

Vice Chairman Ken Knowles called the meeting to order at 7:02 PM in the Nowak Room on the above date.

PRESENT: Vice Chairman Ken Knowles, Selectmen's Representative Frank Ferraro, Members: Gwen English, Katherine Woolhouse and Ian Raum, Alternate Members: Clerk Lang Plumer, Town Planner Sylvia von Aulock and Deputy Code Enforcement Officer Barbara McEvoy. It was noted that all board members in attendance would be voting.

NEW BUSINESS: PUBLIC HEARINGS

TUCK REALTY CORP. – PB CASE #21203

A continued public hearing on the application for a minor subdivision of a 2.1-acre parcel located at 137 Court Street into two single family residential lots. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #95-3.

Noting that Messrs. Raum, Ferraro and Plumer were not present at the June 7th meeting, Mr. Krebs provided a brief summary of his presentation from that evening. He proceeded to review the changes made to the plans, including the revised lot configuration, rain garden details, driveway details and drainage revisions. Mr. Krebs explained that although the configuration of the lots on paper looked rather strange, it was designed as such to meet the 10% impervious lot coverage requirement for the Aquifer Protection District ordinance. He indicated that the revised plan depicts that 9.7% of the lot was rendered impervious to groundwater infiltration. Mr. Krebs added that the rear portion of the oddly-shaped lot (with the existing house) was heavily wooded, contained a small wetland and would never be developed. He identified the limits of clearing and proposed building envelope on the new lot and noted that this lot would also have to comply with the 10% lot coverage requirement. Mr. Krebs indicated that a small area of the driveway would be asphalt (for shared maintenance purposes) and the remainder would be He mentioned that slight revisions had been made to the drainage treatment along the driveway (abutting the Grady property at 139 Court Street) to keep any water flow on the subject property and noted that the existing heavily landscaped area would provide privacy for property owners.

Mr. Plumer asked about the requirement for pervious pavement being disclosed to any new property owners. Mr. Krebs responded that there would be reference to the requirement in the individual lot deeds and also a note on the recorded plan. Acting Chairman Knowles inquired as to the ownership of the private right-of-way (ROW). Mr. Krebs indicated that it was part of the proposed 'front' lot (with the existing residence). Ms. English stated that she understood the zoning issue raised at the last meeting regarding the private right-of-way issue had been resolved by Town Counsel. Acting Chairman Knowles mentioned that the drainage calculations submitted had not been stamped by the professional engineer who had prepared them; he requested the Applicant to provide a stamped copy for the file.

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There being no further Board discussion, Acting Chairman Knowles asked if there was anyone who wished to speak on the application. There was no public comment; the public hearing was closed and Board discussion resumed.

Acting Chairman Knowles indicated that there was one waiver necessary from Section 9.17.5 for the width of the private ROW. He asked Mr. Krebs to clarify the width of the private ROW in the area where the waiver was necessary; Mr. Krebs confirmed that it would be reduced to 35-feet in width. There was brief Board discussion as to the justification for the waiver. Ms. von Aulock noted that the Board had been much more conservative in its review of this application as opposed to the adjacent Brown subdivision several years ago. Ms. English added that there were other areas of more concern that would create impact than the slight reduction on the width of the private ROW.

There being no further discussion, *Mr. Plumer moved to grant the waiver, as requested, for the reduction of the private ROW to 35' in width (as shown on the plan); second by Mr. Ferraro.* **VOTE: Unanimous. WAIVER REQUEST GRANTED.**

Mr. Ferraro moved to grant approval of the application for the minor subdivision of the property at 137 Court Street, as presented, subject to the following conditions:

