



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709
www.exeternh.gov

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet virtually via ZOOM (see connection info below*) on Thursday, January 28th, 2021 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: January 14, 2021

NEW BUSINESS: PUBLIC HEARINGS

Continued discussion on the application of Brian Griset for review of a Yield Plan in conjunction with a proposed single-family condominium open space development and associated site improvements on property located off of Tamarind Lane and Cullen Way. The properties are located in the R-1, Low Density Residential and NP-Neighborhood Professional zoning districts. Tax Map Parcel S #96-15 and #81-53. PB Case #20-2.

The application of RiverWoods Company At Exeter for a minor site plan review for the proposed construction of a 3,378 square foot addition to the existing administration building and associated site improvements to the property located at 6 White Oak Drive. The subject property is located in the R-1, Low Density Residential zoning district. Tax Map Parcel # 80-18. PB Case #20-4.

OTHER BUSINESS

- Great Bridge Properties LLC - PB Case #19-19
Epping Road, Tax Map Parcel # 55-75
Request for extension of Planning Board conditional approval (granted 1/23/20)

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 01/15/21: Exeter Town Office and Town of Exeter website

***ZOOM MEETING INFORMATION:**

Virtual Meetings can be watch on Channel 22 and on Exeter TV's Facebook and YouTube pages.

To access the meeting, click this link: <https://exeternh.zoom.us/j/89070728836>

To access the meeting via telephone, call: +1 646 558 8656 and enter the Webinar ID: 890 7072 8836

Please join the meeting with your full name if you want to speak.

*Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press *9.*

More instructions for how to access the meeting can be found here:

<https://www.exeternh.gov/townmanager/virtual-town-meetings>

Contact us at extvg@exeternh.gov or 603-418-6425 with any technical issues.

**TOWN OF EXETER
PLANNING BOARD
January 14, 2021
VIRTUAL MEETING
DRAFT MINUTES**

Zoom ID: 833 0020 0162

Phone: 1 646 558 8656

6:30 PM

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Brown, Pete Cameron, Clerk, Gwen English, John Grueter, Jennifer Martel, Molly Cowan, Select Board Representative, Nancy Belanger, Alternate, Mark Dettore, Alternate and Pete Steckler, Alternate.

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 6:30 PM. Chair Plumer read out loud the meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state and local officials have determined gatherings of ten or more people pose a substantial risk to the community and the meeting imperative to the continued operation of Town and government and services which are vital to public, health, safety and confidence. This meeting will be conducted without a quorum physically present in the same location and welcome members of the public accessing the meeting remotely.

III. NEW BUSINESS: PUBLIC HEARINGS

Public hearing on proposed zoning amendment(s) for the 2021 Town Meeting Warrant:

Chair Plumer read out loud the public hearing notice.

- Amend Article 11 – Proposed changes to update the Public Capital Facilities Impact Fee ordinance.

Mr. Sharples noted Article 11 is the only zoning ordinance amendment. The amendment is recommended by consultant Bruce Mayberry. Mr. Sharples noted the amendment brings the ordinance up to date with current laws. Age restricted housing would not require a waiver for ages 55 and over for these impact fees. When there is a percentage split, like 80/20 units the impact fees would be 20% if 20% of the units were not age restricted. The Master Plan Oversight Committee reviews and approves.

Chair Plumer opened the hearing to the public at 6:36 PM.

42 Mr. Steckler recommended grammatical changes to Section 1.7.3:

43

44 Remove “for those” and read “residential units shall pay.” Mr. Sharples will amend
45 Section 1.7.3.

46

47 Mr. Steckler recommended grammatical changes to Section 1.7.2:

48

49 “Facilities of like kind” - Mr. Steckler recommended the item be something the Town
50 needs. Vice-Chair Brown noted this is a source of many waiver requests.

51

52 Ms. English recommended capitalizing Planning Board in Section 1.6.1 and one the next
53 page, first line.

54

55 Ms. English proposed wording on Page 5 “or when approval has been given prior to.”
56 Vice-Chair Brown recommended “when no approval is necessary.” Mr. Sharples
57 explained this is when something is grandfathered and based on State law. Vice-Chair
58 Brown recommended adding the word “application” to read “application has been
59 made prior to the adoption.” Mr. Sharples will amend Section 1.6.1 to clarify when a
60 project does not have to pay the fee.

61

62 ***Ms. English moved that the Board place the proposed amendment regarding Article 11***
63 ***Public Capital Facilities Impact Fee, titled “Proposed Amendment for the January 14,***
64 ***2021 Planning Board meeting” and dated January 7, 2021 on the 2021 Town Warrant***
65 ***with a recommendation for adoption. Mr. Grueter seconded the motion. A roll call***
66 ***vote was taken Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel –***
67 ***aye, Grueter – aye and Plumer – aye. The motion passed 7-0-0.***

68

69 Public hearing to amend the existing Public School and Recreation Impact Fees schedule –
70 ***Tabled.***

71

72 Public hearing on proposed amendments to Planning Board Site Plan Review and Subdivision
73 Regulations:

74

- 75 • Amend Section 9.4 – Flood Hazard Areas by updating the date of the Flood Insurance
76 Rate Maps (FIRM) that the regulations reference.

77

78 Mr. Sharples indicated this amendment was critical to pass this evening. The State has
79 updated their Flood Insurance Rate Maps and therefore the Site Plan Review and
80 Subdivision Regulations must be updated to reflect the new dates prior to tomorrow.
81 OSI recommended deleting “100-year” and “5/17/1982” and substitute “current and

82 effective” so it will not have to be updated again. The Select Board has adopted the
83 resolution to amend as well.

84
85 Chair Plumer opened the hearing to the public for comments and questions at 6:53 PM.
86

87 ***Ms. English move to amend Section 6.6.2.4(v), Section 7.4.18, Section 7.6.13 and***
88 ***Section 7.7.8 of the Exeter Site Plan Review and Subdivision Regulations as presented***
89 ***in the document titled “Amendments to Exeter Subdivision and Site Plan Review***
90 ***Regulations” created by Samara Ebinger from the NH Office of Strategic Initiatives –***
91 ***Floodplain Management Program dated January 5, 2021. Mr. Cameron seconded the***
92 ***motion. A roll call vote was taken Grueter – aye, Martel – aye, English – aye, Cowan –***
93 ***aye, Cameron – aye, Brown – aye and Plumer – aye. The motion passed 7-0-0.***
94

- 95 • Amend Section 9.16 by updating the footnotes denoting the new NH DES website
96 references.

97
98 Mr. Sharples noted that the Select Board has already taken care of this one.
99

100 **IV. OTHER BUSINESS**

101
102 **V. TOWN PLANNER’S ITEMS**

103 **VI. CHAIRPERSON’S ITEMS**

104 **VII. PB REPRESENTATIVE’S REPORT ON “OTHER COMMITTEE ACTIVITY”**

105 **VIII. ADJOURN**

106 ***Mr. Cameron motioned to adjourn the meeting. Vice-Chair Brown seconded the motion. A roll call***
107 ***vote was taken Cameron – aye, Cowan – aye, Brown – aye, Martel – aye, English– aye, Grueter - aye***
108 ***and Plumer – aye. The motion passed 7-0-0.***

109
110 The meeting adjourned at 6:55 PM.

111
112 Respectfully submitted,

113 Daniel Hoijer,

114 Recording Secretary

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **January 14, 2021**
4 **VIRTUAL MEETING**
5 **DRAFT MINUTES**

6 Zoom ID: 833 0020 0162

7 Phone: 1 646 558 8656

8 **I. PRELIMINARIES:**

9
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Brown, Pete
11 Cameron, Clerk, Gwen English, John Grueter, Jennifer Martel, Molly Cowan, Select Board
12 Representative, Nancy Belanger, Alternate, Mark Dettore, Alternate and Pete Steckler, Alternate.

13
14 **STAFF PRESENT:** Town Planner Dave Sharples

15
16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM. Chair Plumer read out loud
17 the meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b)
18 are being invoked. As federal, state and local officials have determined gatherings of ten or more
19 people pose a substantial risk to the community and the meeting imperative to the continued operation
20 of Town and government and services which are vital to public, health, safety and confidence. This
21 meeting will be conducted without a quorum physically present in the same location and welcome
22 members of the public accessing the meeting remotely.

23
24 The members introduced themselves by roll call and in accordance with the Right to Know Law noted
25 they were alone in the room.

26
27 **III. OLD BUSINESS**

28
29 **APPROVAL OF MINUTES**

30
31 December 3, 2020

32
33 Mr. Cameron, Mr. Steckler and Ms. English suggested edits.

34
35 ***Mr. Cameron motioned to approve the December 3, 2020 Exeter Planning Board meeting***
36 ***minutes with the suggestions agreed to earlier. Ms. English seconded the motion. A roll call***
37 ***vote was taken Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye,***
38 ***Grueter – aye and Plumer – aye. The motion passed 7-0-0.***

41 December 17, 2020

42

43 Mr. Cameron, Mr. Steckler and Ms. English suggested edits.

44

45 ***Ms. Martel motioned to approve the December 17, 2020 Exeter Planning Board meeting***
46 ***minutes, as amended. Vice-Chair Brown seconded the motion. A roll call vote was taken***
47 ***Grueter – abstain, English – abstain, Martel – aye, Cameron – aye, Brown – aye and Plumer –***
48 ***aye. The motion passed 5-0-2.***

49

50 **IV. NEW BUSINESS**

51 **PUBLIC HEARINGS**

52 1. The application of Patricia Duval for a minor subdivision of an existing 3.39-acre parcel located off
53 105 Brentwood Road to create a new residential lot.

54 R-1, Low Density Residential zoning district.

55 Tax Map Parcel #60-24

56 Planning Board Case #20-19

57

58 Chair Plumer read the Public Hearing Notice out loud.

59

60 Mr. Sharples indicated the application was complete and ready for review.

61

62 ***Mr. Grueter motioned to accept the application of Patricia Duval (PB Case #20-19) as complete for***
63 ***review. Mr. Cameron seconded the motion. A roll call vote was taken Brown – aye, Cameron – aye,***
64 ***Cowan – aye, English – aye, Martel – aye, Grueter – aye and Plumer – aye. The motion passed 7-0-0.***

65

66 Mr. Sharples indicated the application is for a minor subdivision of a 3.39-acre lot. The application and
67 accompanying documents were submitted on 11/3/2020. The applicant sought relief with the Zoning
68 Board of Adjustment at their August 18, 2020 hearing for the minimum lot area required in the R-1 zone
69 for less than two acres without water and sewer services. There was no review by TRC, but the
70 application was reviewed by the Code Enforcement Officer. An application to the State DOT for a
71 driveway permit was requested by the applicant but not under the Planning Board's control. The
72 proposed 75' well radius falls into the State ROW. The State was notified, and the onus is on the driller
73 of the well. Standard Conditions of Approval for the minor subdivision application have been prepared.

74

75 Henry Boyd of Millennium Engineering presented the application accompanied by Mrs. Duval. Mr. Boyd
76 noted State subdivision approval has been received for the septic under five acres on 11/23/2020 and
77 noted on the plan. The lot would be at least one acre with 700' of frontage. After surveying the lot
78 there was more land than shown on the tax map.

79

80 Mr. Grueter asked about the well radius and Mr. Boyd noted it is State Subsurface approved and is not
81 an infrequent occurrence. It does not invade the 4,000 SF septic and there is no prohibition. The well
82 radius is not located on another property.

83

84 Chair Plumer asked why the septic was located where shown and not further away to allow the well
85 radius to be within the property. Mr. Boyd noted the test pits were dug and more could be dug but it
86 would be at additional expense to the applicant when the State has no issue with it.

87

88 Vice-Chair Brown asked about wetlands and Mr. Boyd noted there is a small area on Lot A where the
89 existing house is, near the gravel drive culvert.

90

91 Ms. English asked about the driveway for Lot B and the sight distance. Mr. Boyd noted measurements
92 were taken which is why the driveway is located where shown for a safe sight distance from the hill,
93 400' in either direction. A preliminary plan was submitted to DOT.

94

95 Chair Plumer opened the hearing to the public for comments and questions at 7:34 PM.

96

97 Vice-Chair Brown asked about the easement noted on the plan and Mr. Boyd indicated there were two
98 title sources with an old access across parcel 1 that in his opinion is long extinguished, for decades,
99 based on no evidence of use, tree growth and topography.

100

101 Vice-Chair Brown asked if it will be landlocked and Mr. Boyd noted access is east of Lot A. The Town's
102 piece is to the left on the sharp curve.

103

104 Chair Plumer closed the hearing to the public for deliberations at 7:38 PM.

105

106 Mr. Sharples indicated there are Conditions of Approval:

107

108 1. A dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;

109

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

112

113 3. NH DOT driveway approval shall be noted on the plan.

114

115 ***Vice-Chair Brown moved that the request of Patricia Duval (PB Case #20-170 for Minor Subdivision***
116 ***approval be approved with the conditions stated by Town Planner Dave Sharples. Ms. English***
117 ***seconded the motion. A roll call vote was taken Cowan – aye, Cameron – aye, Brown – aye, Grueter –***
118 ***aye, Martel – aye, English – aye and Plumer – aye. The motion passed 7-0-0.***

119

120 2. The application of Brian Griset for review of a Yield Plan in conjunction with a proposed single-family
121 condominium open space development and associated site improvements on property located off
122 Tamarind Lane and Cullen Way.

123 R-1, Low Density Residential and NP-Neighborhood Professional zoning districts

124 Tax Map Parcel S #96-15 and #81-53

125 Planning Board Case #20-2

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Chair Plumer read the public hearing notice out loud.

Mr. Sharples noted the application is for a Yield Plan for an open space development. Mr. Sharples provided a brief history of the prior applications: In September of 2020 the Yield Plan was for 12 units. The applicant returned to the Planning Board to ask for reconsideration of the waiver citing a discrepancy in the criteria at the October 2020 meeting. The Attorney's 12/4/20 letter outlines the process the applicant has gone through so far. The Yield Plan before the Board now is the same plan originally submitted but with five more lots no longer requiring a waiver for the buffer. There is a waiver for Section 7.13 concerning the variance used to achieve density.

Attorney Pasay noted the applicant obtained a variance in January of 2020.

Attorney Pasay noted that Engineer, Christian Smith is present as well as the applicant Brian Griset. A letter dated June 3, 2020 supports the request for a waiver to establish density for the open space development's upland area. The Mendez property was added back in to the plan, shown as Map/Lot 81-53. A density transfer was requested for the Brickyard property owned by the Town per agreement. The previous approval was for 12 lots without the Mendez property. The waiver request was denied. Attorney Pasay noted the Yield Plan was reasonably achievable.

Christian Smith of Beals Associates presented the proposal electronically on the screen to review the plan. Frontage is on Cullen Way for two additional lots with three off Kingston Road.

Chair Plumer opened the hearing for comments and questions from the public at 7:55 PM.

Attorney Pasay reviewed the criteria for the waiver from Section 7.13 and the requirement that the Yield Plan shall not require a variance. The Grisets obtained the variance last January. The Special Exception is to depict residential uses in the Mendez Trust property which is zoned NP. Attorney Pasay noted the Yield Plan must be feasible, viable and reasonably achievable. Section 7.13 is for Yield Plans that require variances to be feasible not those that already have variances. It is not detrimental to health, safety or welfare and will not alter the essential character of the neighborhood. The development is consistent as a large R-1 neighborhood and allowed by right and special exception. An appraisal by White Appraisal was referenced.

Mr. Griset referenced the conveyance of 30-acres of the Mendez Trust property which was to benefit the Town in the first application. The property is unique. The NP property was landlocked with no frontage. The hardship criteria was met with the variance approval. #4 the spirit and intent would not be inconsistent with Section 7.13. Yield Plans that require a variance are different than those who have a variance and as such comply with all technical requirements. The waiver will not vary the provisions of the zoning ordinance or the Master Plan. The Special Exception allows for residential use in the neighborhood professional area. The property values continue to go up.

168 Ms. English noted there are two houses planned 50' from the railroad. Cullen Way Extension will be
169 built, an 1100' roadway with cul-de-sac with 300' of flood zone, 100' of wetlands and a big price tag to
170 make it financially worthwhile.

