

These minutes are subject to possible corrections/revisions at a subsequent  
Exeter Zoning Board of Adjustment meeting.

## EXETER ZONING BOARD OF ADJUSTMENT FEBRUARY 15, 2011 MEETING MINUTES

### Present:

Chairman: Hank Ouimet.

Regular Members: Marc Carboneau, Steve Cole, John Hauschildt, Robert Prior.

Alternate Member: Patrick Driscoll.

Deputy Code Enforcement Officer: Barbara McEvoy.

The meeting convened at 7:02 PM.

*Mr. Prior recused himself at this time. Mr. Driscoll was seated as a voting member.*

### Agenda:

1. Case #1412: Special Exception request. Riverwoods/77 Kingston Road.

### New Business:

*The application of The RiverWoods Company at Exeter for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses to permit the property located at 77 Kingston Road to be developed for a proposed elderly congregate health care use in conjunction with the abutting RiverWoods facilities. The subject property is located in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-43. Case #1412.*

Attorney Charlie Tucker approached the board on behalf of the applicant. He gave a brief review of the case for alternate member Patrick Driscoll and mentioned that the case involved the “character of neighborhood” issue. He also mentioned that there has been a lot of opposition to the proposal and that a new plan was being presented this evening which includes relocation of the proposed building within the campus.

Mr. Jeff Clifford of Altus Engineering approached the board to present the new plan. He stated that the proposed building would be located off of White Oak Drive and 400’ off of Kingston Road. He also mentioned that a previous special exception had been granted for the project use. Mr. Clifford stated that the applicant needs approval for the Elderly Congregate Healthcare (EHC) use of the subject parcel for the new Administration building.

Continuing, Mr. Clifford stated that the new building would be on municipal water and sewer. He also stated that the previous request needed a variance for setbacks, but the new location meets all of the setback requirements. Mr. Clifford then said that the applicant plans to demolish the “Reedy” building and proposes an outdoor park and recreation area at the site. He also mentioned that the future fire station proposal is still valid. The planned location for the station is the land adjacent to the “Reedy” house. Mr. Clifford then mentioned that the new proposed building would not be visible from Kingston Road and it would only be viewed from the abutting residential property across White Oak Drive (Dolloff property). It was also mentioned that the lighting would be approved by the planning board.

Mr. Clifford also mentioned that the new building would be the central location for the campus administration. It was stated that there will be no additional employees added with the construction of this building and that there is a transportation system between buildings so there will be no additional traffic generated. Mr. Clifford then said that additional parking will be provided for accessory uses (meetings, etc.) for a total of twenty-one (21) spaces. He also stated that a new plan with changes had been distributed showing a slight relocation of the building and parking (approx. 10') to the south.

At this time, Attorney Tucker began a discussion of the criteria for special exception. He stated that the area of the parcel is approximately 8.6 acres in size and that the use is permitted. He also mentioned that it complies with 6.1 of the zoning ordinance. In regard to public health, safety and welfare, Attorney Tucker stated that the planning board will review the project details. He also stated that the proposal is compatible with adjoining development and the character of the neighborhood and zone district. Regarding landscaping and screening, Attorney Tucker stated that the landscaping and screening will be reviewed by the planning board and he also mentioned that the third fire station site will be adjacent.

Continuing, Attorney Tucker mentioned that there would be no loading issues and there would be access to Kingston Road from White Oak Drive. Clarifying, Attorney Tucker stated that the access drive to the existing house (Reedy property) will remain until the proposal for the fire station becomes a reality. This is being done to reserve the right to the curb cut from NH Route 111 which is in the State's jurisdiction. Attorney Tucker then stated that the proposal will go through the Technical Review Committee and site plan review process. He then said that there will be no adverse effect to the abutters including the closest residential use being the Dolloff home. Special Exception criteria "I" and "J" are not applicable to this application, and "A" through "H" were discussed and satisfied per the applicant representative.

Mr. Hauschildt asked about wetlands issues.

Mr. Clifford stated that the proposal complies with the 2010 regulations and changes to the wetlands section. Attorney Tucker clarified that the application was submitted after the changes to the wetlands ordinance were posted, therefore the proposal needed to incorporate the changes.

At this time, the chairman opened the hearing to public testimony.

