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**TOWN OF EXETER  
PLANNING BOARD  
APPROVED MINUTES  
JUNE 14, 2018**

**Call to Order:** Session was called to order at 7:01 pm by Chair Plumer.

**Introductions:**

**Members Present:** Chair Langdon Plumer, Gwen English, Aaron Brown, Kelly Bergeron, Pete Cameron, Clerk, Donald Clement, Select Board, Jennifer Martel, Alternate, John Grueter, Alternate, Nicholas Gray, Alternate,

**Staff Present:** Dave Sharples, Town Planner

Chair Plumer indicated that Alternate John Grueter would be voting.

**New Business**

**Public Hearings:**

1. ***Continued Public Hearing on the application of Exeter Rose Farm, LLC for an open-space subdivision consisting of 37 single family lots and associated site improvements on properties located on Oak Street Extension and Forest Street. The subject properties are in the R-1 Low Density Residential, R-2 Single Family Residential and R-4 Multi-Family zoning districts. Tax Map Parcels #54-5, 54-6, 54-7, 63-205. Case #17-27.***

Mr. Sharples advised that the Hearing was rescheduled for July 12, 2018 at the applicant's request.

***Mr. Cameron motioned that the case for Exeter Rose Farm be tabled until July 12, 2018. Mr. Grueter seconded his motion, with all in favor, so moved.***

2. ***Continued Public Hearing on the application of Professional Resource Development for a non-residential site plan review for the proposed construction of a 3,445 square foot dental office building and associated site improvements on the property located at 16 Hampton Road. The subject property is situated in the NP-Neighborhood Professional zoning district. Tax Map Parcel #86-03. Case #18-03.***

Mr. Sharples advised that the applicant attended the last meeting and discussion was tabled due to parking requirements and other issues.

Mr. Sharples advised that the Board requested the number of employees working at the facility and they had received a response from ownership stating that it was nine employees but could be closer to 6.

39 Mr. Smith, who was present, advised that they had addressed a couple of the issues that  
40 the Board had brought to their attention. One of these was reducing the wide sidewalk to a  
41 maximum of five (5') which trims down to two (2') feet on the northern end. Another of these  
42 was finding future parking and they were able to add four more spots, if necessary, shown  
43 on a separate plan.

44 Mr. Smith stated that they would be removing the hydrangeas on the southern end to  
45 facilitate snow storage.

46 Mr. Smith stated that he has seen between 9 and 13 cars parked in the lot at any one time.

47 Mr. Smith recognized that they had a temporary office that was set up after the building  
48 burned down and they had been instructed to use their parking spots and were not parking  
49 there inappropriately.

50 Mr. Smith advised that with the new building, if any issues arose with people using their  
51 parking spots the doctors would have to police that because that is the best they can do.

52 Mr. Grueter asked about the dimensions of the office space and Mr. Smith responded that it  
53 was the same length, as on the plan before, only wider, 800-900 s.f.

54 Mr. Smith advised that they had removed the sidewalk connection that was shown on the  
55 previous plan.

56 Mr. Gray asked if the issues with the abutter from the last meeting concerning insufficient  
57 parking had been resolved. Mr. Smith stated that he could not speak to that personally but  
58 brought Mr. Chouinard's testimony to ownership.

59 Mr. Gray asked how many patients they were expecting. Mr. Smith responded that there  
60 would be not more than 11 at one time and did not expect all the rooms to be occupied at  
61 the same time.

62 Mr. Clement stated that parking meets regulations and that he has gone to his office before  
63 and personally never had a parking issue.