171
172 Attorney Pasay discussed the analysis done by Gove Environmental in February and May for the long
173 driveways and \$125,000 lot prices. The three lots on Kingston Road are substantially smaller and sold
174 for \$275,000 each.

175
176 Mr. Steckler asked about the flood zone line for the new Lot 5 and driveways through flood zones. Mr.
177 Smith explained the location of the flood zone line to the north and that there is a portion of the road in
178 the flood zone. Mr. Steckler stated this puts emergency access at risk as well as the viability of the
179 roadway. Mr. Steckler noted while he is not voting he feels the waiver is not eligible based on Section
180 13.74.

181
182 Attorney Pasay stated that Yield Plans establish density. The Grisets could propose a conventional
183 subdivision and there are no regulations to prevent approval. The lots conform to the technical
184 requirements of the Town and are compliant with regulations. The land can accommodate the lots. A
185 conventional subdivision could be approved. The plan is reasonably achievable, has a variance and
186 special exception and does not contradict regulations.

187
188 Mr. Smith noted the development is allowed to cross to get to buildable uplands. There could be
189 mitigation. The driveway would be constructed outside the 100-year flood plain. Mr. Steckler noted
190 approving a waiver goes against the regulations. Attorney Pasay noted it is inconsistent with NH law to
191 trump the relief valve by denying a waiver because granting the waiver is against regulations.

192
193 Mr. Griset disagreed that the waiver was contrary to the ordinance as the Mendez Trust property could
194 be developed with access to the upland areas with a greater impact by commercial or multi-use
195 development than what is being proposed. The application has sought to have the minimum impacts on
196 the flood plain area.

197
198 Chair Plumer opened the hearing to the public for comments and questions at 8:25 PM.

199
200 Ann Flaherty of 8 Tamarind Lane stated that she would like to reiterate that she is in support of the Yield
201 Plan and waiver. There is ROW access for some of the property across her property for Lots 7, 8, 9 and
202 10.

203
204 Laura Knott of 15 Tamarind Lane noted she sent a letter to Mr. Sharples tonight which was read out
205 loud. The applicant has changed the plan yet again. Ms. Knott stated the reason was to pay medical
206 bills but if that were the case Mr. Griset would have taken the approvals by now and has made no
207 attempt to negotiate with the neighborhood. It was claimed to not be financially viable with 13 lots now
208 there are 17 proposed. On June 10, 2020 Attorney Britton argued that the ZBA lacks the authority to
209 transfer density per RSA 674:21 innovative land use controls which can only be adopted through the
210 Town Meeting process and are outside the authority of the ZBA. The zoning ordinance lacks provisions

211 for density transfer and therefore the ZBA lacks the authority to grant them. Section 7.13 regulations
212 violate the criteria because the Yield Plan shall not require a variance.

213

214 Mark Page of Tamarind Lane noted the application is a pretty complicated record and wondered if all
215 the other submissions become a part of the record. The Town and Brickyard contract transfers of
216 density require enabling legislation. The Mendez Trust property has been referred to as undevelopable
217 and then hear the applicant state it could be developed.

218

219 Attorney Pasay noted that Attorney Britton argued variances and special exceptions which his clients did
220 not appeal should be ignored. The abutters have no standing in the Brickyard property contract. The
221 Board did accept the previous Yield Plan.

222

223 Chair Plumer closed the hearing to the public for deliberations at 8:41 PM.

224

225 Mr. Cameron objected that it was stated that a subdivision plan would waltz through with a favorable
226 outcome. The length of Cullen Way Extension is troubling.

227

228 Chair Plumer noted the Board is looking at a Yield Plan and it would look very different if what was
229 before us was a subdivision plan.

230

231 Mr. Sharples agreed there would be a lot more detail, stormwater, final grading, and those are not
232 required for a Yield Plan.

233

234 David Hadden, 12 Tamarind Lane stated he was personally opposed to the Yield Plan but did not specify
235 a reason.

236

237 Vice-Chair Brown noted this has been one of the more complicated cases adding the remote nature of
238 the meetings and having to review plans that are small with dozens of lines. The 12-lot plan submitted
239 originally is different from the 17-lot plan now before the Board and what was already voted on.

240

241 Mr. Sharples noted what is different is the Mendez Trust property was added back. Lots 5, 6, 7, 15, 16
242 and 17 were created.

243

244 Vice-Chair Brown asked about the conservation of the Mendez property and Mr. Sharples noted that
245 was taken out.

246

247 Vice-Chair Brown opined that this felt like an application was already voted on and now something
248 significant is being added and should be treated like a new application.

249

250 Mr. Sharples explained that because the Mendez Trust property was part of the original application
251 submitted it is not treated like a new application.

252

253 Vice-Chair Brown stated it feels like a second bite at the apple under the same case number causing a lot
254 of confusion to the Board and the public.

255

256 Ms. English agreed. The Board is now charged with going through a lot of documents and having to
257 cobble them together. It feels like a new plan.

258

259 Mr. Sharples noted he talked to legal and felt a judge would include the previous record because it is the
260 same plan as originally submitted. The Board never reached a determination on the first application
261 because it changed.

262

263 Chair Plumer noted structures were added to a plan the Board made a decision on, to better meet the
264 developer's vision.

265

266 Attorney Pasay acknowledged the complexity and noted that Yield Plans are frequently revised, citing
267 Rose Farm as one example. The Board reserves the right to revise those Yield Plans.

268

269 David Hadden noted he had no further comment.

270

271 Vice-Chair Brown noted he would like more time to review the documents. Ms. English agreed. Mr.
272 Grueter agreed. Ms. Martel noted she would like more time to review notes.

273

274 Vice-Chair Brown asked Mr. Smith if the plans could be simplified in specific areas such as Lots 5 and 6.

275

276 Chair Plumer requested Mr. Smith enlarge the section or make four sheets or large-scale plans. The
277 topography is not as important as the wetland, the flood zone argument, perhaps a color coding of the
278 wetland and prime wetland and flood plain.

279

280 Ms. English asked if the wetlands could be shown in blue.

281

282 Mr. Grueter asked if the plans could be sent in pdfs so the members could enlarge them. Mr. Sharples
283 noted Ms. McEvoy will get those to them as they were provided by the applicant.

284

285 ***Vice-Chair Brown moved to table Planning Board Case #20-2 to the January 28, 2021 Planning Board***
286 ***meeting at 7:00 PM. Ms. Martel seconded the motion. A roll call vote was taken Martel – aye, Brown***
287 ***– aye, Cameron – aye, Grueter – aye, Cowan – aye, English – aye and Plumer – aye. The motion***
288 ***passed 7-0-0.***

289

290 3. The application of IOKA Properties, LLC for a minor site plan review for the proposed redevelopment
291 of the existing building located at 53 Water Street (the former IOKA Theater).

292 W-C Waterfront Commercial zoning district

293 Tax Map Parcel #72-34

294 Planning Board Case #20-20

295

296 Chair Plumer read out loud the public hearing notice.

297

298 Mr. Sharples indicated the application was complete and ready for review purposes.

299

300 **Mr. Cameron motioned to accept Planning Board Case #20-20 for review. Mr. Grueter seconded the**
301 **motion. A roll call vote was taken English – aye, Cowan – aye, Grueter – aye, Cameron – aye, Brown –**
302 **aye, Martel – aye and Plumer – aye. The motion passed 7-0-0.**

303

304 Mr. Sharples noted the application is for a minor site plan for a retail use, restaurant and eight
305 residential condominium units. The ZBA approved relief on 11/17/20 for height and rear yard setbacks
306 and off-site parking. The NOD and minutes are provided. There was no review by TRC, but the
307 Department Heads did review the plan and the DPW provided comments.

308

309 Attorney Sharon Somers from DTC Lawyers presented the plan noting there is a waiver for the number
310 of parking spaces. Attorney Somers noted that owners, David Cowie and Jay Caswell are present as well
311 as Christine O'Brien and Adam Wagner of Market Square Architects and Henry Boyd of Millennium
312 Engineering. The lower-level use will be as a speak easy, the 2nd and 3rd floor will be condominiums. The
313 plans depicting the front of the building were shown electronically. The precast panels will be moved to
314 the top to allow for windows. There will be canopies. The marquis letters will run vertically down the
315 side of the building. The wooden bump out in the rear of the building will be removed. There will be a
316 patio within the building footprint and balconies to the rear for the 1st, 2nd and 3rd floors and a roof top
317 patio with a pergola accessed by stairs to seat up to 49 people maximum. The roof top area is 735 SF
318 and only to be used by residents of the 2nd and 3rd floors. There will be planters and heating and cooling
319 units on the roof. The *Mayor Building* will appear in relief in the upper parapet. The alleyway to the
320 East was shown with new windows and egress doors at the basement level. There will be new stairs
321 along the street side and railings at the lower patio.

322

323 Mr. Grueter asked about the 49-person capacity on the roof deck and whether this could constitute a
324 noise issue and Attorney Somers noted it would be unlikely there would be that many people. The
325 building will be subject to condominium ownership and rules.

326

327 Mr. Cameron asked if the rooftop heating and cooling units will be visible from the street. Attorney
328 Somers noted the existing parapet should block the view.

329

330 Chair Plumer asked about access to the speak easy and Attorney Somers showed the access points on
331 the front and side and noted there will be stairs and an elevator.

332

333 Mr. Grueter asked about the outdoor deck and whether the arches were original. Mr. Boyd noted the
334 back was put on after.

335

336 Ms. Martel asked about the river, the high-water mark and flooding. Ms. O'Brien noted the wetlands
337 approval process has started. Henry Boyd noted his discussions with Eben Lewis at DES and that the
338 lower level is above base flood elevation and Sergio Bonilla with Mission Wetlands was hired to look at
339 wetlands. Fish species were studied in the NHB report.

340

341 Ms. Martel asked about trash removal and Ms. O'Brien noted it would be inside the building and then
342 most likely taken out on trash day.

343

344 Ms. Martel asked about lighting and Mr. Wagner noted code will require some lighting on the roof. Ms.
345 O'Brien noted the style has not been discussed with the client yet. Ms. Martel noted the ordinance
346 would require downcast dark sky compliant lighting.

347

348 Attorney Somers noted the multi-family component of the project and the variance for 91 off-street
349 parking spaces, commercial and residential. Residential will consist of 18 spaces, 16 for the 8 two-
350 bedroom units and two visitor spaces.

351

352 Attorney Somers reviewed the waiver request criteria under Section 13.7.1. It will not be detrimental to
353 the health, safety or welfare of the community. There are residential on-street and a large municipal
354 parking lot. The abutters have raised no objections. The unique conditions require a waiver. The
355 property was used as a 300-seat theater with 100 grandfathered spaces however the use technically
356 lapsed while the theater has sat dormant and is not being used as a theater now. The property is unique
357 compared to other properties in the area. There is no physical space for parking on the premises. The
358 Exeter Master Plan has identified the importance of redevelopment on this property. The ZBA
359 recognized the unique hardship in granting the variance application. The spirit and intent of the
360 regulations will be observed and prevent other properties from being overly burdened as there are
361 available parking resources to share with other downtown residents. The waiver would not vary the
362 provisions of the zoning ordinance or the Master Plan. The Master Plan discusses the redevelopment on
363 this property and the Board of Adjustment has provided a variance.

364

365 Mr. Cameron asked about 24/7 parking for residential use, not for a couple of hours but all night long
366 which is different from when it was a movie theater and people drove away when the movie got out.
367 Attorney Somers indicated the uses would be staggered throughout the day with residential in the
368 evening and retail during the daytime and restaurant use between both of those times. There was a
369 survey with 886 respondents in 2018 with RPC that indicated ample parking. There are large spots in
370 the municipal parking area. Ms. Belanger noted the survey was not an official parking study.

371

372 Ms. Belanger asked where residents would park during winter parking bans and Attorney Somers noted
373 they would have to make arrangements such as other downtown residents have done. Mr. Sharples
374 noted utilization drops by 7-8 PM at night and the Town voted to install meters along Lincoln Street
375 prior to COVID and it is incumbent on the Town to manage this area. Vice-Chair Brown noted there are
376 a lot of options in Town and the lack of the Town being progressive should not be an issue.

377

378 Mr. Steckler asked about any mechanism when unit owners park on street during business hours in
379 front of businesses and the ability to preserve those spaces. Mr. Grueter noted it would not be
380 enforceable.

381

382 Chair Plumer asked how many bedrooms the units were, and Attorney Somers noted they were all two-
383 bedroom units with a rated hallway leading to a rated stairwell and with a sprinkler system.

384

385 Ms. English asked if the Town still had a two-hour parking maximum and Mr. Sharples noted it does.

386

387 ***Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of IOKA***
388 ***Properties, LLC (Planning Board Case #20-20) for a waiver from Section 9.13.1 to permit less off-street***
389 ***parking than required in accordance with Section 5.6.6 of the Zoning Ordinance be approved with the***
390 ***conditions as read by the Town Planner David Sharples. Mr. Grueter seconded the motion. A roll call***
391 ***vote was taken Martel – aye, English – aye, Cowan – aye, Grueter – aye, Cameron – aye, Brown – aye***
392 ***and Plumer – aye. The motion passed 7-0-0.***

393

394 Ms. Martel asked if there was an elevator and access by elevator to the downstairs speakeasy and
395 Attorney Somers indicated yes.

396

397 Mr. Sharples read out loud the conditions of approval:

398

399 ***1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be***
400 ***provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg***
401 ***or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;***
402

403 ***2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;***
404

405 ***3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town***
406 ***engineer prior to any site work commencing. The following must be submitted for review and***
407 ***approval prior to the preconstruction meeting:***
408

409 ***i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted***
410 ***to and reviewed for approval by DPW prior to preconstruction meeting.***

411 ***ii. A project schedule and construction cost estimate.***
412

413 ***4. All outdoor lighting (including security cameras) shall be down lit and shielded so no direct light***
414 ***is visible from adjacent properties and/or roadways.***
415

416 ***Vice-Chair Brown moved that the request of IOKA Properties, LLC (Planning Board Case #20-20) for***
417 ***Minor Site Plan approval be approved subject to the conditions of approval as read by Town Planner***
418 ***David Sharples. Ms. English seconded the motion. A roll call vote was taken Cameron – aye, Cowan –***
419 ***aye, English – aye, Grueter – aye, Martel – aye, Brown – aye and Plumer – aye. The motion passed 7-***
420 ***0-0.***

421

422 **V. OTHER BUSINESS**

423

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

425 **VII. CHAIRPERSON'S ITEMS**

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

427 **IX. ADJOURN**

428 ***Vice-Chair Brown motioned to adjourn the meeting. Ms. Cowan seconded the motion. A vote was***
429 ***taken, all were in favor, the motion passed unanimously. The meeting adjourned at 10:14 PM.***

430

431 Respectfully submitted,

432 Daniel Hoijer,

433 Recording Secretary



TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: January 22, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Brian Griset Yield Plan PB Case #20-2

The applicant submitted a Yield Plan in advance of an Open Space Development as required per Section 7.7.1 of the Zoning Ordinance that states: "The dwelling unit density shall be determined using a "Yield Plan" which shall be provided by the applicant and reviewed and accepted by the Planning Board prior to proposing an Open Space Development Plan." The subject parcel is located off of Tamarind Lane and Cullen Way, in the R-1, Low Density Residential district and is identified as Tax Map Parcel #96-15.

The Applicant appeared before the Board at the last meeting on January 14, 2021 and presented a revised yield plan for the Board to review. There were several abutters who voiced concerns and spoke in opposition to the plan. The public hearing was closed and the Board subsequently voted to table further discussion of the application until the January 28th, 2021 meeting as several members needed to more time to get back up to speed on this proposal.

In an effort to provide the board with information that will help them get familiar with the prior iteration of this plan that the board last saw in June 2020, I will be sending an email out to the board with materials from the file that are relevant to the initial plan that is similar to the current plan except that they removed lot 5 and are not seeking a waiver as they pursued last time. I did not see the need to send it out in the packet as I know some members still have this information. However, if anyone wants a hard copy please let me know and I will arrange that for you.

As requested by the board, the applicant did provide a large plan with colored wetland and flood boundaries. They have also provided a letter dated January 21, 2021 that provides additional information and materials for your review. Since the Chair had already closed the public hearing, I called the Chair to see if he wanted to reopen the hearing to accept the additional information by the applicant. The Chair indicated that he did want to accept the information and he will reopen the hearing at the meeting to allow anyone else who wants to provide public input.