Mr. Bob Prior of 16 Pickpocket Road approached the board. He mentioned that the eleven employees that would occupy this new building currently occupy space in other buildings and he questioned whether the employee count would rise. He also mentioned that the board was being asked to approve the use of the property as part of the campus and that the special exception was for Elderly Congregate Healthcare, not office use. Mr. Prior also stated that the proposal falls within the R-1 zone which is comprised of single family homes. He pointed out that there are no office buildings in other R-1 zones.

Continuing, Mr. Prior stated that this is the same application that was denied twice, and that only the location has changed. He wondered what the significant difference is in this application and mentioned criteria "C" that speaks of a proposal being compatible with the zone district. He then stated that RiverWoods is a large scale, commercial development and that the original "Woods"

was built as a standalone community. It was mentioned that construction crews lived in the “Reedy” home during the “Boulders” construction. He stated that offices could have been incorporated into the “Boulders” construction. Mr. Prior also said that the proposal should not be a detriment to the abutters and the neighborhood and he reiterated that this is an R-1 neighborhood, and that this proposal is not compatible with the other homes in the neighborhood and that the building will only be compatible with RiverWoods use. He then stated that the campus has been an unpleasant addition to the neighborhood in respect to traffic, lighting etc.

Mr. Carbonneau stated that the proposal is an ancillary building use to the RiverWoods complex such as the maintenance garage.

Chairman Ouimet stated that this area should be addressed in deliberations, not at this time.

Mr. Prior mentioned that the campus has physically expanded beyond its own geographic area. He questioned if development of a satellite location was planned. Mr. Prior then mentioned that he does not want a corporate office building as a neighbor and that 5500 square feet is a generous office area for eleven (11) people.

Ms. Laura Davies of 20 Pickpocket Road approached the board at this time. She wanted to know how many times can RiverWoods ask for this project to be approved. She also asked how a standalone office building can be worked into the EHC umbrella and if more future development is planned? She also commented that Timber Lane is supposed to be a secondary access, but management has instructed residents to use Timber Lane as a primary access.

Ms. Harriet Pettrulio of 15 Runawit Road addressed the board next. She stated that she is fearful of a large office building becoming a marketing site for new development. She also mentioned that the ZBA should know the specifics of proposed improvements on the existing “Reedy” footprint.

Ms. Karen Prior of 16 Pickpocket Road stated that given the scale of the proposal, she would suggest a site walk, although this is not normal for the ZBA, she thought it would be beneficial in making the decision. She also mentioned that after all the boards, lawyers, builders etc., go home and are done, RiverWoods residents and abutters are left to resolve issues.

Mr. Dick Arpen, a resident of the “Woods” approached the board at this time. He asked that the board be reminded of all of the good RiverWoods has done for the community and that the organization is a not-for-profit charitable organization. He mentioned that each campus has its own characteristics and that there is no in-fighting between the residents of the three campuses.

Chairman Ouimet opened the hearing to rebuttal testimony.

Attorney Tucker clarified for the board the difference between non-profit and charitable organizations. He then mentioned that all three sites were granted special exception approvals and that details of the plans, such as what it looks like and where it will be located, were important when making decisions.

Attorney Tucker then mentioned that offices are part of the whole facility as are maintenance buildings and garages. He then mentioned that there is a perception of administration favoring the residents of the building they are located in.

Mr. Carbonneau asked if other uses for the “Reedy” parcel need to be part of the application. Attorney Tucker stated that the applicant will have to go to the Heritage Commission regarding the proposed demolition in this parcel and that they will return to the ZBA for any use of the “Reedy” property.

Mr. Mark Hepp of RiverWoods stated that other uses of the proposed office building include use by the resident executive council, etc. He said there are no other plans other than to centrally locate administration. Attorney Tucker stated that approximately 600 residents and staff are administered at RiverWoods.

Mr. Driscoll asked if all current uses, such as residents’ groups, meetings, council, etc. are taking place in the buildings now.

Attorney Tucker answered yes and stated that there is no change in uses.

At this time, the chairman closed the public hearing.

## DELIBERATIONS

It was mentioned that all members of the board have been to the site.

Mr. Hauschildt began a walkthrough of the special exception criteria A-H at this time.

There was a discussion regarding the definition of multi-family Healthcare facility and accessory structures.

