areas that flow to the
215 drainage structure with minimal increase in peak flow. The stormwater volume increases are well below
216 maximum allowed. The drainage will convey water away from the abutters.

217

218 Mr. Smith noted the small increases did not determine inundation problems in this area. Two acres
219 were created as a right of way access. Catch basins would be placed at the bottom of each and having a
220 drain going uphill would be virtually impossible.

221
222 Mr. Sharples noted the Town did not want to enforce the maintenance of the fence because it is a
223 condition of approval and recommended it should be in deed and the location of the house on Lot 5
224 cannot interfere with the swail.

225
226 **Mr. Grueter motioned after reviewing the criteria for granting waivers that the request of Harbor**
227 **Street Limited Partnership (PB Case #19-18) for a waiver from Section 9.3.1.8 and Section 9.3.4 & 5 of**
228 **the Site Plan Review and Subdivision Regulations regarding stormwater management requirements**
229 **for post construction be approved with the conditions stated. Vice-Chair Brown seconded the motion.**
230 **A vote was taken, all were in favor, the motion passed unanimously.**

231
232 **Mr. Grueter motioned that the request of Harbor Street Limited Partnership (PB Case #19-18) for two**
233 **Lot Line Adjustments be approved. Mr. Cameron seconded the motion. A vote was taken, all were in**
234 **favor, the motion passed unanimously.**

235
236 **Mr. Grueter motioned that the request of Harbor Street Limited Partnership (PB Case #19-18) for**
237 **Subdivision approval be approved with the conditions stated. Ms. English seconded the motion. A**
238 **vote was taken, all were in favor, the motion passed unanimously.**

239

240 **Conditions of approval:**

- 241 **1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be**
242 **provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg**
243 **or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**
244
245 **2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;**
246
247 **3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town**
248 **engineer prior to any site work commencing. The following must be submitted for review and**
249 **approval prior to the preconstruction meeting:**
250
251 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted**
252 **to and reviewed for approval by DPW prior to preconstruction meeting.**
253 **ii. A project schedule and construction cost estimate.**
254
255 **4. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**
256 **fees, and inspection fees (including third party inspections), prior to the issuance of a building**
257 **permit or a Certificate of Occupancy whichever is applicable;**
258
259 **5. The Inspection & Maintenance Manual Checklist included in the Stormwater Management/BMP**
260 **Operation & Maintenance Plan dated 1-4-2020 shall be submitted to the Town Engineer**

261 *annually on or before January 31st. This requirement shall be an ongoing condition of approval*
262 *and noted in the Home Owner's Association By-laws and/or Declaration or the individual deeds*
263 *(where appropriate);*
264

265 **6. All easement and/or stormwater maintenance documents shall be submitted to the Town**
266 **Planner for review and approval prior to signing the final plans. In the event the Town Planner**
267 **deems that review is needed by the Town attorney, this review shall be at the applicant's**
268 **expense;**
269

270 **7. All common improvements (including but not limited to utilities, drainage, and shared**
271 **driveways) shall be either completed to the satisfaction of the Town or secured in accordance**
272 **with Section 12 of the Site Plan Review and Subdivision Regulations prior to the issuance of a**
273 **Certificate of Occupancy for any unit;**
274

275 **8. The final grades and stormwater management systems shown on the Utility and Drainage Plan**
276 **Dated November7, 2019 with the latest revision date of 2-11-2020 shall be constructed in**
277 **accordance with said plan and any changes in grading or any stormwater system shall require**
278 **Town and/or Planning Board approval in accordance with Section 14 of the Site Plan Review**
279 **and Subdivision Regulations;**
280

281 **9. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags**
282 **shall be maintained until a Certificate of Occupancy has been issued for all five units;**
283

284 **10. If determined applicable by the Exeter Department of Public Works, the applicant shall submit**
285 **the land use and stormwater management information about the project using the PTAPP**
286 **Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be**
287 **accepted by DPW prior to the pre-construction meeting;**
288

