

1 **TOWN OF EXETER**  
2 **PLANNING BOARD**  
3 **SEPTEMBER 26, 2019**  
4 **APPROVED MINUTES**

5 **I. PRELIMINARIES:**  
6

7 **BOARD MEMBERS PRESENT:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete Cameron, Clerk,  
8 Niko Papakonstantis, Select Board Representative, Gwen English, John Grueter, Pete Steckler, Alternate,  
9 Jennifer Martel, Alternate and Nick Gray, Alternate  
10

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

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

15 **III. OLD BUSINESS**  
16

17 **APPROVAL OF MINUTES** – August 22, 2019 and September 12, 2019  
18

19 Edits were proposed, discussed and agreed upon.  
20

21 *Mr. Grueter motioned to approve the minutes of September 12, 2019 as amended. Vice-Chair Brown*  
22 *seconded the motion, with all in favor, the motion passed unanimously with no abstentions.*  
23

24 *Mr. Grueter motioned to approve the minutes of August 22, 2019 as amended. Mr. Papakonstantis*  
25 *seconded the motion. With six voting in favor and one abstention, so moved.*  
26

27 **IV. NEW BUSINESS**  
28

29 **PUBLIC HEARINGS**

30 **The application of Brian Griset for design review of a proposed minor subdivision of an**  
31 **existing 23.6-acre parcel off Tamarind Lane and Cullen Way; and a proposed 16-unit open**  
32 **space development off Tamarind Lane.**

33 **R-1, Low Density Residential Zoning District**

34 **Tax Map Parcel #96-15**

35 **Case #19-11**  
36

37 Chair Plumer read the Public Hearing Notice out loud and reminded this was a preliminary non-binding  
38 conceptual discussion.  
39

40 Attorney Justin Pasay presented the applicants' proposal for the development which will be surrounded  
41 by the Griset's other developments. Lot 96-16 is owned by Adela Griset and is 23.6 acres of single-

42 family open space development. The 30-acre parcel owned by the Mendez Trust of which Mrs. Griset is  
43 the Trustee is in the Neighborhood Professional Zone. Parcel 81-75 is the 9.4-acre Town Ballfields which  
44 when deeded to the Town reserved the right of use toward future density calculations. Attorney Pasay  
45 noted this is one of the largest undeveloped tracts in Exeter, will have 16 units and a massive open  
46 space conservation area. Lot 14 has frontage off the subdivision road by ROW and Lots 15 and 16 would  
47 have frontage off Tamarind Lane. The ROW is a private matter in settlement agreement with Brickyard.  
48 There are different density requirements for the R-1 zone and NP zone which will be decided by Special  
49 Exception at the ZBA as was done with 80 Epping Road who had land in the front in the C2 zone and  
50 back in the R2 zone. This applicant will be using the R1 density for both parcels. RSA 674:41 allows for  
51 open space to be taken from one lot and used for another but that's not what we're doing.

52  
53 Brian Griset of 26 Cullen Way stated that he has lived in Exeter for 29 years and thanked the Board and  
54 abutters for coming to provide comments on the proposal. Mr. Griset reviewed the history of the  
55 development which began in 1991 as Phase 1. Mr. Griset agreed not to do the next phase until 2006.  
56 There was a lot line adjustment of .93 acres. Due to Mrs. Griset's declining vision we wanted to retain  
57 the property until development was finished through the approval process. The final design phase  
58 reflects the changes in the zoning ordinance over 30 years and the housing, infill, economic, recreational  
59 and environment sustaining goals of the Master Plan. Of the 64 acres. 50.2 would be protected for the  
60 Town of Exeter.

61  
62 Jim Gove of Gove Environmental introduced himself noting that he is a certified wetland's and soil  
63 scientist. Mr. Gove presented the plan indicating green coloring to represent uplands, brown to denote  
64 wetlands and dark green to indicate the prime wetlands. Mr. Gove additionally displayed the 1974 black  
65 and white plan of the parcel which showed a stream which he believes was rerouted and straightened,  
66 house, cul-de-sac, an open field with roadway, a small dug pond and an agricultural bedding system. A  
67 big fill pile supports that the field was manipulated. Mr. Gove noted the parcel was viewed in the Spring  
68 and last Winter. Mr. Gove displayed a plan which showed a dredged field, modified stream and old  
69 road-bed as well as uplands. Mr. Gove discussed shorelands and read the contiguous wetland  
70 requirements. Mr. Gove noted he walked the stream length and prime wetland and noted GPS found  
71 berms along the edge of the stream and ditches and a bedding system berm. Soils differed from organic  
72 to mineral. Topography was upland behind Brickyard. Mr. Gove noted two vernal pools, one in the  
73 lower left and another in the lower center of the prime wetlands area. Mr. Gove believes the field was  
74 manipulated/excavated/altered and put back. There were mixed soils there, sand and clay. The field is  
75 regularly mowed and maintained and is a good diverse habitat with a forested area adjacent and a  
76 stream/channel and forested wetlands on the parcel.