The Applicant is requesting a waiver from Section 7.13 of the Board's Site Plan Review & Subdivision Regulations as was noted at the last meeting. I have enclosed a copy of the correspondence received from Attorney Pasay addressing the waiver request, dated December 4, 2020.

In the event the Board decides to act on the application, I have provided motions below for your convenience.

Waiver Motions

Yield Plan waiver motion: After reviewing the criteria in Section 13.7 and Section 9.6.1.2 for granting waivers, I move that the request of Brian Griset (PB Case #20-2) for a waiver from the requirement to provide a Yield Plan that shall not require a variance from existing zoning ordinances be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED

Planning Board Motions

Yield Plan Motion: I move that the request of Brian Griset (PB Case #20-2) for Yield Plan approval of a ____ unit Single Family Open Space development be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Enclosure – 2

Thank You.



Barbara Mcevoy <bmcevoy@exeternh.gov>

Fwd: yield plans

1 message

David Sharples <dsharples@exeternh.gov>
To: Barbara Mcevoy <bmcevoy@exeternh.gov>

Fri, Jan 22, 2021 at 10:27 AM

----- Forwarded message -----

From: **Jennifer Martel** <jmartel@gmail.com>
Date: Fri, Jan 15, 2021 at 9:24 AM
Subject: Re: yield plans
To: David Sharples <dsharples@exeternh.gov>
Cc: Langdon Plumer <langplumer@gmail.com>

Thanks, Dave. Wow, you should write a book! This is very helpful.
Jen

On Fri, Jan 15, 2021 at 8:23 AM David Sharples <dsharples@exeternh.gov> wrote:
Hi Jennifer,

This is a great question and I think a call would also be beneficial. A Yield Plan is a plan that will not be built nor contains the detail needed to approve a formal subdivision. It is merely a plan to establish the density of a subsequent Open Space Development (OSD). Towns adopted OSD ordinances because they have many benefits over a conventional design. They require less new roadway, drain lines, sewer lines, water lines, sidewalks, etc. and they leave more of the land undeveloped by placing the homes closer together than they would be in a conventional design. While OSD'S are very desirable in my opinion over a conventional design, yield plan review can be challenging because you are not dealing with a complete submission with all the detail you will get during a formal submission. Moreover, density can be the most controversial part of a project.

Requiring all the detail would work against the process as there isn't a need to require fully engineered plans for a project that won't be built and, most importantly in my opinion, you are trying to promote OSD's and not make them more difficult/expensive. I think that is the big picture that the board should keep in my mind. At the same time, the yield plan does need to meet our regulations. Do all lots have the required frontage, lot area, width, depth, etc.? If the answer is yes and the plan meets all the dimensional requirements then you have to determine if the plan is feasible and viable. I guess the best way to describe this would be to answer two questions of the plan. Could it be built (feasible)? Would it be built (viable)? The former is pretty easy as most plans could be built. The second question is a bit trickier but I look at it with the big picture above in mind. Ask yourself if there is anything you see on this plan that just wouldn't get built? A good example of this was the Rose Farm's initial yield plan submission that showed a large span bridge over a ravine to access four lots. I argued that no one would build a million dollar plus bridge to access four \$150K lots. It just doesn't pass the straight face test. We challenged them on this and they revised the plans and removed the bridge and redesigned the plan. It is important to note that revising a yield plan doesn't necessarily mean a reduction in lots. In fact, sometimes the redesign results in a higher yield as engineer's become more familiar with the property and more creative.

Applying this logic to this plan you have to ask yourself would this be built. Since the board already accepted a 12 lot yield, it seems that the remaining question on this plan is if lots 5, 6, 7, 15, 16, and 17 along with the cul-de-sac extension could be built and would they be built?

There was discussion about revising our yield plan regulations as some towns simply determine the density based upon a mathematical formula. For example, take the total lot area, remove wetlands and floodplains or portions thereof, remove a certain percentage of land for roadways and utilities, then divide by the minimum lot area in the district and that is how many lots/units are allowed. While this method can work very well at times and it eliminates any guesswork or subjective criteria, it doesn't always work in my opinion. For example, if it is an irregularly shaped lot with a lot of constraints then the number of units allowed by the formula can be much higher than the land could support.

Working with the regulations we have in place, I would say if you can't point to a specific regulation that a yield plan violates nor can you provide a specific example of where the plan is not viable and therefore would not be built then

you should accept the plan.

Hope this helps,

Dave

On Fri, Jan 15, 2021 at 7:43 AM Jennifer Martel <jmartel@gmail.com> wrote:

Hi Dave and Lang,

I was wondering if one of you could point me to any resources on Planning Board procedures for Yield Plans? Specifically clarification of the criteria the PB should use to review a yield plan, given its lack of detail, and definitions of 'viable' and 'feasible.' Last night I was taken aback by the applicants' representatives' assertions about how the planning board should review a yield plan and I'd like to become better educated about this matter.

Thanks!

Jen



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ELAINA L. HOEPPNER
WILLIAM K. WARREN

21 January 2021

Town of Exeter Planning Board
Attn: David Sharples, Planner
Town of Exeter
10 Front Street
Exeter, NH 03833

RETIRED
MICHAEL I. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

Re: Planning Board Case #20-2

Dear David and Members of the Planning Board:

We appreciate the Board's continued review and consideration of the Grisets' yield plan and we appreciate that there has been a significant amount of information that has been provided pursuant to this process. As the Board knows, much of that information has been provided in response to claims made by opposition to the project and/or in response to questions and issues raised by the Planning Board itself.

Attached please find:

- Updated Construction Cost Estimate from Beals Associates PLLC, dated January 19, 2021.
- Updated Market Valuation Analysis from Gove Group, dated January 15, 2021.
- 17 Lot Yield Plan Feasibility and Viability Analysis from Brian Griset, dated January 16, 2021 inclusive of answers to specific questions raised by the Planning Board at the 14 January 2021 public hearing, and other analysis.
- Large Scale yield plan and corresponding plans responding to Planning Board requests at the 14 January 2021 public hearing.

All enclosures have the requisite copies.

It is our sincere hope that the Planning Board vote to accept the Griset's yield plan in its current form at the 28 January 2021 Planning Board meeting. The evidence contained within the robust record of this case, as well as that which is the subject of this filing, plainly demonstrate beyond all doubt that the yield plan is viable, feasible and reasonably achievable in accordance with the applicable regulations. As neither the TRC review process, Staff Review, Conservation Commission Review, nor, to-date, the Planning Board review, has revealed any conflict with any of the Town's land use regulations, and as the proposed yield plan is viable and achievable from

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

David Sharples, Planner
Town of Exeter
21 January 2021
Page 2

an economic perspective as clearly indicated in the analysis and materials provided herewith, the Board should vote to accept the same.¹

Please do not hesitate to contact me with any comments, questions or concerns.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac

Cc: Brian Grisct
Christian Smith, P.E., Beals Associates, PLLC

¹ See Dartmouth College v. Town of Hanover, 171 N.H. 497, 514 (2018) (“[Planning Boards] cannot supersede the specific regulations and ordinances that control the [] process with their own personal feelings and then justify their reasoning through the application of general considerations”).

NH-1154.1 Preliminary Construction Cost Estimate

1-15-21

(Extension of Cullen way cul-de-sac and construction of new subdivision road and associated drainage and utility infrastructure)

Item #	Item Description	Estimated Quantity
--------	------------------	--------------------

Site Preparation

Construction Entrance	1.00 EACH
Clearing & Grubbing	1.00 ACRE
Silt Fence	500.00 LF

Total Price for above Site Preparation Items: \$6,750.00

Earthwork

Loam Strip	3,868.00 CY
Excavation - Common Earth	5,250.00 CY
Embankment - Common Earth	3,270.00 CY
Excavation - Ledge	3,750.00 CY

Total Price for above Earthwork Items: \$95,841.00

Drainage

	60.00 LF
ADS 12" Drain	
ADS 15" Drain	760.00 LF
ADS 18" Drain	220.00 LF
ADS 18" Drain (Temporary)	80.00 LF
Wet Ponds	10,500.0 SF
Drain Manhole 4' Diameter	2.00 EACH
Catch Basin 4' Diameter	6.00 EACH
Stone Outlets	50.00 CY

Total Price for above Drainage Items: \$169,314.00

Water

DIP 8" Water Pipe	1.620.00 LF
1" HDPE Services	17.00 EACH
Hydrant	4.00 EACH
Testing - Water	1.00 LS

Total Price for above Water Items: \$166,302.00

Sewer

3" Force Main (Wild Apple Lane)	1.020.00 LF
6" Sched 35 PVC (Cullen Ext & To Ex Pump Station)	960.00 LF
DMH	4.00 EACH
10,000 Gallon Pump Chamber	1.00 LS
4" PVC Gravity Services (SDR 35)	15.00 EACH
2" HDPE FM Services (lots 6 & 7)	2.00 EACH

Total Price for above Sewer Items: \$95,600.00

Underground Utilities

Underground E/T/C Conduits - Main	1,500.00 LF
Transformer Pad	6.00 EACH
Site Lighting	1.00 EACH

Total Price for above Underground Utilities Items: \$66,160.00

Select Gravels & Binder Paving

Bank Run Gravel	1,720.00 CY
Crushed Gravel	830.00 CY
Testing - Gravel's	1.00 LS
Fine Grade Gravels	4,200.00 SY
Shoulder Gravel To Binder	31.00 CY
Pavement Binder	476.00 TON

Total Price for above Select Gravels & Binder Paving Items: **\$105,440.00**

Item #	Item Description	Estimated Quantity
--------	------------------	--------------------

Site Restoration & Miscellaneous

Striping & Signs	1.00 LS
Loam & Seed Islands	790.00 SY
Loam & Seed	6,754.00 SY
Guardrail	190.00 LF
Retaining Walls	1,650.00 SF

Total Price for above Site Restoration & Miscellaneous Items: **\$101,487.00**

Curbing, Walks & Top Coat Paving

Pavement Top	285.00 TON
Curbing Sloped Granite	2,100.00 LF
Concrete For Walk Tip Downs 4"	13.00 SY
Paved Walks	98.00 TON

Total Price for above Curbing, Walks & Top Coat Paving Items: **\$90,370.00**

Mobilization

SWPPP Plan	1.00
SWPP Plan SWPPP Monitoring	40.00 HR
SWPPP Maintenance	8.00 HR
Supervision, Layout & General Conditions	1.00 LS

Total Price for above Mobilization Items: **\$72,084.00**

Total Price for above Phase I Items: **\$969,348.00**

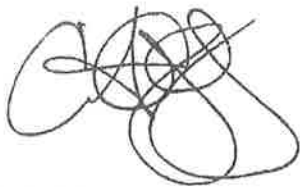
+3% inflation since May, 2020: **\$ 29,080.00**

Total Price for above Phase I Items 1-15-21: **\$998,428.00**

January 15th, 2021

As a second update to my original opinion of value letter dated February 25th, 2020, the proposed lots have only increased more in value since my original letter. Because of the lack of available inventory on the market we saw the average sales price of homes in Rockingham County set a new all-time record high each of the past 5 months. There were only 4 residential lot sales in Exeter the past 12 months and the closed price on those four lots ranged from \$195,000 – 315,000. Three of the 4 lots were less than a half-acre in size and sold for \$195,000 – 209,500 while the last lot was approx. 6 acres and sold for \$315,000. Currently there are only four residential building lots that are on the market in Exeter with list prices ranging from \$208,000 – 374,500 and lot sizes ranging from 0.48 – 5.98 acres.

In the current market the proposed lots for the residential development off Tamarind Lane will have an average retail value between \$175 -250,000 with the average value varying based on the lot grouping. Lots 1-4 located on the Cullen Way cul-de-sac would have an average retail value of \$230,000 per lot. Lots 5-6 would have an average retail value of \$175,000 due to the long shared driveway needed for access and their location right against the railway. Lots 7-11 on a new cul-de-sac road will have an average retail value of \$250,000. Lots 12-14 on Route 111 would have an average retail value of \$210,000 and lots 15-17 would have an average retail value of \$185,000 because of the access coming through the brickyard condominiums.



Colton Gove
The Gove Group Real Estate

Revised Yield Plan Summary

17 Lot Yield Plan Feasibility and Viability Analysis by Brian Grisct

January 16, 2021

Introduction

The two subject properties (the Grisct Property, Tax Map 96, Lot 15 and the Mendez Trust Property, Tax Map 81, Lot 53) and the property the Grisets previously deeded to the Town "Brickyard Park" (Tax Map 81, Lot 57) (the "Town Property") (collectively the "Properties") contain 63.83 total acres and have five (5) available access points to Town or State Roadways. All five (5) of these access points are viable but only four are utilized by the Yield Plan to minimize Floodplain, Wetland and Shoreline Protection District impacts.

The Properties contain 23.60 acres of uplands and 29.47 acres of poorly drained soils and 10.76 acres of very poorly drained soils. Within the four separate and distinct upland areas, the Yield Plan depicts 17 house lots, including one to accommodate the Grisets' current house, which are sited with compliant buildable areas allocated after allowing for all building setbacks under the Zoning Ordinance.

All parcels would be serviced by Town Water and Sewer and each meet or exceed the standard 75% upland soils for minimum lot size calculations.

The proposed subdivision, is by design, separated into four distinct areas with four individual accesses and driveway locations to minimize environmental impacts. Specifically, the total wetlands impact proposed on the Yield Plan is less than a third of an acre 13,661 feet, which is far less than the 20,000 square foot maximum permit standard. All of the impacts relate to providing access to uplands, and no impacts relate to lot development. In each case, the access impacts are located at the point of least impact. Therefore, these are viable and permissible accesses which are reasonably achievable under the Zoning Ordinance.

Both the Exeter Planning Department, TRC, Consulting Engineer, Conservation Commission and Christian Smith, P.E. have reviewed these wetland impacts and/or testified on more than one occasion that the proposed Yield Plan is compliant with all Zoning and Regulations. There is no evidence in the record that the wetland/buffer impacts contemplated by the Yield Plan make the plan not viable, feasible, or reasonably achievable.

Foundationally, this proposal is reasonable and achievable as it proposes just 17 homes on 23.6 acres of uplands.

Access Viability:

First Access: Existing Private Road Access- Mendez Trust Parcel

The first access utilized is an existing deeded right of way for the Mendez Trust Parcel from Kingston Road, (Rt 111). This private right of way was established in two deeds of Louisa L. Lawrence; the first to I.A. Brown and Henry Little dated May 18, 1876, Bk 477, Pg. 133 and the second to I.A. Brown also dated May 18, 1876, Bk 456, Pg 347. These deeds divide a single parcel owned by Lawrence and created a right of way to access the rear subject parcel. Location and width were further defined in 2005 on Plan

D-33097 and recorded at RCRD. This is used as the access for three (3) lots, 15, 16, 17 and for access to a proposed recreational area.

Lots 15 and 16 have a shared driveway over the existing private right of way and Lot 16 has an easement over Lot 15 to reach its building site. This is permissible under all of Exeter's land use regulations.

Lot 17 has a shared driveway over the existing private right of way which serves Lot 17 and the Recreational Easement. This is permissible under all of Exeter's land use regulations. As a result this proposal is viable, feasible and reasonably achievable from an access perspective.

Second Access: Kingston Road

The second access is directly onto Kingston Rd on the current Town Property. A question has been raised regarding if this access would be allowed. We filed a lengthy substantive letter with the Planning Board in February of 2020 which comprehensively addressed this issue, and others. That letter is in the record of this case. Succinctly, the curb cut on Kingston Rd is allowed, would be permitted by New Hampshire DOT, and is feasible, viable and reasonably achievable.

The allowed number of curb cuts off Kingston Road (a State Highway) are calculated per State Statute RSA 236:13 and the rules thereunder established by NHDOT. See the attached NHDOT Driveway Policy #8.

Per State Statute, determination of allowed entrances is fixed per those lots of record as of July 1, 1971. Lots of record with up to 500 feet of frontage are allowed two curb cuts. Lots of record exceeding 500 feet are allowed three. Please see attached plan of record C-1746 dated March 28, 1970 by Matt Hautala, signed by Exeter Planning Board April 2, 1970 and recorded April 7, 1970.