Mr. Cole stated that he has a problem with a standalone building and compares the request to the Saint Michael’s application on Newfields Road. He also mentioned that Timber Lane was originally approved as a temporary road and that the Planning Board changed that.

The board then began a discussion regarding criteria “C” at this time. Criteria “C” read as follows:

“That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located. Adjoining principal uses in existence prior to 1972 (generally referred to as grandfathered uses), that are not permitted uses as listed in 4.2 Schedule I: Permitted Use, shall not be considered in determining the compatibility of an applicant’s proposed use.”

Mr. Carbonneau stated that “A” and “C” are intertwined.

Chairman Ouimet allowed Attorney Tucker to speak at this time.

Attorney Tucker clarified that the proposal was for a 5500 sq. ft. footprint and 6800 sq. ft. total.

It was noted that abutters were opposed to Attorney Tucker speaking at this time.

The intensity of the use was discussed and the question was raised if the applicant was definitive in describing the use. There was reference made to prior applications.

The board raised the concern that a definitive approval was required for the Code Enforcement Officer to be able to enforce and ensure that no additional uses occur and that there is no increase in the number of employees using the building.

Chairman Ouimet suggested that the applicant provide a more comprehensive description of the use.

Mr. Carbonneau stated that there is no new information from the previous applications, other than the location of the building changing. He mentioned that the same abutters are present and the same concerns have been raised.

Chairman Ouimet stated that he was not comfortable with the description in the application, and that this is certainly germane to deliberations/decisions. He also said that he was not comfortable with numerous restrictions to restrict intensity.

*The board took a recess from 9:30PM to 9:35PM. The applicant took this time to specifically clarify the description for the board.*

Attorney Tucker addressed the board and clarified that the proposed building footprint would be 5500 square feet and the total square footage of the building (all floors) will be 6800 square feet. It was also mentioned that there will be no basement. Attorney Tucker also clarified that there will be fifteen (15) employees and twenty-one (21) parking spaces and that the conceptual proposal for the development of an outdoor park and recreation area on the portion of the site currently occupied by the existing (Reedy) house and barns was withdrawn from the application during the hearing.

**MOTION: Mr. Hauschildt made a motion to approve the special exception request subject to the following restrictions:**

- 1. The proposed administrative building shall house a maximum of fifteen (15) full time equivalent employees;**
- 2. The building footprint shall not exceed 5,500 square feet in area and the total square footage of the building (all floors) shall not exceed 6,800 square feet in area; and**
- 3. The total number of parking spaces associated with the use of the administrative building shall not exceed twenty-one (21) spaces.**

**The motion was seconded.**

**The motion passed 4-1. Mr. Cole voted Nay.**

#### Other Business:

1. Case #1404: The re-hearing request of RiverWoods.

Attorney Tucker approached the board and requested that this request be addressed/postponed to 4/19/11 to see if the previous approval gets appealed. This request was made due to the way the calendar falls with the March meeting and the thirty day appeal period ending the day after the March 2011 meeting.

**MOTION: Mr. Hauschildt made a motion to postpone Case #1404 until the April 2011 ZBA meeting.**  
**Mr. Cole seconded.**  
**The motion passed unanimously.**

*At this time, Mr. Prior was re-seated as a voting member.*

2. Minutes: October 19, 2010.

**MOTION: Mr. Carbonneau made a motion to approve the October 19, 2010 minutes as presented.**  
**Mr. Cole seconded.**  
**The motion passed unanimously.**

Minutes: December 28, 2010.

**MOTION: Mr. Prior made a motion to approve the December 28, 2010 minutes as presented.**  
**Mr. Cole seconded.**  
**The motion passed unanimously.** (Mr. Carbonneau abstained)

3. 55 Old Town Farm Road – James/Gautreau case update.

It was announced that a letter had been received regarding the approval granted for a home occupation at 55 Old Town Farm Road. The letter stated that conditions of the approval have been broken and asked for the town to look into the matter. It was mentioned that a site visit had occurred and the matter will be handled by the Code Enforcement Officer.

**MOTION: Mr. Cole made a motion to adjourn**  
**Mr. Hauschildt seconded.**  
**The motion passed unanimously.**

The meeting adjourned at 9:55PM.

The next meeting of the Exeter Zoning Board of Adjustment will be held, Tuesday, March 15, 2011 at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully submitted,

Christine Szostak, PT Secretary  
Planning & Building Department