1. *All requests of the Planning Board to be addressed, including but not limited to the following:*
 - *A note be added to the plan (on sheet to be recorded) depicting the waiver granted from Section 9.17.5 for width of the ROW.*
 - *The Planning Board case number (#21203) be added to the plan.*
 - *All conditions of this approval shall be noted on the plan (on the sheet to be recorded).*
 - *The 'Declaration of Common Driveway Easement and Restrictions' shall be submitted for review and approval by Town Counsel and referenced in the individual lot deeds. (This shall include the requirement that the driveway as depicted on the plan remain "pervious".)*
 - *The 40' "No-Cut/Disturb" wetlands buffer and limits of clearing as shown on the plan to be flagged prior to the commencement of any site work.*
 - *The limits of clearing be further clarified on the plan sheet to be recorded.*
 - *A note be included on the recorded plan that states both lots must comply with the Aquifer Protection District requirement that they not exceed 10% impervious surface.*
 - *A note be added on the plan (on sheet to be recorded) and a reference be included in both deeds, that restricts the lots from any further subdivision or lot line adjustments.*
 - *The drainage analysis provided with the application be stamped by the professional engineer who prepared it.*
2. *All appropriate fees to be paid, including but not limited to: applicable impact fees, inspection fees, recording fees and other agreed upon improvements.*
3. *An executed Subdivision Agreement shall be submitted for Planning Board signature;*
4. *An executed Certificate of Monumentation shall be submitted to the Planning office along with the appropriate fees for recording the plan;*
5. *The proposed right-of-way (ROW) shall be for the benefit of "Lot A" (Tax Map # to be determined) and Tax Map Parcel #95-3 only.*
6. *All on-site and off-site improvements shall be completed prior to any Certificates of Occupancy being issued including drainage improvements (rain garden);*
7. *The Applicant shall meet with the Town Assessor to determine the address of the new lot.*
8. *All conditions of this approval are to be met within one year and all site improvements to be completed within two years from the date of final approval.*

Motion seconded by Mr. Plumer. VOTE: Unanimous. CONDITIONAL APPROVAL OF MINOR SUBDIVISION GRANTED.

EXETER SPORTSMAN'S CLUB – PB CASE #21206

The application for a minor site plan review of proposed site improvements associated with the construction of a 100-foot barrier for projectile containment and sound mitigation at the gun club's shooting range. The subject property is located at 109 Portsmouth Avenue, in the CT-Corporate Technology Park zoning district. Tax Map Parcel #65-123.

Acting Chairman Knowles asked Ms. von Aulock if the abutters and public had been duly notified; Ms. von Aulock responded affirmatively. She asked if the application was complete enough for the Board to consider; Ms. von Aulock indicated the application was complete. *Mr. Plumer moved to accept the application thereby beginning the 90-day clock for the Board to act; Mr. Ferraro seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.*

Mr. Burrell "Butch" York, President of the Exeter Sportsman's Club (ESC) was present to address the

Board. He indicated that he had prepared a PowerPoint presentation to share with the Board. For the record, Mr. York indicated that the agenda description was incorrect and he wanted to clarify that the measurement of the proposed barrier was 100-yards and not 100-feet as indicated in the legal notice. He acknowledged the other representatives joining him this evening; Dr. Thomas Wharton, ESC Vice-President of ESC, Thomas Klingelhoef, ESC Facilities Manager and Dr. Christopher Suprock, Electrical/Mechanical Engineer.

Mr. York proceeded to explain their proposal and noted that they wished to only construct approximately eighty-feet (80') of the proposed barrier in order to validate its design and test its efficiency. He indicated that the construction of this portion of the barrier would encompass the area from the backstop to the 25-yard house. He described the barrier construction details and noted that the environment also played a significant role in how sound reacts. Mr. York noted that the project was proposed in three (3) phases:

- Construction of four 20-foot sections of the barrier, followed by testing to evaluate its efficiency
- Tree removal to accommodate the relocation of the service way providing access for equipment to service the backstop
- Construction of remainder of the barrier and landscape mitigation to replant trees (to replace the same number of trees removed)

Consensus of the Board was that they appreciated the detail of the PowerPoint presentation, although were not familiar with the gun club range and its appurtenances and would like to conduct a site visit.

Acting Chairman Knowles asked if Ms. von Aulock had any comments. She noted that there were a whole host of concerns discussed at the Technical Review Committee (TRC) meeting and that the Board had received her memo dated July 2, 2012 which outlined her comments and concerns. She stated that at this time she would rather have the Board hear from the abutters and public. She supported the Board's request for a site walk be conducted prior to any action being taken on the application. She also mentioned that she had spoken to a gentleman with the Arizona State Parks Service about his involvement in the development of a massive outdoor shooting range.

Mr. Plumer inquired if any discussion had taken place with the New Hampshire Department of Transportation (NHDOT) relative to sound attenuation. Mr. York responded that he had not spoken with NHDOT, but had done an incredible amount of research on sound mitigation. Ms. English asked if Mr. York had spoken with any other similar-sized facilities that may be facing the same challenges. Mr. York responded that he had visited a site currently under construction in Cape Cod.

There being no further discussion at this time, Acting Chairman Knowles opened the hearing for public comment.