64 The hearing was open to the public at 7:24 pm, and being none, was closed to the public at  
65 7:25 pm.

66 Mr. Sharples read out the standard conditions of approval to the Board.

67 ***Mr. Brown motioned to accept the request for Case #18-03 under the conditions that***  
68 ***Mr. Sharples read. Ms. English seconded his motion, with all in favor, so moved.***

69 Mr. Smith departed the meeting.

## 70 Other Business

- 71 • **Wiley Creek Co. LLC – PB Case #17-23**  
72 **Waiver request for School & Recreation Impact fees**

73  
74 Mr. Sharples advised that the request was tabled at the last hearing due to a lack of  
75 materials and that all materials were enclosed this meeting.  
76

77 Attorney Pasay advised that he and his client were looking to be as transparent as possible  
78 with the Board. They were looking to waive \$155,904.00 of school impact fees and 75% of  
79 the Rec Impact fees which comes out to \$82,476.00. Attorney Pasay stated that this is  
80 compensation for Mr. Shafmaster's work to build out the road. Occupancy provisions were  
81 clarified concerning 55 and over persons being in the unit at all times of living with an  
82 exception of death. If said person dies, anyone younger can remain in the unit until such  
83 time as the unit is conveyed again which also applies in context of abandonment and  
84 divorce. No guests for longer than a month and only if the 55 and over is present. It is  
85 possible to have children there but on average these types of communities do not. There  
86 would be no need for a bus stop. Attorney Pasay reviewed the steps concerning  
87 administrative gloss. It begins with an ambiguous clause interpreted differently between  
88 members of the board, town planners, etc.; the next is that the legislature has interpreted  
89 consistently, in this case, the Board has granted similar waivers four times, two of which  
90 were 55 and up and two of which were 62 and up. The third criteria is that it is applied to  
91 similar applicants and the fourth is that there was no legislative interference. In this case if  
92 previous Boards felt this was wrong they would have changed the ordinance. It is clear that  
93 the gloss exists and applies here. It is fair for the Board to presume that the original intent of  
94 the ordinance was to apply to all age restrictive communities which would apply to age 55  
95 and up. The point is not to say well you granted it before so its fair to grant it again, the  
96 point is to determine the original intent of the ordinance and apply it consistently.  
97

98 Attorney Pasay stated the that Recreation fees are similar to where the impact fees are  
99 outweighed by capital improvements.  
100

101 Mr. Brown stated that he could see the argument both ways. With the small sample size, of  
102 four past examples of which only two apply and if he had served on the Board in the past he  
103 would not be in favor of granting these waivers.  
104

105 Attorney Pasay stated that the estimated value of each unit was \$400,000 to which Mr.  
106 Clement stated that he was uncomfortable with that assessment because it was too soon to  
107 tell. The tax revenue initially goes to the TIF fund not the general fund. Attorney Pasay  
108 clarified that legislators don't use words they don't intend to use; every word has a meaning  
109 such as adding "age restrictive communities." If the Board denies the request they will be  
110 paying for kids who essentially may not be there.  
111

112 Mr. Grueter asked what the difference between a 55 and up community and a 62 and up  
113 community is. Attorney Pasay advised that 62 and up is considered elderly housing in the  
114 Fair Housing Act and 55 and up is desired for AAC (Active Adult Community). Its more likely  
115 that a 62 and up community would not have school aged children than a 55 and up.  
116

117 Mr. Gray stated that if he was choosing from personal preference he would waive the school  
118 impact fees but not the Rec fees but since he is not thinking on his personal preference but  
119 rather on legal preference he would do the opposite and waive Rec fees rather than School  
120 Impact fees.  
121

122 Mr. Cameron stated that when he was studying law, the last item in a list of items where  
123 there is uncertainty takes precedence and advised that the Board should take this into  
124 consideration in making their decision.

125  
126 Chair Plumer opened the hearing to the public at 8:38 pm and read an email which stated  
127 that the sender wanted the ordinance reviewed and changed. Chair Plumer closed the  
128 hearing to the public for deliberations at 8:40 pm.

129  
130 Ms. Bergeron motioned to approve the waiver request for the school impact fees. Mr.  
131 Cameron seconded her motion. Voting with 3 ayes and 4 nays, motion failed.

132  
133 Mr. Sharples recommended motioning something that would pass.