Parcel B on said plan has 1330 feet of frontage resulting in three entrances which were used for both the Exeter Greens subdivision and Greybird Farm Estates. The three entrances permitted and built were Tamarind Lane, Greybird Farm Circle and the driveway for Lot 1 of the Exeter Greens.

Parcel A on said plan has 410 feet resulting in two allowed entrances. A single access is shown on our Yield Plan at the same location at the preexisting farm road which is reflected on the Town's own Plan for the development of Brickyard Park. This single access is used for lots 12, 13 and 14. They share a paved State "Common Driveway" access of 25 feet to the property line. At the property line this splits along the common boundary line into (2) 12.5 foot driveways (Town jurisdiction), one on Lot 14 serving only 14 and one on Lot 13 also serving Lot 12 by and easement over 13.

This proposed access is consistent with the State law and consistent with the Town's regulations. It is therefore viable, feasible, and reasonably achievable from an access perspective.

Third Access: Tamarind Lane

The third access located off Tamarind Lane is a 75-foot-wide deeded development Right of Way across 8 Tamarind Way, from Timothy Reiser, a business partner, granted in 1993 to Adela Griset who was the original owner of 8 Tamarind Way. See RCRD 2984-1377. Ann and Patrick Flarhety are the current owners of the parcel and have spoken before the Board in support of the project.

This ROW and the proposed 1,200-foot Wild Apple Lane provide access to Lots 7 through 11 and is constructed as a Private Road built to Town specifications. While only five (5) lots actually access Wild

Apple Lane, it provides the frontage and lot width requirements for a total of eleven (11) of the house lots. (5-11, 13, 15-17).

The frontage on Tamarind Lane consisting of 395 feet is utilized for lot frontage and lot width for two lots but not for access as the area along Tamarind is environmentally sensitive and limited by a contiguous wetlands and Scamen Brook.

This proposed access and the corresponding lot configurations is permissible under all applicable Exeter land use regulations and State and Federal permit standards, and is therefore viable, feasible and reasonably achievable from an access perspective.

Fourth Access: Cullen Way

The fourth and final access point is the 196 feet of frontage at the end of Cullen Way. At this location the roadway is extended an additional 225 feet providing access to 6 lots and frontage and lot width requirements for two (2) of these lots. At the suggestion of the Planning Department, we have actually reduced the original length of the proposed Cullen Way extension by over 250 feet reducing impervious surface, environmental impacts, infrastructure costs and Town maintenance costs.

This extension meets all of Exeter's land use regulations and is viable, feasible and reasonably achievable from an access perspective.

Conclusion

All seventeen (17) proposed lots meet all zoning requirements and any encroachment into wetland buffers and flood plain are permitted uses under our Zoning Ordinances and Conditional Use Permit standards. This has been confirmed repeatedly by the Exeter Planning Department. As a result, the lots are feasible, viable and reasonably achievable from an access perspective.

Economic Viability:

To determine if a project is economically viable overall total project costs are compared against total projected income. If evaluating individual components of a project, when comparing individual parts on a cost/income basis, all interdependencies must be considered. The following analysis does both. An updated project cost estimate has been included with our filing.

While this subdivision is designed with four distinct access areas, all of the individual parts are actually interdependent.

For example, Lots 5, 6, 15, 16 and 17 utilize private driveways on private easements for access purposes and utilities. The cost of private runs to these lots is greatly offset by the reduced costs of not having to create unnecessary additional road lengths and utilities built to Town roadway standards which would increase impervious surfaces and increase environmental impacts.

Lots 5 & 6 on the Mendez Trust parcel would utilize average private service runs of 810 feet from the end of the proposed roadway for water, sewer and utilities. (Note that the sewer line costs for these lots would actually be less than the runs for the lots at the end of the proposed Wild Apple Lane)

Individual services from the proposed street to the dwellings are estimated at \$25,750 for sewer and \$5,690 for water, or \$31,440 per lot. But additional roadway construction is not required to provide

access or frontage requirements. Per the Gove Group updated valuation letter of January 15, 2021 each of these lots retail value is \$175,000. Subtracting the per lots costs would leave \$143,560 for allocated costs for road frontage on Wild Apple Lane, engineering and permitting costs, extended private common driveway and investment return for each lot.

The access and services for the three Mendez Trust Property lots located off the Kingston Road are via private right-of-way which benefit from the existing "curb cut" and existing paved and graveled portions of the Private Road, as well as the existing water line down to the private hydrant and the existing sewer pumping station located midpoint of the right-of-way.

The individual private runs from the existing infrastructure for the proposed lots are as follows: Lot 15: Water 525, Sewer 750', Lot 16: Water 650', Sewer 875' and Lot 17: Water 450', Sewer 675'. The projected total cost is at \$67,770. The average costs for extending these private services to the property lines of the three lots, therefore, is \$22,590 per lot.

Per the Gove Group valuation letter each of these lots retail value is \$185,000. Subtracting the per lot costs would leave \$162,410 for allocated costs for road frontage on Wild Apple Lane, engineering and permitting costs, extended common driveways and investment return for each lot.

Lots 12, 13 and 14 require no direct improvements to provide utilities or access or frontage with the exception of Lot 13 which draws its frontage and lot width from Wild Apple Lane. Per the Gove Group valuation letter, the retail value of each of these three lots is \$210,000. The full amount can be allocated for engineering and permitting costs and residual profit with the exception of Lot 14 which would have a prorated deduction for allocated road frontage costs on Wild Apple Lane.

Lots 7 thru 11 obtain both access and frontage on the proposed Wild Apple Lane which also provides frontage for 6 other lots. Per the updated Gove Group valuation letter, the individual retail value for these five lots is \$250,000 each, or a total of \$1,250,000. Construction costs for Wild Apple Lane with sewer and water are approximately \$698,350. Divided by the eleven lots it provides frontage to this works out to \$63,485 per lot.

The 225-foot extension of Cullen Way provides access for three lots (3,5,6) as well as frontage and lot width for three lots, 1,2 and 4.

Per the Gove Group updated valuation letter lots 1 thru 4's retail value is \$230,000 each. The existing home lot must be excluded for increased income purposes. The remaining three have a total value of \$690,000. Construction costs for the Cullen Way extension with sewer and water are approximately \$125,600. Divided by the three new lots it provides frontage to this works out to \$41,870 per lot leaving \$564,400 for design, permitting, sales, legal and return on investment.

An even more refined per lot cost basis is attached.

Under the circumstances, the Yield Plan is plainly viable, feasible and reasonably achievable from an economic perspective.

Individual Per Lot Cost Analysis Breakdown

This analysis breaks down individual lot construction costs by assigning separate values to road frontage and access values and then adds any costs relative to a unique feature like an extended driveway.

Methodology:

Based upon the total construction costs of each roadway, these costs are further assigned a value of 2/3 for frontage and 1/3 for access to allow apportionments for each lot's individual characteristics.

The following individual economic lot cost breakdown utilizes the following abbreviations.

Abbreviations are as follows:

- BY- Brickyard Condominium Private ROW - Extended Driveway
- C - Cullen Way Extension
- Rt. 111- Kingston Road at Brickyard Park
- T- Tamarind Lane
- WP- Wild Pasture Lane

Lot #	Location Frontage Road	Prorated /Cost (2/3 value)	Location Access Road (1/3 value)	Prorated Cost	Long Drive /Utilities	Total Construction Costs
# 1	C -	\$25,120	C-	\$12,560	-0-	\$ 37,680
# 2	T -	-0-	C -	\$12,560	-0-	\$ 12,560
# 3	T -	-0-	C -	\$12,560	-0-	\$ 12,560
# 4	C -	\$25,120	C-	\$12,560	-0-	\$ 37,680
# 5	WP-	\$51,730	C-	\$12,560	\$ 31,440	\$ 95,730
# 6	WP-	\$51,730	C-	\$12,560	\$ 31,440	\$ 95,730
# 7	WP-	\$51,730	C-	\$25,865	-0-	\$ 77,595
# 8	WP-	\$51,730	C-	\$25,865	-0-	\$ 77,595
# 9	WP-	\$51,730	C-	\$25,865	-0-	\$ 77,595
#10	WP-	\$51,730	C-	\$25,865	-0-	\$ 77,595
#11	WP-	\$51,730	C-	\$25,865	-0-	\$ 77,595
#12	Rt. 111-	-0-	Rt.111-	\$10,000	-0-	\$ 10,000
#13	WP-	\$51,730	Rt.111-	\$10,000	-0-	\$ 61,730
#14	Rt. 111-	-0-	Rt.111-	\$10,000	-0-	\$ 10,000
#15	WP-	\$51,730	BY -	-0-	\$22,590	\$ 74,320
#16	WP-	\$51,730	BY -	-0-	\$22,590	\$ 74,320
#17	WP-	\$51,730	BY -	-0-	\$22,590	\$ 74,320

The lowest retail value for any of the proposed lots is \$175,000 per the updated valuation of January 15, 2021 by the Gove Group. This was for lots #5 and #6.

As you can see the highest construction costs are attributed to Lots #5 and #6 at \$95,730.

After deduction from the retail price, this still leaves a remaining balance of \$79,270 for its prorated costs for design, permitting, legal, administration and sales.

Clearly each individual lot is reasonably viable, feasible and reasonably achievable from an economic perspective.

Overall Project Economic Viability:

As illustrated, each distinct area of development is interconnected to the other areas in a synergy to create desirable lots while eliminating redundant infrastructure thus reducing environmental impacts and costs.

Therefore, a comparison of overall costs verses overall retail value is the appropriate analysis.

Per the Gove Group’s opinion of the retail value of the sixteen new lots, the total comes to \$3,475,000.

Per Beals’ updated construction estimates for all road, sewer and water and utility extension costs, the projected total cost is \$998,428.

This leaves \$2,376,000 for all other costs including design, permitting, bonds, legal expenses, sales expenses (estimate \$450,000) and return on investment.

Submittal Summary

The Board’s authority and scope of review for the proposed Yield Plan does not include making any determination of a “reasonable rate of return on investment”.

It is solely to determine that the proposed project is viable, feasible and reasonably achievable in accordance with the Town’s Zoning Ordinance and Subdivision and Site Plan Review Regulations. It is appropriate for the Planning Board to make a determination as to whether each component of the project would be “economically viable” if it were to be constructed.

Clearly the above analysis proves this to be the case.

Long Driveways, Shared Driveways and Driveways not from Frontage Property Line

Some concern was expressed by the Planning Board a recent hearings about the length of driveways and access to lots as depicted on the Yield Plan. We provide the following non-exclusive list of other properties in Exeter which employ similar means of access, some of which were recently approved by the Planning Board.

Long Driveways/Linear Feet	Shared Driveways	Driveway not on frontage/no frontage
1. 34 Meadowood Drive/300 LF	X	X
2. 35 Meadowood Drive/300 LF	X	X
3. 36 Meadowood Drive/300 LF	X	X
4. 54 Hampton Road/400 LF	X	X
5. 56 Hampton Road? 400 LF		
6. 73 Linden Street/400 LF		
7. 17 Blackford Place/440 LF		X
8. 26 Forest Ridge/504 LF	X	
9. 47 - 57 Powder Mill Rd/550 LF		
10. 28 Forest Ridge/600 LF		
11. 37 Oakland Road/650 LF		X

12. 115 Linden Street/650 LF		
13. 100 Linden Street/720 LF	X	
14. Proposed Cullen Way Lot 5/750 LF	X	X
15. Proposed Cullen Way Lot 6/800 LF	X	X
16. 136 Kingston Road/800 LF		
17. 31 Oakland Road/950 LF		
18. 80 Old Town Farm Road/1,000LF		
19. 43 Oaklands Road/1,000 LF		
20. 141 Brentwood Road/1,100 LF	X	X
21. 70 Beech Hill Road/1,200 LF		
22. (3 Lots) Off Beach Hill Extension/600-1,300 LF	X	X
23. 142/144/146 Court Street (3 Homes)/1,450 LF	X	X

The most recent Planning Board approval of long lots was just three months ago with the approval of Cabernet Builders' four lots on Kingston and John West Road. Not only are they long lots, one of the approved lots has frontage on Kingston Road but access from a 20 foot strip to John West road.

The list above is not meant to represent the complete list of similar type properties due to time constraints and Covid issues.

Please note that our proposed Lots 5 and 6 (highlighted in Bold Print above) are toward the middle range of similar lots previously approved with long driveways, shared driveways and driveways not accessing from the "Frontage" boundary. The list above demonstrates that long lots (due to wetlands issues predominately and parcel configuration) with the resulting access issues are a common occurrence in Exeter.

Furthermore, this conclusively demonstrates that this type of lot configuration, including our proposal, is in accordance with the Zoning Ordinance as previously represented to you by your Planning Director.

Responses to Board Member Questions and Concerns

from

Planning Board meeting of January 14, 2021

1. What is the length of the Cullen Way Extension?

Answer: (See Site Subdivision Regulation 9.17.2) The proposed extension is approximately 215 linear feet. Measuring from the middle of the intersection of Cullen Way and Tamarind Lane the existing cul-de-sac road measures 625 linear feet. Combined with the extension it's total length would be 840 linear feet. Reg 9.17.2 states 1,200 linear feet is the maximum permissible which we are well below and compliant with.

2. Seems like four different subdivisions?

Answer: No, it is single subdivision under a single application. It is true it may "feel" like that but in essence we have created four separate "villages" within the subdivision in recognition of the natural features and characteristics of the property to reduce environmental impacts to the minimum possible.

Mr. Sharples confirmed this at the last meeting.

3. Does the driveway for Lots 5 and 6 intersect wetlands and if so, is this in accordance with the Ordinances?

Answer: Yes, it does. This is an allowed use per both our Town Ordinances and State Regulations. In both cases permits must be obtained and parameters followed. In accordance with regulations the crossing is located at the area of least impact, which is 2,025 square feet, well within the allowable parameters. Impacts of this type are permitted when they are providing access to uplands, which is the case here. Further, the design contemplates the greatest avoidance and minimization possible. These designs are therefore viable, feasible and reasonably achievable.

4. Does the driveway for Lots 5 and 6 intersect the floodplain and if so, is this in accordance with the Town Ordinances?

Answer: (See Floodplain Development Ordinance 9.4.7 D and Regulation 9.4 Flood Hazard Guidelines) Both new construction of infrastructure and buildings are permitted uses within the Floodplain. This right is subject to compliance with the standards contained within the ordinances and regulations. There are two basic avenues available within the standards to address any potential impact within the floodplain capacity. One requires a hydraulic analysis by a Civil engineer certifying compliance with the standards and the other is mitigation which was raised by Mr. Smith in his explanation. As part of our design process we have discussed various proposals including potential mitigation by removing a section of the old farm road at the Scamen Brook thereby restoring it to natural flow and at the same time increasing flood plain capacity. This would be an issue discussed later during the Subdivision/Site Plan Review phase of our application.

To summarize, yes, it is in the spirit of the Floodplain Ordinance to allow development of all property within the floodplain but subject to the listed criteria to which we would comply. Under the circumstances, the proposed work within the floodplain is abundantly viable, feasible and reasonably achievable.

5. That the proposed Open Space Site plan is not "in the spirit of the ordinances" as it is not in the "character of the surrounding neighborhood" and therefore that should disqualify the Yield Plan.

Answer:

No.

First, the issue before you is solely the Yield Plan. The site plan is not appropriately before the Planning Board for review at this time. Our Yield plan is in accordance with the same Zoning density and dimensional requirements which was applied in the past to the surrounding neighborhoods. Forty Thousand square foot lots with 150 feet of frontage. We are in compliance with all of the standard conventional subdivision regulations required for Yield Plan Review. As a conventional subdivision, the resulting plan is in "character with the surrounding neighborhood".

Second, the history of the OSD Ordinance is relevant. It was approved over three decades ago by the voters. In accordance with the goals of the Master Plan, the intent and spirit was to encourage preservation of open space in future residential developments by reducing lot sizes and frontage

requirements and consolidation of the residential units. It was the decision of the voters, by placing this ordinance in the respective residential districts, that Open Space development was in character with the existing residential subdivisions.