Numerous residents from surrounding neighborhoods spoke and expressed their concerns regarding the potential for increased noise impact, the process for testing and establishing a baseline for existing sound pollution, the efficiency of the proposed barrier and future expansion of the club. They indicated they were willing to work with the club to ensure that the proposed improvements would be in the best interest of all parties.

Dr. Christopher Suprock, of Suprock Technologies LLC, addressed the Board. He indicated that he had been working with the Applicant relative to the noise mitigation component of the proposal. He stated that the proposed barrier would act as an absorber of the noise and not as reflector. He provided several PowerPoint slides and a brief explanation of decibel calculations. He indicated that the improvements being proposed were the best option and most practical for the club. Acting Chairman Knowles requested that more information regarding these calculations be provided to the Board. Ms. von Aulock suggested that information be provided for an actual analysis.

Mr. York responded that the ESC was before the Board in an effort to improve the existing conditions at their site and not be difficult. He indicated that they did not have a large amount of resources because they were not a business or in the development business.

Acting Chairman Knowles explained that the Board needed a level of comfort on the proposal and was requesting more evidence of efficiency. Mr. Ferraro reiterated his desire to have a site walk to enable the Board members to observe the existing conditions and get a better sense of the site activities prior to any

decisions being made on the Applicant's request.

The Board scheduled a site walk for Thursday, August 9th at 5:30 PM. It was represented that it was also open to the public.

Mr. Ferraro moved to table further discussion of the application until the Board's August 23rd, 2012 meeting; seconded by Mr. Plumer. VOTE: Unanimous.

HOLDING COURT, LLC – PB CASE #2906

A public hearing on a request for an extension of the conditional approval previously granted for the proposed development of a tennis facility and associated site improvements at 19 Continental Drive. The subject property is located in the CT-1, Corporate Technology-1 Park zoning district. Tax Map Parcel #52-107.

Acting Chairman Knowles asked Ms. von Aulock if the abutters and public had been duly notified; Ms. von Aulock responded affirmatively. She asked if the application was complete enough for the Board to consider; Ms. von Aulock indicated the application was complete. ***Mr. Plumer moved to accept the application thereby beginning the 90-day clock for the Board to act; Ms. English seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.***

Attorney Charlie Tucker, of Donahue, Tucker & Ciandella, PLLC was present on behalf of the Applicant. He explained that his client was seeking a further extension of the conditional approval for this project due to current economic conditions which have precluded them from proceeding with the project at this time.

Attorney Tucker stated that his client was aware that since the conditional approval was granted in June 2009 there had been principal changes to the Board's Site Review Regulations adopted specific to wetland setbacks that would affect the project as proposed. He requested that any favorable action by the Board on the extension request be conditioned on the Applicant proceeding to reconfigure the project layout so as to reduce the parking impacts within the wetland setbacks currently outlined in Section 9.9.2 of the Board's regulations in a manner determined to be acceptable to the Board.

Mr. Plumer moved to grant a one-year extension of the conditional approval for Case #2906, as requested, to now expire on June 25, 2013, with the condition that any future design be made to minimize the impact to the wetland buffer and that a Conditional Use Permit (CUP) would also be required; seconded by Ms. English. VOTE: Unanimous.

OTHER BUSINESS

APPROVAL OF MINUTES: May 24 and June 7, 2012

Mr. Plumer moved to approve the minutes of May 24th, 2012, as presented; second by Mr. Ferraro. VOTE: Unanimous. Mr. Knowles and Ms. English abstained.

Action on the minutes of June 7, 2012 was deferred until the next meeting as there was not an appropriate quorum of members present to act on them.

TOWN PLANNER ITEMS

Ms. von Aulock reminded the Board that representatives from the various Town departments would be providing a presentation of their 2013 CIP projects at the Board's next meeting. She indicated that the CIP worksheets were still being reviewed; she anticipated a final draft document would be available in approximately two weeks and would be distributed for review.

REPORTS ON "OTHER COMMITTEE" ACTIVITY

Mr. Plumer reported that he and Ms. English had attended the Annual Meeting of the Rockingham Planning Commission (RPC) held at the Sheraton Harborside in Portsmouth last month and enjoyed the evening's events.

CHAIRMAN'S ITEMS - None

There being no further business before the Board, ***Mr. Ferraro moved to adjourn; second by Mr. Plumer. VOTE: Unanimous. The meeting was adjourned at 9:15 P.M.***

The next meeting of the Exeter Planning Board will be held Thursday, August 9th, 2012 at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

Barbara S. McEvoy
Deputy Code Enforcement Officer
Planning & Building Department

:bsm