77  
78 Mr. Gove was asked to explain how Prime Wetlands are identified. Mr. Gove explained the Town  
79 reviews the resources and identifies those it believes to be prime and then are voted on at Town  
80 Meeting and identified on the tax maps, DES reviews the findings to be fair and scientific, and once  
81 accepted are treated with a high level of scrutiny for the purposes of mitigation if there is any  
82 diminution. Exeter has a Town Ordinance 9.3 that protects the shoreland. Certain rivers are identified  
83 such as Exeter, Squamscott etc. and their tributaries.

84 Christian Smith of Beals Associates noted there could be multiple scenarios with the development  
85 depending on the yield formula perhaps 25 SF lots. The proposal is for a 16-unit detached condominium

86 in addition to the existing 4.4-acre Griset home, off a single drive with each unit 2000-2400 SF and an  
87 LCA (Limited Common Use Areas). Of the 63.4 acres, 10.5 are HOA restricted the field which will  
88 continue to be mowed and maintained, 6.1 acres for housing development, 4.4 the existing Griset home  
89 and 41 acres of preserved open space in addition to the Brickyard Park resulting in 50 acres with two  
90 restrictions: beaver removal by trapping; and military veteran's can hunt the property. There will be no  
91 view of homes on Tamarind and a buffer will be provided to the North/Northwest side including 25'  
92 screening per conversations with neighbors.

93

94 Christian Smith spoke to waivers of which there will be a small Conservation encroachment in the  
95 wetland and a waiver for sidewalks since the road will be private.

96

97 Mr. Steckler asked about how Phase 3 is looked upon by the Town as a multi-phase project and its  
98 impacts. Mr. Sharples explained there were two prior phases however this application is being reviewed  
99 by current regulations. Vice-Chair Brown clarified it is a stand-alone application. Mr. Steckler clarified  
100 his question: Can this be held to regulation of a previous phase or on its own merits? Mr. Griset noted  
101 the two previous phases were developed according to existing regulations at the time and is no look  
102 back for Phase 3.

103

104 Chair Plumer opened the hearing to the public at 8:05 PM for comments and questions.

105

106 John Elliot of 6 Tamarind Lane expressed concerns that the application for relief with the ZBA conflicted  
107 with the requirement that the density of the yield plan be compliant with the ordinances and  
108 regulations. Also the extension of the cul-de-sac to another cul-de-sac. Mr. Elliot noted the Meadows of  
109 Exeter covenants protect against a development like this. Mr. Elliot concluded he enjoyed seeing the  
110 wildlife.

111

112 Patrick Flaherty of 8 Tamarind Lane expressed concerns with the land swap proposal or using his  
113 driveway as the private road (ROW). The lot line adjustment should never have occurred. His  
114 neighbors, Bob and Becky would have cars coming and going every day by their house. Mr. Flaherty  
115 expressed he has no desire to have a shared private road with such a weak Homeowner's Association,  
116 its unreasonable and he could not maintain it or accept the liability of a private road coming through his  
117 property. The agreement with Brickyard Park was not executed in good faith because it was signed by  
118 Town Planners instead of the Select Board as is required. Property values would be impacted, especially  
119 his own with a private road going through to access this development. The lot line adjustment would be  
120 subject to the covenants as they travel with the land and not the owner.

121

122 Ann Flaherty also of 8 Tamarind Lane expressed concerns about the proposal altering the character of  
123 the neighborhood, stormwater drainage and wetlands which cross under the street through culverts.  
124 The right-of-way contained in their deed is for customary purposes of a single owner to access their  
125 property not for a private road to be access for a development of 16 single-family homes. That use is  
126 beyond reasonable.

127

128 Mr. Flaherty added the aquifer protection district, adverse effects to the wetlands and neighbor's  
129 wetlands, stormwater, traffic and the Special Exception and impact to property values.

130 Christine Soutter noted she is not a direct abutter but lives in the neighborhood. She serves on the  
131 Town's Budget Review Committee and believes the Town needs good development to benefit the Town  
132 as a whole. Mrs. Soutter added she trusts the Planning Board knows what it is doing.

133  
134 Lisa Bleicken of 11 Tamarind Lane advised that she had a petition signed by 18-22 homeowners and has  
135 concerns with property values, wetlands and drainage. The field is a wet area. All homeowners have  
136 sump pumps for drainage on Tamarind. Traffic has doubled. The proposed development is out of  
137 character for the neighborhood and disruptive. Likes large lot sizes and view of the woods. Mrs.  
138 Bleicken provided Chair Plumer with a copy of the petition and noted the reverse side clarified who  
139 were owners in the neighborhood opposed to some who had signed the petition online at Change.org.

140  
141 Mrs. Soutter added that as far as traffic safety, Cullen Way could be opened up as it was a road at one  
142 point and she would support that. Mrs. Soutter added she supported the green space and zero clear  
143 cutting.

144  
145 Laura Knott of 15 Tamarind Lane noted she did not have a sump pump because she lives on the top of  
146 the hill. When she purchased her property 6-7 years ago she looked for acreage which is why she picked  
147 the development and house she moved into. Mrs. Knott read from the covenants the homeowners  
148 signed and believes this proposal goes against that. The development would devalue the property and  
149 undermine the covenants and ordinances supposed to protect owners. Restricting the open space to  
150 veteran hunters does not benefit all of the Town. There will be noise disturbances. Ms. Knott noted she  
151 would be opposed to this project as long as it comes before the Board. Chair Plumer explained the  
152 proposal has not gone before TRC as it is too early for that.