Third, two decades ago, upon the Board's recommendation, the voters strengthened the spirit of both Section 4 and 7 of the Zoning Ordinance, Dimensional & Density requirements and OSD, that Open Space Development was not only the expressed desire for all future residential developments, on larger parcels (20 acres or more) it is mandated. (See 4.3 Schedule II, Note 19)

Third, recently in 2017 this Board updated the Master Plan which both specifically identified a desired flexibility in development of the Mendez Trust property and recommended adding "residential use" as an allowed use by Special Exception to all five of the properties in the NP district. Concurrently, the Board voted to put forth a zoning amendment doing so to which the voters approved.

Fourth, based upon these changes the ZBA, during its review and approvals, has already determined that the residential development of both of our parcels as an Open Space Development is in character with the surrounding neighborhood and in compliance with the public interest and the spirit of the ordinances.

Any vote in the negative by this Board would be contrary to the Ordinances, contrary to the ZBA determination, would result in legal challenges and discourage any future development under the Open Space Ordinance.

6. Isn't the wording of the Yield Plan Regulation against Variances that is the subject of the Waiver clear?

Answer: No, it is not. The context of when it was written is necessary. The context was that the Board wanted to codify that it would not accept Yield Plans that would require a nonexistent Variance area relief (lot size, frontage requirements) to be feasible and viable.

This language was not intended to counteract an already existing non- area variance, previously granted by the Town's Zoning Board of Adjustment as the Planning Board has no constitutional authority to ignore or overrule a ZBA ruling.

The purpose of granting our Waiver is to clarify for the record that the spirit of the regulation is not applicable in our instance. (Please refer to Town Counsel's opinion and our prior legal submissions)

7. The issue was raised that implied that we have filed numerous and varying plans therefore we require a new application.

Answer: The Town Planner has already confirmed to you that this is not the case. There have only been two variations of the Yield Plan, the original and current 17-unit plan and the intervening 13-unit yield Plan.

We understand and sympathize that due to COVID constraints and the numerous frivolous legal issues raised which require Town Counsel involvement that it may be difficult to remember all of the details from the past 16 months.

As a refresher please accept the following.

Since the Conceptual review of our Site and Yield Plans before you back on September 26, 2019, we have presented only two alternatives as Yield Plans. The current 17-unit plan consisting of the Griset and Mendez Trust parcel, which is the original plan, with TRC revisions, and the intervening 13-unit plan which excluded the Mendez Trust parcel.

Both the current and original plans included the 5 lots on the Mendez Trust property which are the issue of the upcoming meeting. The original plan in our application of January 13, 2020 was the same plan shown to both the Conservation Commission and the Zoning Board of Adjustment.

One of only two significant changes from the original plan was an increase in density up to 18 units due to lot reconfiguration which was discussed during our May and June hearings.

Subsequent to that, in an effort to obtain peace with the minority opposition and expedite the process we substituted the 13 unit Griset parcel only plan.

As a surprise to us, the opposition again raised the same legal arguments which you had already ruled on and again their unrealistic demand of a reduction in density from 13 to 4.

After the Board's approval of 12 lots on the Griset property but rejection of Lot 5, combined with the realization we cannot satisfy the opposition nor avoid legal opposition, we have reverted back to our 18 unit plan minus the old Lot 5 in conformance with the Board's instruction leaving bringing us back again to the original 17 unit count per our application.

The current plan includes the original 5 lots on the Mendez Trust parcel which are the subject of the upcoming meeting.



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

4 December 2020

Town of Exeter Planning Board
Attn: David Sharples, Planner
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: Planning Board Case #20-2

Dear David –

Enclosed please find a final revised 17-lot yield plan for review and consideration by the Planning Board at its January hearing. We anticipate a short, 15-minute presentation to highlight the minor differences between this yield plan proposal and previous iterations of same. A single waiver from Section 7.13 of the Site Plan Review and Subdivision Regulations for the Town of Exeter (the “Regulations”), as previously presented, is requested to permit a yield plan which previously obtained a variance from the Zoning Board of Adjustment (the “ZBA”).

The Grisets’ return to this yield plan results from the Planning Board’s 10 September and 22 October denials of the Grisets’ Section 9.6.1.2 perimeter buffer waiver request for lot 5 (the “Lot 5 Waiver”), which denial is the difference between a financially viable and inviable project. The enclosed yield plan, which does not include Lot 5 per the direction of Planning Board, has been reviewed and vetted by the Town Planning Staff and Technical Review Committee (“TRC”). It meets all of the Town’s technical Regulations. It is reasonably achievable, viable, and feasible as evidenced by Grisets filings and presentations to the TRC and Planning Board over the last 11 months, and it has obtained all ZBA relief needed to proceed. This yield plan should be accepted. Should the Planning Board decline to accept this yield plan, we ask that it approve a motion to deny the Grisets’ applications in Planning Board Case #20-2.

Requested Waiver, Section 7.13

The Grisets have followed the guidance and instruction from the Town in this matter from the beginning. The yield plan before the Planning Board benefits from an Administrative Decision, special exception and a variance from the ZBA that permits this precise yield plan to be utilized in this case, as presented. This yield plan has been reviewed and vetted by the Town’s Planning Staff and TRC. It is reasonably achievable, feasible, and viable. Opposition to the Grisets’ proposal, not the Town, raised the Section 7.13 issue at the 11 June 2020 hearing. In

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response, we have briefed the Planning Board at length, verbally and in writing, regarding the basis for this waiver request.¹ The Grisets' have provided the entirety of the Administrative Decision and ZBA records to the Planning Board for its consideration and review.² The Grisets have presented a comprehensive waiver argument to the Planning Board for why a waiver from Section 7.13 should be granted.³ Finally, we understand Town Counsel has provided a legal opinion to the Planning Board regarding this issue. The Grisets submit that a waiver from Section 7.13 should be granted for the reasons previously provided. We ask the Planning Board to re-acquaint itself with the filings and arguments the Grisets have previously made in advance of the January Planning Board hearing.

Procedural History

The Grisets also ask the Planning Board to consider the procedural history and local review of their proposal to date, which should inform its review and consideration of the Section 7.13 waiver request. As noted above, the Grisets have made every effort to be as transparent as possible, have involved the Town from the beginning of the process, and have followed and relied upon the advice of the Town through the process, to include obtaining the ZBA relief the Town indicated was necessary to utilize this precise yield plan. We summarize that process below.

1) Pre-Filing Efforts

- In the spring of 2019 the Grisets began the process of permitting the Griset Property (Town Tax Map 96, Lot 15) in the R-1 District and the abutting Mendez-Trust Property (Town Tax Map 81, Lot 53) in the Neighborhood-Professional ("NP") District (collectively, the "Properties").
- The Grisets developed an 18-lot yield plan depicting R-1 size lots across both Properties and a corresponding conceptual site plan depicting a single-family condominium development on the upland area of the Griset Property.
- Then, like now, the Grisets proposed to convey the entirety of the Mendez-Trust Property to the Town's Conservation Commission.
- The Grisets met with the Town Planning Staff and the Town's Code Enforcement Officer ("CEO"), with and without counsel, several times in the summer of 2019 to vet their yield plan and conceptual site plan.
- One of the primary results of that process was the guidance from the Town that the Grisets needed a special exception to depict residential uses in the NP District to proceed with the yield plan.

2) Planning Board Design Review

- In an effort to vet its yield plan and conceptual site plan and identify any problems, the Grisets appeared before the Planning Board on 26 September 2019 for a design review. Part of the Grisets' presentation included summarizing the ZBA relief it planned to

¹ See Ltr to Planning Board, dtd 3 June 2020.

² See Ltr to Planning Board, dtd 10 July 2020 (the "10 July 2020 Letter").

³ See 11 June 2020 Planning Board Hearing.

pursue. Though solicited, the Planning Board offered no critical review of the yield plan or conceptual plan, no substantive review of the design, and did not mention §7.13 of the Regulations or the Grisets' planned ZBA filings. Rather, the response of the Planning Board appeared positive. A contingent of neighbors from the Exeter Green neighborhood appeared to vehemently oppose the project based on unsubstantiated claims.

3) Administrative Decision

- Notwithstanding the original interpretation from the Town that the Grisets only needed a special exception to proceed with the yield plan, in October, the Grisets learned that variance relief may also be required.
- On 28 October 2019, the Grisets filed a request for administrative decision with the CEO to confirm whether variance relief was necessary to utilize its 18-lot yield plan before the Planning Board.⁴
- On 30 October 2019, the CEO issued an Administrative Decision which determined that to utilize the yield plan, the Grisets required:
 - o A special exception to depict residential uses in the NP District on the yield plan.
 - o A variance to "transfer density" from the NP District to the R-1 District.
- The CEO's Administrative Decision also determined that the Grisets reserved their development rights over the Town-owned property identified as Town Tax Map 81, Lot 57 (the "Town Property") (the "Administrative Decision").⁵
- In response to the Administrative Decision, the Grisets asked the CEO from which zoning ordinance they needed variance relief from. The CEO's response was that "there is nothing in our ordinance that allows density transfer between zones, therefore it is not permitted so any request would require a variance."⁶
- The Administrative Decision was not appealed by anyone.

4) ZBA Relief

- In reliance on the CEO's Administrative Decision, on 4 November 2019 the Grisets filed an appeal of the Administrative Decision, a broad variance application seeking relief from the entirety of Article 4.3, Schedule II of the Zoning Ordinance, which is the Town's Density and Dimensional Regulations, and the entirety of Article 7, which is the Town's Open Space Development Ordinance, to permit what the CEO described as the "density transfer between zones." The Grisets also filed a special exception application to depict residential uses in the NP District on the yield plan.⁷
- On 12 November 2020, after a site walk with the Planning Board and Conservation Commission, the Grisets' presented their yield plan and conceptual site plan to the Conservation Commission which unanimously approved a motion to express the

⁴ See Request for Administrative Decision, enclosed with the 10 July 2020 Letter.

⁵ See Administrative Decision, enclosed with 10 July 2020 Letter.

⁶ *Id.*

⁷ See Grisets' Appeal of Administrative Decision Application, Variance Application, and Special Exception Application enclosed with 10 July 2020 Letter.

Conservation Commission's support of the Town holding a conservation interest in the Mendez-Trust property.⁸

- On 21 January 2020, the ZBA denied the Grisets' appeal of Administrative Decision by a 3-2 vote in Case #19-17 but unanimously granted the Grisets' variance requests "to permit a single-family open space development in the R-1, Low Density Residential zoning district which draws density from contiguous unimproved property in the NP-Neighborhood Professional zoning district, as presented" in Case #19-19, and also unanimously granted the Grisets' special exception application in Case #19-18 (the "ZBA Approvals").⁹
- None of the ZBA Approvals were appealed.

5) TRC Review

- On 23 January 2020, the Grisets yield plan was reviewed by the Town's TRC.
- All of the responses and recommendations of the TRC were incorporated by the Grisets into the yield plan.
- Additionally, the Grisets, through their legal counsel, provided the Planning Board a substantive analysis addressing the reasonableness, viability, feasibility, and achievability of the yield plan under the applicable regulations, including a detailed cost estimate to develop the same.¹⁰

6) Planning Board Review

- **May Hearing**

- On 13 April 2020 the Town Planner provided a Memorandum to the Planning Board which confirmed that the yield plan met all Regulations by stating, among other things, that "[t]he applicant has addressed all staff and UEI comments and we have no further comment on the Yield Plan as currently proposed."¹¹
- On 14 May 2020, the Grisets appeared before Planning Board for yield plan review at which time Case #20-2 was accepted for review. The Grisets' proposal included the Lot 5 Waiver request. A contingent of the neighborhood was present to object to the development across several grounds. Many of these individuals raised technical objections which directly contradicted the review and vetting conducted by the Town Planning Staff and TRC, which found that the Grisets had addressed all technical comments. These allegations continue to this day. Also at the May hearing, a member of the public argued that the Grisets' yield plan was improper in light of Section 7.13's statement that yield plans "shall not require a variance from existing zoning ordinance..." The May hearing was continued to June to give the Grisets an opportunity to supplement its filing.
- On 3 June 2020, the Grisets filed a comprehensive analysis of the issues raised during the 14 May 2020 hearing to include, among other things, an analysis of the Section 7.13 issue

⁸ See Minutes of Conservation Commission Public Hearing, 12 November 2020.

⁹ See Minutes to 21 January 2020 ZBA Hearing and ZBA Notice of Decision, enclosed with 10 July 2020 Letter.

¹⁰ See Ltr to Planning Board, dtd 26 February 2020.

¹¹ See Town Planner Memo to Planning Board, dtd 13 April 2020.

and a formal waiver request from Section 7.13 to permit use of the yield plan which benefited from a variance, per the Planning Department's guidance.¹²

- **June Hearing**

- The next Planning Board hearing occurred on 11 June 2020. A few hours before the hearing, the Grisets were provided a copy of a letter filed by Attorney Timothy Britain on behalf of the neighborhood opposition group. In the letter and at the hearing, Attorney Britain argued that the Grisets' yield plan was illegal and the Grisets' variance was "pointless" because, according to Attorney Britain, the ZBA acted illegally in approving the variance. Attorney Britain urged the Planning Board to deny the yield plan.
- At the same hearing, the Planning Board approved a motion to require a waiver from Section 7.13. As a result, the Grisets presented their waiver request. The hearing was continued to the July meeting due to the late hour.

- **July Hearing and 10 July 2020 Letter**

- In light of the neighborhood opposition to the use the Mendez-Trust Property on the yield plan, the rising expenses associated with the permitting process, and to seek peace, the Grisets amended their yield plan to draw density *only* from the Greset Property. The revised yield plan still required the Lot 5 Waiver, but no waiver was required Section from 7.13.
- A few hours before the 9 July 2020 Planning Board meeting, the Grisets were once again forwarded a letter filed with the Planning Board by the opposition to the project the same day. Attorney Britain's 9 July 2020 letter argued that the revised yield plan was also illegal because it draws density from the Town Property pursuant to an alleged illegal contract between the Town and the Grisets from 1991 whereby the Grisets conveyed to the Town of Exeter 9.3 acres for use as a baseball park in exchange for the Grisets' right to utilize said 9.3 acres for density purposes in future open space development. Attorney Britain argued that the Town was without authority to enter into that contract in 1991, and that the Planning Board should deny the revised yield plan on that ground. Attorney Britain's letter also forwarded a letter from Steven B. Keach, P.E., of Keach-Nordstrom Associates which alleged technical errors in the Grisets' yield plan. The Grisets continued the July hearing to address Attorney Britain's filing.
- On 10 July 2020, the Grisets filed a comprehensive legal analysis regarding Attorney Britain's latest arguments with the Planning Board and asked that the Town Attorney review and comment on same.¹³ That filing incorporated the entirety of the Grisets' ZBA file. We understand that subsequent to this filing, Town Counsel provided a legal analysis to the Town regarding Attorney Britain's arguments.
- On 14 July 2020, the Grisets filed a partial waiver request from Section 9.6.1.2 to permit a perimeter buffer adjacent to the proposed subdivision road cul-de-sac less than the required 100' (the "Road waiver").

¹² See Ltr to Planning Board, dtd 3 June 2020.

¹³ See 10 July 2020 Letter.

- **August Hearing**

- The Grisets' revised yield plan was next reviewed at the Planning Board's 27 August 2020 meeting during which the Grisets presented their revised yield plan and addressed the comments and arguments made by Attorney Britain and Mr. Keach. None of the technical arguments raised by Mr. Keach amounted to actual discrepancies between the Regulations and the yield plan and were refuted by the Grisets and their civil engineer. Due to the late hour, the Planning Board did not address the Lot 5 Waiver or Road Waiver. The hearing was continued to 10 September 2020 due to the late hour.