289 **11. The applicant shall contact The Code Enforcement Officer (CEO) and Deputy Fire Chief (DFC) to**
290 **determine the addresses for the units. In the event the CEO and DFC recommend naming either**
291 **or both of the private driveways, the applicant shall follow the procedures on street naming in**
292 **accordance with Chapter14. The street name shall be adopted prior to the issuance of a**
293 **Certificate of Occupancy for any units;**
294

295 **12. The six (6) bulleted conditions listed in an email with the handwritten date of 12-18-2019 and**
296 **signed by Joseph Falzone, Katie Marie Lamontagne, Daniel J. Tesnier, and James & Alexandra**
297 **Allen and attached hereto, shall be fully incorporated herein and be conditions of this approval;**
298

299 **13. The six (6) bulleted conditions listed in a document with the handwritten date of 12-17-2019**
300 **and signed by Joseph Falzone, and Jonathan & Alysa Franck, and attached hereto, shall be fully**
301 **incorporated herein and be conditions of this approval;**
302

303 **14. The Town will have the right, but not the obligation, to enforce the conditions of #12 and #13**
304 **above;**

305
306 **15. The builder shall take all precautions to protect the 22" oak tree located at the southern tip of**
307 **the manmade wetland on Lot #93-5; and**

308
309 **16. Three (3) eight-foot (8') minimum height evergreen trees shall be shown on the final plans to**
310 **screen Lot #93-5 from Lot #63-86.**

311

312 **V. OTHER BUSINESS**

313

314 **Master Plan Discussion**

315

316 Mr. Sharples noted he will schedule the next meeting. MUND is on the warrant for Town Meeting to
317 fulfill several goals of the Master Plan.

318

319 **TAP Grant**

320

321 Mr. Sharples updated the status of the connecting sidewalks grant that were funded in 2017 with
322 \$600,000 with 80% federal funding, which are on schedule. Three existing sidewalks connect on Spring
323 Street and Winter Street and the west side of Epping Road with Brentwood Road. All the landowners
324 are on board in support of the easements. Conservation recommended with no objection. The Select
325 Board hearing is on February 18th. The easement plan is colored with red areas delineating permanent
326 easements, one access is to reconstruct the curbing. The slope easement is on Spring Street.

327

328 Ms. Martel asked if there were any utility pole relocations and Mr. Sharples indicated a few, one on
329 Epping Road was tricky and none are in the middle of the sidewalk.

330

331 Mr. Sharples indicated the state reviews and will require a flashing beacon 79' north of intersections
332 which will be lit as well.

333

334 ***Vice-Chair Brown motioned the Planning Board has no objection to acquiring easements to the***
335 ***completion of the TAP Grant. Mr. Papakonstantis seconded the motion. A vote was taken, all were in***
336 ***favor, the motion passed unanimously.***

337

338 **VI. TOWN PLANNER'S ITEMS**

339 Mr. Sharples noted the applications are supposed to be submitted digitally and put on website and will
340 look into it. Vice-Chair Brown indicated this would save postage. Mr. Sharples noted if the Board wants
341 to stay electronic then to email him.

342 **Field Modifications**

343 Mr. Sharples indicated he will have one for March.

344 **Announcements**

345 **VII. CHAIRPERSON'S ITEMS**

346 Mr. Cameron noted a resident was not happy with the work across from the Shell station on Main
347 Street. Mr. Grueter noted the building is taller than we thought it would be. Mr. Sharples indicated the
348 project is 5' higher than zoning allows and Mr. Eastman has notified them this must be resolved.

349 **VIII. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"**

350 Ms. English indicated she got a letter for the Housing Appeal Board hearing on February 17th. Mr.
351 Steckler added the repeal bill was to establish the Affordable Housing Commission. Mr. Sharples
352 explained it was to allow quicker appeals than Superior Court and allows the applicant to represent
353 themselves.

354 **IX. ADJOURN**

355 *Mr. Papakonstantis moved to adjourn at 9:12 PM. Ms. English seconded the motion, with all in favor,*
356 *the motion passed unanimously.*

357 Respectfully submitted,

358 Daniel Hoijer,
359 Recording Secretary