134  
135 ***Ms. English motioned to deny the request to waive school impact fees. Mr. Brown***  
136 ***seconded her motion. Voting: 4 ayes and 3 opposed, motion carried.***

137  
138 Attorney Pasay requested that the denial should be moved to the ZBA and requested that  
139 the Board vote to move it to the ZBA. The Board agreed that they did not need to do this, as  
140 they had the authority and his next relief would need to be in Superior Court.

141  
142 Ms. English stated that she would vote in favor so long as the trails stay open to the public in  
143 writing somewhere. Mr. Grueter recommended marking trails so that the public knows what  
144 they are.

145  
146 Mr. Grueter asked about insurance and Mr. Shafmaster responded that he had never  
147 received a claim from anyone using the trails but could not guarantee in the deed that they  
148 will remain open to the public at all times, only committing to his land being open to the  
149 public.

150  
151 ***Ms. Bergeron motioned to approve the request for 75% impact fee waiver. Mr.***  
152 ***Cameron seconded her motion. Voting 4 ayes and 3 opposed, motion carried.***

153  
154 Attorney Pasay and Mr. Shafmaster departed the meeting at 9:02 pm.

155  
156 • **Garrison Glen LLC – PB Case #17-29**  
157 **Request for Extension of Conditional Approval**

158  
159 Mr. Sharples advised that the applicant enclosed a request for a 180- day extension of  
160 conditions of approval. Chair Plumer advised that usually the Board extends for a full  
161 year, not half a year.

162  
163 ***Mr. Brown motioned to extend the conditions of approval for one year. Ms. Bergeron***  
164 ***seconded his motion, with all in favor, so moved.***

165

166 • **Election of Officers**

167 *Mr. Brown nominated Mr. Cameron as Clerk. Ms. English seconded his motion. Mr.*  
168 *Cameron accepted. Voting: Five in favor with Mr. Cameron abstaining, so moved.*

169 *Mr. Cameron nominated Mr. Plumer as Chair and Ms. Woolhouse as Vice-Chair. Mr.*  
170 *Brown seconded his motion. Mr. Plumer accepted. Voting: Five in favor, so moved.*

171 • **Approval of Minutes – May 24, 2018**

172 *Mr. Cameron motioned to approve the minutes of May 24, 2018 amended as follows:*

173 *Line 159 change Tyff Road to TIF Road*

174 *Line 174 change Stirling to Sterling*

175 *Add Kelly Bergeron to Members Present*

176 *Change Jenna to Jennifer*

177 *Ms. English seconded his motion. With Mr. Clement abstaining, voting: five in favor,*  
178 *so moved.*

179 **Town Planner's Items**

180 • **Field Modifications**

181

182 • **Announcements**

183

184 • Mr. Sharples advised that the Housing Authority wants to establish a Regional Housing  
185 Summit. Town Officials and Staff would be coming to meet here from 11 to 1. This is  
186 not a committee meeting open to the public or RTK.

187

188 • Mr. Sharples advised that he submitted an MTE grant. It is not federal funding and he  
189 will know if they will get it by the end of the month.

190

191 • Mr. Sharples stated that there is a new transportation alternative grant coming up and he  
192 is looking for projects for non-vehicular, non-motorized travel with a minimum of  
193 \$400,000 cost, not included reconstruction of existing sidewalks, creating new ones.

194

195 **Chairperson Items**

196 Mr. Plumer asked if they needed to meet again on the second meeting in July since Exeter  
197 Rose Farm is the first meeting in July. The Board agreed that they did not need to have the  
198 second meeting.

199 **PB Representatives Report on "Other Committee" Activity**

200 None

201 **Adjournment**

202 ***Mr. Brown motioned to adjourn the meeting at 9:31 pm. Ms. Bergeron seconded his***  
203 ***motion, with all in favor, so moved.***

204 Respectfully submitted,

205

206

207 Daniel Hoijer

208 Recording Secretary