- **September Hearing**

- In advance of the 10 September 2020 Planning Board meeting, the Town Planner provided a memorandum to the Planning Board with proposed waiver motions for the two partial perimeter buffer waivers.¹⁴ That memorandum references the waiver criteria contained within Section 9.6.1.2, not the Regulations' standard waiver criteria found in Section 13.7.
- During the 10 September 2020 hearing, after a non-public session to consider legal advice, the Planning Board unanimously voted to approve the Road Waiver but unanimously voted to deny the Lot 5 Waiver. There was very little deliberation on either waiver. Despite the Planner's recommendation to apply the waiver criteria found within Section 9.6.1.2, the Planning Board loosely referenced only the standard waiver criteria contained within Section 13.7 of the Regulations. Further, the Board's decision to deny the Lot 5 Waiver without discussing or referencing the 9.6.1.2 waiver criteria appears to be rooted in its agreement with Member Brown's statements, memorialized in the minutes as follows:
 - o Vice-Chair Brown noted he believed the criteria has not been met for this lot and is not in the spirit of the ordinance. Have a 100' buffer for a reason. Usually will consider for minor encroachments. One less unit is not unreasonable for a yield plan. It meets criteria for #1 but don't think it is unique enough to meet #2. There is not a particular hardship for this unit.
- The Planning Board's denial of the Lot 5 waiver despite the considerable amount of evidence and analysis regarding the merit of the same constitutes a loss of \$175,000 in projected revenue and is the difference between a financially viable and inviable development.
- In light of the Planning Board's mistaken application of the waiver criteria in Section 13.7 instead of the criteria found within Section 9.6.1.2, the Grisets reached out to the Town Planner via email during deliberation in an effort to redirect the deliberation, all to no avail.¹⁵
- The following day, the Town Planner acknowledged via email the Planning Board's mistake and indicated that the Grisets could either have the issue addressed at the next Planning Board meeting, or have the issue taken up during site review.¹⁶ The Grisets

¹⁴ See Town Planner Memo to Planning Board, dtd 3 September 2020.

¹⁵ See Justin Pasay email to Dave Sharples, dtd 10 September 2020 at 8:24 PM.

¹⁶ See email from Dave Sharples to Justin Pasay, dtd 11 September 2020 at 11:16 AM.

indicated a desire to have the issue taken up at the next hearing.

- **October Hearing**

- Unbeknownst to the Grisets, the Town Planner then decided to obtain a legal opinion regarding the application of the two aforementioned waiver criteria and, apparently based on that opinion, concluded contrary to the Town's position throughout the duration of the permitting process, that the waiver criteria contained in *both* sections of the Regulations had to be met to obtain said perimeter buffer waivers.
- The Grisets learned of this new interpretation three days before the 22 October Planning Board meeting. In response, on 21 October, the Grisets filed a comprehensive analysis detailing the waiver criteria in both Section 9.6.1.2 and 13.7 for both perimeter buffer waivers.¹⁷
- After a presentation on the respective waiver requests at the 22 October hearing, without any deliberation or reference to either of the waiver criteria sections, the Planning Board voted once again to grant the Road Waiver and Deny the Lot 5 Waiver for "reasons previously stated in the record" as reflected in the minutes to that meeting.¹⁸

Conclusion

The procedural history of this case makes clear the Grisets' efforts to comply with all guidance and direction provided by the Town. As that record reflects, the Section 7.13 waiver and current yield plan, as modified by direction of the Town, should be approved by the Planning Board because the yield plan meets the Town's Regulations and because the Grisets previously obtained the ZBA relief necessary to use it in this case. The opposition's anticipated arguments to the contrary, voiced consistently over the last seven months, are rooted in an effort to unwind an Administrative Decision, special exception and variance they did not appeal and a 30-year old contract which the Grisets have performed under, which the opposition has no standing to challenge. These arguments are meritless.

Please do not hesitate to contact me with any comments, questions or concerns.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac

Enclosures (1)

¹⁷ See Ltr to Planning Board, dtd 21 October 2020

¹⁸ See 22 October 2020 Planning Board Meeting Minutes.

Cc: Brian Grisct
Christian Smith, P.E., Beals Associates, PLLC

Please see additional
plan attachments under
“Supporting Documents”
posted for this meeting



TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: January 20, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: RiverWoods Company At Exeter PB Case #20-4

The Applicant is seeking a minor site plan review for the proposed construction of a 3,378 square foot addition to the existing administration building and associated site improvements to the property located at 6 White Oak Drive. The subject property is located in the R-1, Low Density Residential zoning district and is identified as Tax Map Parcel # 80-18.

The Applicant submitted a minor site plan and supporting documents, dated March 3, 2020, and revised documents dated April 15, 2020 (plans dated stamped December 22, 2020) ~~ these materials are enclosed for your review.

The Technical Review Committee (TRC) meeting scheduled for March 19, 2020 was cancelled due to the pandemic, however, the materials were reviewed independently by Town departments as well as by Underwood Engineers (UEI). Both the TRC comment letter, dated March 25, 2020 and UEI comments dated March 18, 2020 and April 30, 2020 are enclosed for your review.

The applicant submitted revised plans that staff and UEI subsequently reviewed. As you will note from the UEI letter dated April 30, 2020, the applicant has addressed all the comments to UEI's satisfaction and they have no further comment. As stated in the email dated May 1, 2020 from Jen Mates, DPW has no additional comments either. I have reviewed the applicant's response letter dated April 15, 2020 and have no further comments as well.

In the event the Board decides to take action on the application, I have provided motions below for your convenience. I will be prepared with conditions of approval should the Board decide to grant approval.

Planning Board Motion:

Minor Site Plan Motion: I move that the request of RiverWoods Company At Exeter (PB Case #20-4) for Minor Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



**Civil
Site Planning
Environmental
Engineering** | 133 Court Street
Portsmouth, NH
03801-4413

March 3, 2020

Dave Sharples, Town Planner
Planning Department, Town of Exeter
10 Front Street
Exeter, NH 03833

RECEIVED

MAR 3 2020

**Re: RiverWoods at Exeter
"The Ridge" Administration Wing Addition
Tax Map 80 Lot 18
6 White Oak Drive, NH
P-5056**

EXETER PLANNING OFFICE

Dear Mr. Sharples,

On behalf of the Applicant, RiverWoods at Exeter, we are pleased to submit a Minor Site Plan Application for a 3,328 sf building addition to the existing "Ridge" Continuing Care Retirement Community located off of Kingston Road (NH 111). Included with this are the following attachments:

- Application Package (twenty copies) including:
 - Application Form
 - Application Checklist
 - Letter of Explanation / Project Narrative
 - Letter of Authorization from the Applicant
 - Abutters List w/Tax Map
 - Plans (five 24"x36" sets and fifteen 11"x17" sets)
- Three sets of mailing labels for each abutter, the applicant and all consultants
- Application, abutter notice and review fee check in amount of \$530 (\$100 application fee + \$190 abutters/consultant notices + \$240 review fee)
- Drainage Assessment (three copies)

We request this project be placed on the April 9, 2020 Planning Board agenda. Please feel free to contact me directly if you have any questions or require any additional supporting documentation. Thank you for your time and consideration.

Sincerely,

Erik Saari
Vice President

Enclosures

E-Copy (w/ encl.)

Robert Lietz and Deb Riddell, RiverWoods at Exeter
Russell McLaughlin and Michael Miller, AG Architects
Atty. Sharon Somers, DTC

ebs/es:5056-app-town-minorsite-coverltr.docx

RECEIVED

MAR 3 2020

EXETER PLANNING OFFICE

TOWN OF EXETER
MINOR SUBDIVISION, MINOR
SITE PLAN, AND/OR LOT LINE
ADJUSTMENT APPLICATION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

 MINOR SITE PLAN
 MINOR (3lots or less)
SUBDIVISION LOTS

 LOT LINE ADJUSTMENT

#20-4	APPLICATION
3/3/20	DATE RECEIVED
100.00	APPLICATION FEE
240.00	PLAN REVIEW FEE
190.00	ABUTTER FEE
	LEGAL NOTICE FEE
	INSPECTION FEE
530.00	TOTAL FEES
	AMOUNT REFUNDED

pd 3/3/20 ✓ # 889

1. **NAME OF LEGAL OWNER OF RECORD:** RiverWoods Co. at Exeter, Attn. Deb Riddell
ADDRESS: 7 Riverwoods Drive. Exeter. NH 03833
TELEPHONE: 603 658-3002

2. **NAME OF APPLICANT:** same as owner
ADDRESS: _____
TELEPHONE: () _____

3. **RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER:** same

(Written permission from Owner is required, please attach.)

4. **DESCRIPTION OF PROPERTY:**
ADDRESS: 6 White Oak Drive, Exeter, NH 03833
TAX MAP: 80 **PARCEL #:** 18 **ZONING DISTRICT:** R1
AREA OF ENTIRE TRACT: 47.138 ac. **PORTION BEING DEVELOPED:** +/- 9,900 s.f

5. **EXPLANATION OF PROPOSAL:** Building additions totalling 3,378 sf together with various hardscape, utility and stormwater amendments to existing facility. No new parking or loading areas or accessways are proposed.

6. **ARE MUNICIPAL SERVICES AVAILABLE?** (YES/NO) Yes
IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Plan set, 8 sheets</u>	<u>(5) 22x36, (15) 11x17</u>
B. <u>Cover Letter, Project Narrative and Letter of Authorization</u>	<u>(5 copies)</u>
C. <u>Drainage Assessment</u>	<u>(3) copies</u>
D. <u>Abutters list w/ Tax Map and Mailing Labels</u>	<u>(5) list & map, (3) labels</u>
E. _____	_____
F. _____	_____

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED** (YES/NO) No IF YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Erik Saari, Altus Engineering, Inc.

ADDRESS: 133 Court Street, Portsmouth, NH 03801

PROFESSION: Civil Engineer **TELEPHONE:** (603) 433-2335

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** 3,378 sf building addition in three locations, exterior patio and sidewalks, adjustments to existing sewer and drainage systems.

11. **HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?**

(Please check with the Planning Department Office to verify) (YES/NO) Yes IF YES, LIST BELOW AND NOTE ON PLAN.

Special Exception to allow Eldery Housing in R-1 Zone, March 2002

NOTICE: I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13.2 OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE March 3, 2020

APPLICANT'S SIGNATURE

EG. L. (AGENT)

ACCORDING TO RSA 676.4.1 (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.

ABUTTERS: PLEASE LIST ALL PERSONS WHOSE PROPERTY IS LOCATED IN NEW HAMPSHIRE AND ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE BOARD. THIS LIST SHALL BE COMPILED FROM THE EXETER TAX ASSESSOR'S RECORDS.

TAX MAP SEE ATTACHED ABUTTERS LIST
NAME _____
ADDRESS _____

TAX MAP _____
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Please attach additional sheets if needed

CHECKLIST FOR LOT LINE ADJUSTMENT, MINOR SITE PLAN, or MINOR SUBDIVISION PLAN PREPARATION

The checklist on the following page has been prepared to assist you in the preparation of your subdivision plan. The checklist items listed correspond to the subdivision plan requirements set forth in Section 7 of the "Site Plan Review and Subdivision Regulations". Unless otherwise indicated, all section references within this checklist refer to these regulations. Each of the items listed on this checklist must be addressed prior to the technical review of subdivision plans by the Technical Review Committee (TRC). See Section 6.5 of the "Site Plan Review and Subdivision Regulations". This checklist **DOES NOT** include all of the detailed information required for subdivision and lot line adjustment plans and therefore should not be the sole basis for the preparation of these plans. For a complete listing of subdivision plan requirements, please refer to Section 7 of the "Site Plan Review and Subdivision Regulations". In addition to these required plan items, the Planning Board will review subdivision plans based upon the standards set forth in Sections 8 and 9 of the "Site Plan Review and Subdivision regulations". As the applicant, it is **YOUR RESPONSIBILITY** to familiarize yourself with these standards and to prepare your plans in conformance with them.

Please complete this checklist by marking each item listed in the column labeled "Applicant" with one of the following: "X" (information provided); "NA" (note applicable); "W" (waiver requested). For all checklist items marked "NA", a final determination regarding applicability will be made by the TRC. For all items marked "W", please refer to Section 11 of the "Site Plan Review and Subdivision Regulations" for the proper waiver request procedure. All waiver requests will be acted upon by the Planning Board at a public hearing. Please contact the Planning Department office, if you have any questions concerning the proper completion of this checklist.

All of the required information for the plans listed in the checklist must be provided on separate sheets, unless otherwise approved by the TRC.

NOTE: AN INCOMPLETE CHECKLIST WILL BE GROUNDS FOR REJECTION OF YOUR APPLICATION.

**CHECK LIST FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION AND LOT LINE ADJUSTMENT**

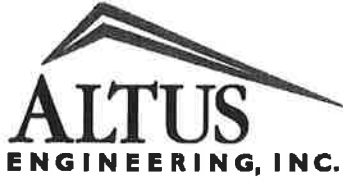
APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.10.1.4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input type="checkbox"/> NA	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."

<p>MINOR SUBDIVISION, MINOR SITE PLAN, AND/OR LOT LINE ADJUSTMENT APPLICATION CHECKLIST</p>

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | |
|--|-------|
| 1. Application for Hearing | (x) |
| 2. Abutter's List Keyed to the Tax Map | (x) |
| 3. Name, phone number, and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.) | (x) |
| 4. Checklist for plan requirements | (x) |
| 5. Letter of Explanation | (x) |
| 6. Fifteen (15) 11"x 17" copies of the plan set | (x) |
| 7. Seven (7) Five (5) copies of of 24'x36' plan set | (x) |
| 8. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (x) |
| 9. Application Fees | (x) |
| 10. Written request and justification for waiver(s) from Site Plan/Sub Regulations | (na) |
| 11. Conditional Use Permit (CUP) | (na) |
| 12. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) | (na) |
| 13. Stormwater Analysis | (x) |
| 14. Wetlands function and values analysis | (na) |

NOTES: All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.



*Civil
Site Planning
Environmental
Engineering*

133 Court Street
Portsmouth, NH
03801-4413

Project Narrative

**“The Ridge at Riverwoods” – Administration Wing
Tax Map 80, Lot 18
6 White Oak Drive, Exeter, NH
Altus Project #5056**

Located at Tax Map 80 Lot 18, the project site is located on White Oak Drive which is accessed from Kinston Road (NH 111) at its intersection with Riverwoods Drive. The parcel totals 47.14 acres in the R1 – Residential Low Density zoning district and is served by municipal water and sewer. Originally permitted in 2003, the site plays host to a continuing care residential community. Known as “The Ridge at RiverWoods,” the campus encompasses a total of 119 dwelling units and a 23-bed skilled nursing area spread over several buildings together with associated maintenance and utility structures, accessways and parking areas.


Altogether, the Ridge has approximately 140 residents and 110 employees. Of these, an administrative office unit of seven staff members serving the RiverWoods community is currently based within the main building. In conjunction with an ongoing interior refurbishment, the space they currently occupy will be integrated into a multi-purpose function hall, a highly desirable amenity to the residents. In order to house the personnel displaced by these interior improvements, RiverWoods is proposing a new administrative wing to be located in the area of an existing storage building. It is important to note that none of the staff at the Campus Crossing administration building are being relocated to this new area and no new parking demand will be generated. Two smaller building expansions are being proposed for indoor mechanical space adjacent to the existing pool. In total, the aggregate building footprint for the Ridge will increase by 3,378 sf.

In conjunction with the proposed building expansion, various hardscape improvements are included in the courtyard area between the new administrative wing and the aforementioned pool area. These will include a patio space complete with sitting areas, a fire pit and grill as well as walkways to connect the space to the existing pedestrian network. Over a portion of the hardscape, “sail”-type covers will be featured to block UV rays and assist in cooling the sitting area during the summer. The area surrounding these will be landscaped in a similar fashion to all the RiverWoods Exeter Communities current high standard. Several mulch beds with appropriate plantings will be installed with specific design features that will accentuate the landscaped areas and entrances to the building. Stone drip edges with various robust plantings will be installed against the new building additions. Light posts and low-level landscape lighting will also be added along with several building mounted fixtures to ensure proper lighting and safety during the night. RiverWoods will likely add a small directional sign or two within the campus to provide guidance to those from the outside who are visiting. There will also likely be a small sign at or on the building to designate it as the RiverWoods Exeter administration area. No new signage within view of a public way is included in this proposal.

Although no new parking spaces, loading areas or roadways are included in the project scope, some utility work will be required in order to accommodate the proposed addition. This will include relocation of some services in the vicinity and the construction of dedicated services for the addition itself. A portion of the sites existing stormwater collection system will also be reconfigured to accommodate the new building and hardscape areas. In order to mitigate the small increase in impervious surface, the drainage system will feature an underground detention facility that maintains the existing hydrology while slightly reducing the peak rate of runoff from the existing conditions. Stormwater runoff will be treated at existing best management practices. Taken together, the project involves a total of only 9,900 sf of land disturbance, all of which will be within previously developed areas of the site.