153  
154 Russ Corbin, President of Brickyard noted he was not opposed to the project.

155  
156 Mr. Steckler asked about the covenants and whether these were subject? Mr. Sharples noted he did not  
157 know yet, the plan is conceptual and has not had a formal application submitted.

158  
159 Attorney Pasay opined that the restrictive covenants exempts these parcels and private property  
160 disputes are not the jurisdiction of the Planning Board. Phase 3 has been anticipated since 1991.

161  
162 Vice-Chair Brown asked if the covenants exclude the subject property? Could you issue a legal opinion  
163 on that and make it public?

164  
165 Attorney Pasay explained that a Special Exception is different from a Variance as a Special Exception is a  
166 use which is allowed by right, not prohibited.

167  
168 Vice-Chair Brown asked if Attorney Pasay could issue a legal opinion as to why it is not contrary to  
169 zoning? Attorney Pasay explained this is a stand-alone application, open space is allowed by right in R1.

170  
171 Mr. Grueter asked about the Right of Way (ROW). Attorney Pasay explained it is 75' in deed and not  
172 ambiguous. However, when a deed is ambiguous you look at the intent. Looking back to 1991 it has

173 always been the intent to develop this phase and the intent to access the back property to be  
174 developed.

175

176 Chair Plumer noted different rights of way have different rights, of way.

177

178 Attorney Pasay addressed the waivers noting there would be 25' less setback and for vegetated buffer,  
179 given the open space those should be appropriate.

180

181 Mr. Steckler asked if a condominium was allowed in SF open space. Mr. Sharples explained it is a  
182 subdivision. Attorney Pasay explained condominiums are allowed in clusters. Chair Plumer noted the  
183 benefits of a cluster development where there is protected open space to benefit the public.

184

185 Maggie Loranger of Cullen Way expressed concerns with the overflowing school system. 11 kids walk to  
186 the bus stop and traffic is concerning. The Kindergarten is at 22 capacity. There are a lot of young  
187 families. Concerns with taxes.

188

189 Chair Plumer indicated the school impacts would be discussed by experts as part of the process.  
190 Attorney Pasay explained briefly how the Town assesses fees to benefit the CIP. Mr. Griset noted the  
191 owners are assessed for the condominium value and a percentage of the land. Vice-Chair Brown noted  
192 they assess the value of what is built but do not tax conservation land.

193

194 Patrick Flaherty noted 30% of Exeter is in Conservation and that diminishes future tax base. Mr. Flaherty  
195 noted the property was purchased on 4/30/93 and owned for one hour before being sold. This is  
196 important for two reasons because the .93-acre lot line adjustment affixed to Cullen followed the land  
197 and the restrictive covenants with it.

198

199 Mr. Sharples questioned the number of lots shown on the plan which indicate 17-18 on one page and  
200 asked if it could be 17? - yes. The transfer density is a matter with the ZBA not the Planning Board and  
201 is unclear and will be part of the TRC process.

202

203 Chair Plumer closed the hearing to the public at 9:00 PM.

204

205 ***Vice-Chair Brown motioned that the request for design review phase be concluded and to instruct the***  
206 ***Town Planner to notify the Applicant in writing in accordance with RSA 676:4 II(b); seconded by Mr.***  
207 ***Papakonstantis, with all in favor, so moved.***

208

## 209 **V. Master Plan Discussion**

210 Mr. Sharples noted the Oversight Committee met to work on the form-based code model for the March  
211 Warrant. Horsley-Witten will assist with the Affordable Housing Density language.

212

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

214 **Field Modifications**

215 **Announcements**

216 There will be an Open House Wednesday, October 2<sup>nd</sup> from 12-6 at the Town Meeting Room with  
217 consultant present from 6-6:20 and discussion until 7 PM which portion will be televised. Zoning  
218 Ordinances will be reviewed in October and November.

219 Mr. Sharples put out to bid for an ADA evaluation of the Town-owned properties and received 8  
220 proposals. Disability Access Consultants will identify any items out of compliance and form a transition  
221 plan over 5-6 years to be completed in 5-10 years.

222 **VII. CHAIRPERSON'S ITEMS**

223 The Board discussed whether the presentations could be required to be done electronically with a  
224 backup if the projector isn't working and handouts available provided by the applicant/presenter. Ms.  
225 Martel recommended putting the packets online and adding a note to the bottom of the public notice  
226 that the information was available at the Planning Board office.

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

228 *None.*

229 **IX. ADJOURN**

230 The next meeting will be October 10, 2019

231 ***Mr. Papakonstantis moved to adjourn at 9:40 PM. Vice-Chair Brown seconded the motion, with all in***  
232 ***favor, the motion passed unanimously.***

233 Respectfully submitted,

234

235

236 Daniel Hoijer,  
237 Recording Secretary