Letter of Authorization

I, Deb Riddell of Riverwoods Co. at Exeter, hereby authorize Altus Engineering, Inc. of Portsmouth, New Hampshire to represent me as the Applicant in all matters concerning engineering and related permitting for Exeter Tax Map 80, Lot 18 located at 6 White Oak Drive, Exeter, New Hampshire. This authorization shall include any signatures required for Federal, State and Municipal permit applications.


Signature

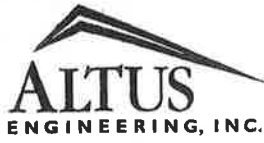
Deborah Riddell
Print Name

3/2/2020
Date


Witness

Felicia Gennetti
Print Name

3/2/2020
Date



133 Court Street
Portsmouth, NH 03801
603.433.2335

Bangor Savings Bank

8819

52-7438/2112

3/3/2020

PAY TO THE
ORDER OF

TOWN OF EXETER

\$ 530.00

five hundred thirty and 00/100

DOLLARS

MINOR SITE PLAN REVIEW

MEMO 5056 RW RIDGE ADMIN WING



Jeff Cluff
AUTHORIZED SIGNATURE

MP

PB#20-4
100/240/190

⑈008819⑈ ⑆211274382⑆ 0000175633⑈

ABUTTERS LIST

RiverWoods at Exeter
Tax Map 80, Lot 18
Updated February 27, 2020

	<u>Tax Map/Lot #</u>	<u>Owner of Record</u>
APPLICANT/OWNER:	80/18	Riverwoods Co. at Exeter Attn: Deb Riddell 7 Riverwoods Drive Exeter, NH 03833
ABUTTERS:	75/17	Parkway Development Corp. 11 Lafayette Road North Hampton, NH 03862
	80/6	Marshall Farms Crossing Condominium Association 19 Liberty Lane Exeter, NH 03833
	80/17-10	Li Luchen Li Yan Wang 19 Blackford Drive Exeter, NH 03833
	80/17-11	Douglas & Renae Dutile, Trustees Dutile Family Trust 21 Blackford Drive Exeter, NH 03833
	80/17-12	James D. Spivey Juanita M. Fonseca 23 Blackford Drive Exeter, NH 03833
	97/6	Michael D. Deacy 64 Kingston Road Exeter, NH 03833
	97/7	Daniel B. & Ellen M. Stockbridge 2 Riverwoods Drive Exeter, NH 03833
	97/27	Portland Natural Gas c/o Duff & Phelps, LLC P.O. Box 2629 Addison, TX 75001
	97/28	Grant D. & Carol J. Murray 74 Kingston Road Exeter, NH 03833

97/29 Robert J. Lannon
Sheila M. Groomell
78 Kingston Road
Exeter, NH 03833

97/38 William G & Susan Goodenough
4 Pickpocket Road
Exeter, NH 03833

97/41 Southeast Land Trust of NH
P.O. Box 675
Exeter, NH 03833

97/44 Riverwoods Co. at Exeter
Attn: Deb Riddell
5 White Oak Drive
Exeter, NH 03833

97/45 Ruth Hooten, Trustee
Ruth Hooten Rev. Trust
61 Kingston Road
Exeter, NH 03833

98/37 Riverwoods Co. at Exeter
Attn: Deb Riddell
7 Riverwoods Dr.
Exeter, NH 03833

ENGINEER:

Erik Saari
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801

ATTORNEY FOR APPLICANT:

Sharon Cuddy Somers
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
Exeter, NH 03833

ARCHITECT:

Russ McLaughlin
AG Architecture
1414 Underwood Ave.
Wauwatosa, WI 53213



TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: March 25, 2020

To: Erik Saari, P.E., Altus Engineering, Inc.
Deb Riddell, RiverWoods at Exeter

From: Dave Sharples, Town Planner

Re: Minor Site Plan Review TRC Comments
PB Case #20-4 RiverWoods at Exeter, 6 White Oak Drive
Tax Map Parcel #80-18

The following comments are provided as a follow-up after review of the revised plans and supporting documents submitted on 3/3/2020 for the above-captioned project. (TRC meeting scheduled for 3/19/20 was cancelled).

TOWN PLANNER COMMENTS

1. Are there any known environmental hazards on the site? If so, provide detail.
2. Will any smoke, odors, or excessive noise be generated by the proposal? If so, please describe.
3. If applicable, list state permits required and the status of each.
4. UEI is reviewing the drainage analysis and their comments will be forwarded to you under separate cover. However, I do offer the following comments regarding drainage:
 - a. It is noted that the total land disturbance is 9,900 square feet whereas any disturbance exceeding 10,000 square feet or as directed by the TRC must meet our current stormwater regulations. Can you indicate if you are meeting the minimum requirements set forth in Section 9.3?
 - b. Provide an O & M manual covering all proposed bmp's and include a checklist that will need to be completely annually and submitted to the Town as described in Section 9.5.2.6.
5. The Project Narrative submitted includes a description of the plantings that will be done. Will the selection of plantings be determined by a Landscape Architect? Will irrigation be installed or will plant species be hardy enough in this climate not to require long term watering? Will any deciduous trees be planted? The Planning Board encourages the planting of trees wherever practical.

6. Do you architectural elevations that you could provide?
7. If applicable, please confirm that all proposed erosion control matting shall be fully biodegradable.
8. Please submit revised plans, as applicable, and a response letter addressing these comments.

PUBLIC WORKS COMMENTS

1. The rainfall amount should be 15% greater than the NRCC rainfall data.
2. What is the percent impervious cover for the entire site? If greater than 60%, provide information on how water quality is addressed in accordance with Section 9.3.3.
3. What is the depth to groundwater in the area of the proposed infiltration system?
4. A "pavement section" was mentioned in several of the details but was not included in the details. Please provide.

FIRE DEPARTMENT COMMENTS

Basic requirement of the Exeter Fire Department. This list is not all inclusive and other requests may be made during the review process. Unless specifically required by code, some room for compromise is open.

(Rev 5: 9/7/2017) Architectural Review:

- Interior utility room access
- Interior sprinkler room access
- Adequate attic access (sized for FF, if applicable))
- Catwalk access in unfinished areas that have sprinklers (handrails preferred)
- If building has truss roof or floors, must display sign according to ordinance 1301. Knox box required for all buildings with fire alarm or sprinkler systems (ordinance 1803)

Civil/Site Review:

- Hydrant near site access and towards rear of site (if applicable)

Sprinkler Review:

- NFPA 13(R,D) sprinkler system where required
- FDC: 4-inch storz with at least 18" clearance to ground
- Electric bell (no water motor gong)
- Attic protection in 13R systems

Fire Alarm Review:

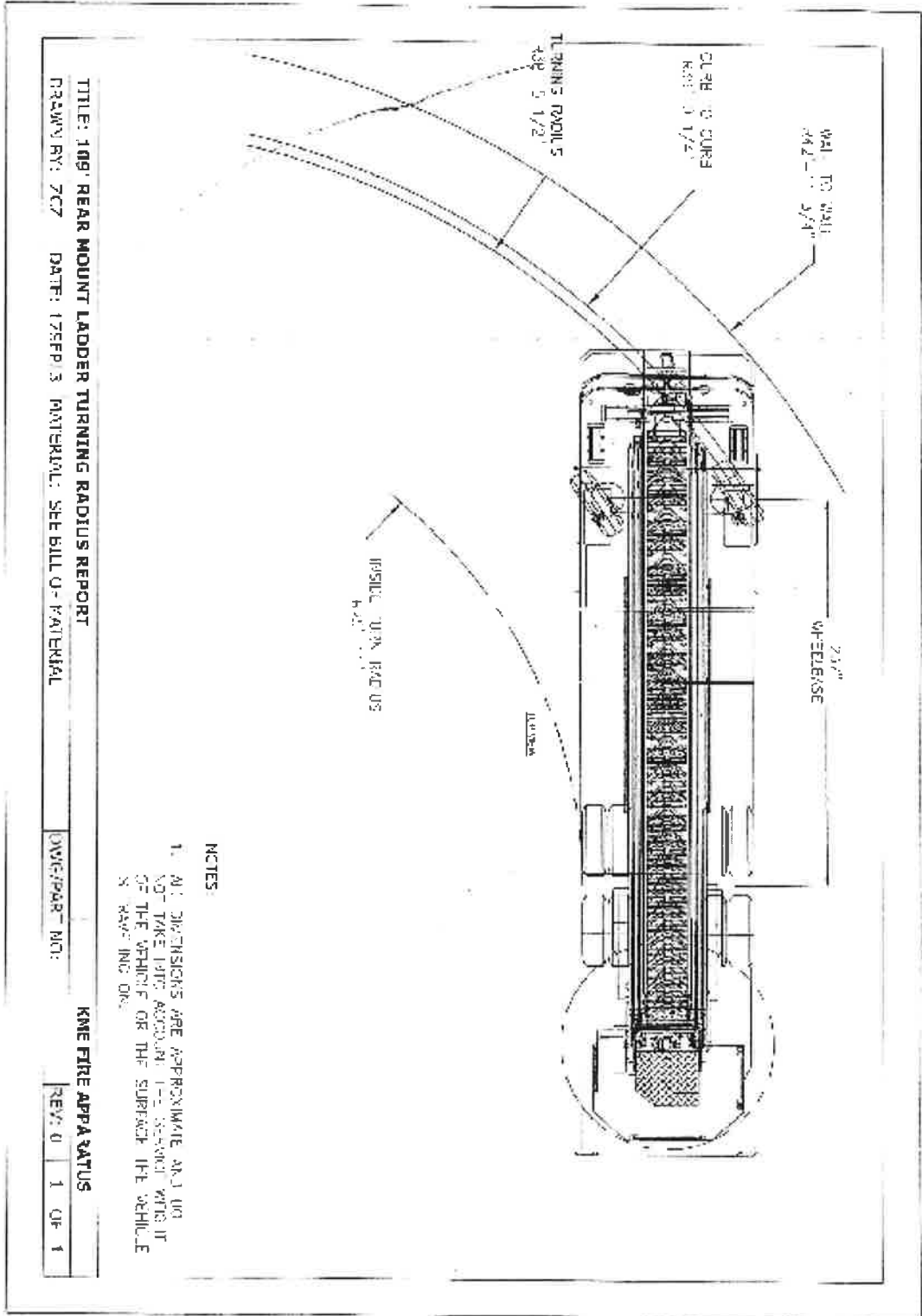
- Single red beacon or strobe indicator on exterior (not horn-strobe)
- NFPA72 Fire Alarm System where required
- Cat 30 keys for pull stations and FACP

Elevators:

- Heat and smoke top and bottom (heats for the shunt trip)
- Dimensions to accommodate a stretcher (usually a 2500 lbs) 3'6" by 7' at a minimum
- Elevator recall to appropriate floor during an activation
- Sprinkler protection top and bottom if ANY combustibile material in shaft. (can omit per NFPA 13 guidelines)
- Phone in car needs to be able to dial 911

L1 - Ladder Truck Turning Radius Dimensions – diagram attached.

NATURAL RESOURCE PLANNER COMMENTS – none received to date



TITLE: 109 REAR MOUNT LADDER TURNING RADIUS REPORT
DRAWN BY: ZCZ **DATE: 12SEP13** **MATERIAL: SEE BILL OF MATERIAL**
OVERPART NO: **KNE FIRE APPARATUS**
REV: 0 **1** **OF 1**

NOTES:
 1. ALL DIMENSIONS ARE APPROXIMATE AND DO NOT TAKE INTO ACCOUNT THE BENDING WITH IT OF THE WHEELS OR THE SURFACE OF THE VEHICLE AS RAMPING DOWN.

2534.00

March 18, 2020

David Sharples, Town Planner
Town Planning Office, Town of Exeter
10 Front Street
Exeter, NH 03833

Re: *RiverWoods Building Addition Site Plan Review*
Design Review Engineering Services
Exeter, New Hampshire

Site Information:

Tax Map/Lot#:	80/18	Review No. 1
Address:	6 White Oak Drive	
Lot Area:	47.14 ac	
Proposed Use:	Existing elderly housing	
Water:	Town (existing)	
Sewer:	Town (existing)	
Zoning District:	R-1	
Applicant:	RiverWoods Company at Exeter, 7 Riverwoods Drive, Exeter, NH 03833	
Design Engineer:	Altus Engineering, Portsmouth, NH	

Application Materials Received:

- Site plan set entitled “The Ridge – Administration Wing” dated March 3, 2020, prepared by Altus Engineering.
- Site plan application materials prepared by Altus Engineering.
- Drainage Assessment dated March 3, 2020, prepared by Altus Engineering.

Dear Mr. Sharples:

Based on our review of the above information, in addition to comments provided by the Town, we offer the following comments in accordance with the Town of Exeter Regulations and standard engineering practice.

General and Administrative Comments

1. **Permits:** An NHDES Sewer Connection Permit is required, and should be noted on the cover sheet.

Overall and Demolition Plans

2. The overall sheet indicates the plans are based off of Town GIS and previous design plans. The field survey information from the previous plans should be listed.

3. The demolition plan indicates the utility locations are approximate. Is any of the utility information based on as-built information?
4. Demolition note 1 should also direct the Contractor to contact the Exeter DPW. The Town of Exeter is not a member of Digsafe.

Site Plan

5. **Legend:** A legend should be added to the plans to indicate linetypes and features not otherwise labeled, such as RD, PAD, and PDI.
6. **Existing Utilities:** The size and material of the existing water main should be labeled.
7. **Drainage:** The project proposes elbows to change the direction of drainage pipes. Wherever possible, a structure or clean-out would be preferable to a “blind” elbow angle point.
8. **Drop Inlet/Clean-Out:** A feature on the plan is labeled C.O. presumably for clean-out but the same feature is also labelled Drop Inlet. Based on the detail, we understand the intent, but Drop Inlet, being a drainage term, initially yielded some confusion. Perhaps a different terminology or at a minimum, language directing the reader to the detail, would clarify. NOTE: As the sewer is originating from new construction, we question why the plumbing isn’t lowered to accommodate a better connection to the pump station, eliminating the need for the outside drop into the unit.
9. **Sewer Force Main:**
 - a) Please confirm with the manufacturer that the proposed connection of 1.25” forcemain into 4” forcemain is acceptable and include any installation instructions and or details necessary to make such a connection.
 - b) The TDH of the proposed system, as well as that of the White Oak system, should be called out on the plans. Presumably, the proposed E/one will “out pump” the existing pump station. Please confirm.
 - c) The pressure testing of the forcemain shall comply with Env-Wq 704.07, based on the higher of the two pressures. Adjust the testing parameters to reflect the information based on comment 9b above.
 - d) The notes call for the installation of two check valves, however UE wonders if the better placement of one or both of the check valves might be as close to the 4” forcemain as possible to prohibit the migration of larger solids from White Oak pump station into the smaller E/One forcemain.
 - e) We recommend providing a simple profile of the force main due to its vertical and cover needs as well as to depict the multiple utility crossings. Notes should be added confirming the proposed force main location, for example, crossing beneath the existing water main, with appropriate clearances maintained.
 - f) Not unrelated to comment 9d above, it appears that the forcemain will have a low point within the run. Unless equipped with a clean-out mechanism, the low point should be a minimum of 10’ from the water main crossing to allow for excavation and repair of the forcemain in the event of blockage.



- g) **Cover Depth:** The forcemain has insufficient cover in a number of locations. Please identify locations where insulation may be prudent.

Stormwater Design and Modeling

10. The drainage narrative references POA#1 but the model calls it POA#100.
11. The stormwater system doesn't propose any form of treatment other than catch-basin installed hoods. It is noted that the drainage takes downspouts and roof drain leaders directly into the system where debris, e.g. leaves and other organics, can be conveyed to the detention system.
12. The system is relying entirely on the proposed underground detention area to capture approximately 2/3rd of the proposed disturbance area. As an underground system utilizing 15" pipes, cleaning and maintenance of the system could prove challenging. Since no infiltration is being utilized, perhaps a larger diameter pipe would be able to be utilized in this system.
13. The detention basin is shown with fabric around most of the perimeter, but not across the bottom. Please confirm intent and correct as appropriate.
14. The proposed drainage ultimately drains into an existing catchbasin. The existing invert invert in is called out as 90.10', where the existing invert out is 90.50'. UE concedes this is an existing condition, but recommends correcting it if possible.
15. **PTAP Database:** The Applicant is requested to enter project related stormwater tracking information contained in the site plan application documents using the Great Bay Pollution Tracking and Accounting Program (PTAP) database (www.unh.edu/unhsc/ptapp).

Detail Sheets

16. **Additional details:** Provide or update details as appropriate for the following:
- Pipe crossings, specifically Water/Sewer crossing(s)
 - Insulation for pipes under shallow bury conditions
 - Fabric under detention area.

A written response is required to facilitate future reviews.

Please contact us if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.

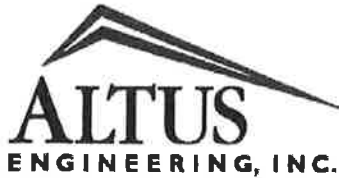


Allison M. Rees, P.E.
Project Manager



Robert J. Saunders, P.E.
Senior Project Engineer





*Civil
Site Planning
Environmental
Engineering*

133 Court Street
Portsmouth, NH
03801-4413

Drainage Assessment

**"The Ridge at Riverwoods" – Administration Wing
Tax Map 80, Lot 18
6 White Oak Drive, Exeter, NH
Altus Project #5056
Revised per Town Review, April 3, 2020**

RiverWoods at Exeter is proposing to construct a 3,378 sf building addition and associated improvements on its previously developed 47.14-acre campus located off of Kingston Road (NH 111). Originally permitted in 2003, the existing "Ridge" Continuing Care Retirement Community encompasses over 100 elderly housing dwelling units, a supportive care unit and various maintenance functions spread over several buildings together with associated utility structures, accessways and parking areas. The remainder of the site is comprised of wooded upland and some sections of freshwater wetland, none of which will be impacted by the project. Within the vicinity of the proposed building addition, stormwater runoff is currently directed to a closed drainage system comprised of catch basins and drain manholes tributary to an existing treatment swale designed for the sites original NHDES Alteration of Terrain Permit.

Together with the building additions, the project entails of the demolition of an existing storage building, reconfiguration of existing sidewalks and paved areas and the construction of an outdoor patio area, which taken together result in a net 2,370 sf increase in impervious surface. In order to mitigate this, the existing drainage system will be retrofitted to include several new area drains and a small underground detention facility that reduces the peak rate of runoff from the existing conditions which in turn maintains the effectiveness of the existing treatment swale. The project contemplates a total of only 9,900 sf of land disturbance all of which will be within previously developed areas of the site.

For the purposes of this analysis, only stormwater facilities in the immediate vicinity of the project needed to be evaluated. Currently, the affected area ultimately drains to a catch basin located in a parking area. Identified as Point of Analysis (POA) #100, this structure collects runoff from 1.22 acres of area as shown on the attached Pre- and Post-Development Drainage Area Plans.

The drainage study was completed using the USDA SCS TR-20 Method within the HydroCAD Stormwater Modeling System. Reservoir routing was performed with the Dynamic Storage Indication method with automated calculation of tailwater conditions. A Type III 24-hour rainfall distribution was utilized in analyzing the data for the 2, 10, 25 and 50 year - 24-hour storm events using rainfall data provided by the Northeast Regional Climate Center (NRCC). All rainfall amount have been increased by 15%. Based on site conditions observed during construction of the campus, in situ soils were modeled as Hydrologic Soil Group (HSG) C.

Drainage Analysis

A complete summary of the drainage model is included later in this report. The following table compares pre- and post-development peak rates of runoff for all analyzed storm events:

Stormwater Modeling Summary
Peak Rate (Q) in Cubic Feet per Second (cfs) for Type III 24-Hour Storm Events

Storm Event: Rainfall:	2-Year Storm (3.67 inches)	10-Year Storm (5.62 inches)	25-Year Storm (7.14 inches)	50-Year Storm (8.58 inches)
POA#100				
Existing Catch Basin				
Pre	1.57	2.68	3.55	4.37
Post	1.55	2.50	3.25	4.32
Net Change	-0.02	-0.18	-0.30	-0.05

As the above table demonstrates, the proposed peak rates of runoff will be decreased from the existing conditions of the site at the analysis point for all analyzed storm events.

ATTACHMENTS

1. Maps and Figures
2. NRCC Extreme Precipitation Table
3. Pre-Development Drainage Analysis
4. Post-Development Drainage Analysis
5. Groundwater Recharge Calculations
6. Stormwater Operations & Maintenance
7. Plans
 - a. Pre- Development Drainage Area Plan
 - b. Post- Development Drainage Area Plan



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

April 15, 2020

Dave Sharples
Town Planner
Town of Exeter
10 Front Street
Exeter, NH 03833

**Re: Response to Review Letters
The Ridge at RiverWoods Administration Wing
White Oak Drive, Exeter, NH
Altus Project #5056**

Dear Dave,

Altus Engineering, Inc. (Altus) is in receipt of the Underwood Engineers review letter dated March 18, 2020 and the TRC's review comments dated March 25, 2020. We offer the following in response to the comments:

Underwood Engineers Comments -

1. Although Altus has eliminated the pump station and associated forcemain connection to the existing main, it should be noted that while the Ridge building is expanding, no new staff is being added which results in no new sewer flow. Altus has confirmed with Dennis Greene of NHDES that a Sewer Connection Permit would not be required in the prior design scenario as no new flow was proposed and no new manholes or modifications to existing manholes were required.
2. The requested survey information has been added to the Overall Site Plan Sheet G-1.0.
3. The Ridge campus was originally constructed in 2003 but as-built information on subsurface utilities is scarce. Surface features such as manholes, catch basins and valves have been survey located, but the locations of other features shown on the plan have been taken from prior designs.
4. Demolition Note #1 has been amended to include the Town of Exeter.
5. A legend and list of abbreviations has been added to Site Plan Sheet C-2.0.
6. The existing water main is now labelled as a 12" DI.
7. The plans show an elbow on the existing 8" drain line behind the building where the line is being redirected to PCB #1. Although there is no space for a traditional drainage structure given the proximity to the existing electrical duct bank, a clean out was added as shown on Site Plan Sheet C-2.0.
8. Altus has eliminated the pump station and forcemain in favor of an internal connection to the Ridge's existing sanitary system.

9. a - g. All comments are no longer applicable due to the elimination of the pump station and forcemain.
10. Altus has revised the narrative to reflect the correct designation POA #100.
11. Altus has relocated PDI #8 to discharge to the "top" row of the stormwater management gallery (SMG) and redesignated it as PCB #8. We have also changed all proposed structure grates to be pedestrian-rated as noted on Site Plan Sheet C-2.0 and Detail Sheet C-3.2. We anticipate that the smaller opening sizes will screen out the majority of organic matter and debris from the surrounding landscape. As for roof connections, we do not foresee a significant amount of leaf litter entering the system from the gutters given that the immediate project area is devoid of large trees. However, all roof runoff enters the SMG by way of PCB #'s 3 or 8 which are equipped with the aforementioned sumps and hoods which will trap the majority of debris. We have also added a geotextile envelope around the first row of pipe and rechristened it an isolation row which will increase the facility's treatment capability and assist in cleanout. Altus notes that the proposed drainage system is tributary to a portion of the campus' existing system which outlets to an NHDES-approved treatment swale located approximately 240' west of CB #29.
12. As noted in Item #11 above, Altus has relocated PCB #8 to be in-line with the SMG's new isolation row. This allows maintenance access to the system from two directions should cleanout be required. In order to meet the Town's groundwater recharge volume (GRV) requirement, the SMG's 6" underdrain has been raised 2" off the bottom of the field to create 47 cf of storage below the outlet, more than twice the calculated GRV of 20 cf. GRV calculations have been added to the Drainage Assessment.
13. Altus has corrected this oversight and specified fabric around the entire perimeter.
14. Altus has investigated this oddity in the field and found that the 12" inlet pipe invert in CB #29 is at elevation 90.78'. We have also checked and updated the upstream inverts in CB #30 and CB #49. The plans and drainage model have been revised accordingly.
15. The project has been registered with PTAP as Submission ID #121.
16. Altus has amended the SMG detail on Detail Sheet C-3.2. Details for a water/sewer crossing or insulation are no longer required due to the removal of the pump station and forcemain.

Town Planner Comments -

1. There are no know environmental hazards on the site.
2. No smoke, odors or excessive noise will be generated by the project.
3. No State permits are required for the project.
4. a. The project has been revised to meet the few requirements of Section 9.3 not already met. Specifically, we have added adjusted the design of the the SMG in order to account for infiltration of the GRV. In conjunction with the proposed catch basin sumps and grease hoods and the existing NHDES-permitted treatment swale at the outfall of the existing

drainage system, the SMG allows effective removal of 96.5% TSS, 68% nitrogen and 74% phosphorus from the project's runoff.

- b. An O&M manual has been added to the revised Drainage Assessment.
5. The Ridge has among its community a team of experienced green thumbs who are willing to implement appropriate plantings for the project site without a formal plan prepared by a landscape architect. The site's existing irrigation system will be expanded and/or modified as necessary to serve the upgraded area. As noted on Site Preparation Plan Sheet C-1.0, a number of existing small deciduous trees will be removed and replanted.
6. Architectural elevations and the floor plan are now included in the plan set.
7. No erosion control matting is called for by this project. The grassed swale on Detail Sheet C-3.1 that erroneously called for this treatment has been removed.
8. Revised plans are attached to this correspondence.

Public Works Comments –

1. Although we do not see this as being a requirement under the Site Plan Regulations, we have increased the rainfall amounts by 15% as shown in the drainage calculations.
2. Approximately 19% of the entire 47.14-acre site (Tax Map 80-18) is impervious in the post-development scenario. Water quality is addressed as discussed under Underwood Item #11 and Town Planner Item #4.a above.
3. Per the Ridge's original geotechnical report from 2002, several test pits were performed in the vicinity of the project area all of which indicated that no groundwater was encountered.
4. We have added the missing pavement section to Detail Sheet C-3.1.

Fire Department Comments –

Architectural Review:

- The project architect, AG Architecture (AG), has indicated that interior utility room access will be provided per plan.
- AG indicates that interior sprinkler room access will be provided per plan.
- AG indicates that adequate attic access will be provided.
- AG indicates that catwalk access in unfinished area that have sprinklers will be provided.
- AG indicates that a Knox box will be provided.

Civil/Site Review:

- The Ridge site is already supplied with fire hydrants throughout the campus including one approximately 80' from the proposed building addition.

Sprinkler Review:

- AG indicates that a sprinkler system meeting NFPA 13 will be provided.
- A fire department connection is already provided on the existing Ridge building approximately 90' from the east corner of the proposed addition.
- An electric bell is already provided on the existing Ridge building in the vicinity of the aforementioned fire department connection.
- AG indicates that attic protection will meet NFPA 13.

Fire Alarm Review:

- The proposed addition will tie into the existing Ridge building's fire alarm system which, to the best of AG's and Altus' knowledge, meets all of the outlined requirements.

Elevators:

- No elevators are proposed as a part of this project.

L1 - Ladder Truck Turning Radius Dimensions --

- No new driveways or roads are proposed as a part of this project.

Altus hopes that the above information and attached data satisfies your concerns and that we can move forward with the process. If you have any questions or require additional information, please contact us. Thank you for your time and consideration.

Sincerely,

ALTUS ENGINEERING, INC.



Erik Saari
Vice President

Enclosures

E-Copy (w/ encl.):

Robert Lietz and Deb Riddell, RiverWoods at Exeter
Atty. Sharon Somers, DTC

2534.00

April 30, 2020

David Sharples, Town Planner
Town Planning Office, Town of Exeter
10 Front Street
Exeter, NH 03833

Re: *RiverWoods Building Addition Site Plan Review*
Design Review Engineering Services
Exeter, New Hampshire

Site Information:

Tax Map/Lot#:	80/18	Review No. 2
Address:	6 White Oak Drive	
Lot Area:	47.14 ac	
Proposed Use:	Existing elderly housing	
Water:	Town (existing)	
Sewer:	Town (existing)	
Zoning District:	R-1	
Applicant:	RiverWoods Company at Exeter, 7 Riverwoods Drive, Exeter, NH 03833	
Design Engineer:	Altus Engineering, Portsmouth, NH	

Application Materials Received:

- Response letter dated April 15, 2020
- Site plan set entitled “The Ridge – Administration Wing” revised April 15, 2020, prepared by Altus Engineering.
- Drainage Assessment revised April 3, 2020, prepared by Altus Engineering.

Dear Mr. Sharples:

Based on our review of the above information, in addition to comments provided by the Town, we offer the following comments in accordance with the Town of Exeter Regulations and standard engineering practice.

General and Administrative Comments

1. **Permits:** NET – no longer required

Overall and Demolition Plans

2. NET
3. NET
4. NET

Site Plan

- 5. **Legend:** NET
- 6. **Existing Utilities:** NET
- 7. **Drainage:** NET
- 8. **Inlet/Clean-Out:** NET
- 9. **Sewer Force Main:** NET

Stormwater Design and Modeling

- 10. NET
- 11. NET
- 12. NET
- 13. NET
- 14. NET
- 15. **PTAP Database:** NET

Detail Sheets

- 16. **Additional details:** NET

All prior comments have been addressed, and we have no new comments. Please contact us if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.



Allison M. Rees, P.E.
Project Manager



Robert J. Saunders, P.E.
Senior Project Engineer





Barbara Mcevoy <bmcevoy@exeternh.gov>

Re: RiverWoods design review

1 message

Jennifer Mates <jmates@exeternh.gov>

Fri, May 1, 2020 at 11:26 AM

To: "Allison M. Rees" <arees@underwoodengineers.com>

Cc: David Sharples <dsharples@exeternh.gov>, Barbara McEvoy <bmcevoy@exeternh.gov>, Robert Saunders <rsaunders@underwoodengineers.com>, esaari@altus-eng.com

Same here. DPW has no additional comments.

Thanks,
Jen

Jennifer Mates, P.E.
Assistant Town Engineer
Public Works Department
13 Newfields Road
Exeter, NH 03833
(603) 418-6431
jmates@exeternh.gov

Like us on Facebook!

On Fri, May 1, 2020 at 5:42 AM Allison M. Rees <arees@underwoodengineers.com> wrote:

Good morning,

Please see the attached review letter. All of our previous comments have been addressed, and we have no further comments.

Thank you,

Allison



Allison Rees, P.E.

Senior Project Engineer

Underwood Engineers

99 North State Street

Concord, NH 03301

(603) 230-9898

Please see additional
plan attachments under
“Supporting Documents”
posted for this meeting



TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: January 20, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: PB Case #19-19 Great Bridge Properties LLC

The Applicant has submitted the enclosed request, dated December 21, 2020, for an extension of the conditional approval granted by the Planning Board on January 23, 2020 for the proposed construction of a multi-use development to include a 4-story building with office space and non-residential uses on the first floor, multi-family residential use (28 units) on the upper floors, parking and associated site improvements at 2 Meeting Place Drive. The subject property is 3.22 acres in area, and identified as Tax Map Parcel #55-75 and located in the C-2, Highway Commercial zoning district.

As customary with all applications, I provide a suggested motion below for your convenience.

Conditional Approval Extension request motion: I move that a ___-year extension to the conditional approval granted for the site plan for Great Bridge Properties LLC (PB Case #19-19) be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED. This conditional approval will now be valid through (*insert date*).

Thank you.

Enclosure – 1

December 21, 2020

David Sharples, Town Planner
Town Planning Office, Town of Exeter
10 Front Street
Exeter, NH 03833

RE: Extension of Site Plan Approval, Homestead House, 2 Meetinghouse Drive

Dear Dave,

Pursuant to our recent conversation, I am requesting an extension to our site plan approval received January 23rd, 2020. Unfortunately we were not able to obtain funding for the project from New Hampshire Housing Finance Authority in 2020. Our goal is to once again apply for funding in 2021. If possible I would like to ask for a 2 year extension. This is due to the timing of the funding round which is in the late fall. Typically we hear in December whether or not we have received funding. If positive, the closing process would begin early in 2022. This process takes a minimum 3 months and if only granted one year we would be back asking for another extension.

Thank you for your consideration of this request. We are hopeful to receive funding this coming year and finally get this project complete!

Sincerely,



Chris Davies