

1                                   **TOWN OF EXETER**  
2                                   **PLANNING BOARD**  
3                                   **June 25, 2020**  
4                                   **VIRTUAL MEETING**  
5                                   **APPROVED MINUTES**  
6                                   Zoom ID: 865 4385 1931  
7                                   Phone: 1 646 558 8656

8   **I. PRELIMINARIES:**  
9

10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete  
11 Cameron, Clerk, Gwen English, John Grueter, Jen Martel, Molly Cowan, Select Board Representative,  
12 Pete Steckler, Alternate and Nancy Belanger, Alternate.  
13

14 **STAFF PRESENT:** Town Planner Dave Sharples  
15

16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:02 PM and read out loud the  
17 meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are  
18 being invoked. As federal, state and local officials have determined gatherings of ten or more people  
19 pose a substantial risk to the community and the meeting imperative to the continued operation of  
20 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 **III. OLD BUSINESS**  
25

26 **APPROVAL OF MINUTES**  
27

28 May 14, 2020  
29

30 *Mr. Cameron motioned to approve the May 14, 2020 minutes, as amended. Vice-Chair Brown*  
31 *seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye, English –*  
32 *aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.*  
33

34 May 28, 2020  
35

36 *Mr. Grueter motioned to approve the May 28, 2020 minutes, as amended. Ms. English seconded the*  
37 *motion. A roll call vote was taken, Plumer – aye, Brown – abstained, Grueter – aye, English – aye,*  
38 *Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 6-0-1.*  
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41 June 11, 2020

42

43 *Vice-Chair Brown motioned to approve the June 11, 2020 minutes, as amended. Mr. Cameron*  
44 *seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – abstained,*  
45 *English – aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 6-0-1.*

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47 **IV. NEW BUSINESS**

48

49 **PUBLIC HEARINGS**

50 1. Continued public hearing on the application of Gateway at Exeter, LLC for a proposed lot line  
51 adjustment and subdivision at 170 Epping Road. The lot line adjustment will transfer 2.10 acres of land  
52 from **Tax Map parcel #47-7** into two lots in conjunction with a mixed-use development being proposed  
53 for the site.

54 C-3 Epping Road Highway Commercial zoning district

55 PB Case #19-15

56

57 2. Continued public hearing on the application of Gateway at Exeter, LLC for a site plan review and a  
58 Wetlands Conditional Use Permit for the proposed construction of a mixed-use development at 170  
59 Epping Road (**TM #47-6 and #47-7**). The proposal includes a 224-unit multi-family residential complex, a  
60 two-story 48,560 square foot mixed-use building that may include a 20,040 YMCA daycare facility,  
61 office/retail space and possibly a restaurant, along with associated site improvements.

62 C-3 Epping Road Highway Commercial zoning district

63 PB Case #19-16

64

65 Mr. Sharples indicated Planning Board Cases #19-15 and #19-16 are for a lot-line adjustment and  
66 subdivision with CUP. The applicants appeared on May 28, 2020 meeting and were subsequently tabled  
67 to allow the development team adequate time to review plans and documentation. Shared parking  
68 analysis has been done and is enclosed. A memo that includes potential transportation  
69 requirements/changes is provided. Applicant is requesting several waivers. The applicant appeared  
70 before the Conservation Commission at their June 9, 2020 meeting to discuss recreation and deed  
71 stewardship. Jen Mates of DPW has remaining comments regarding corridor study and internal traffic  
72 movement concerns. Pete Steckler did a site walk and sent in a memo regarding his findings.

73

74 Jim Petropulos indicated he will talk about changes in the resubmittal and likely about traffic. A lot of  
75 information was covered at the last meeting which was beneficial to us. Heard concerns with parking  
76 and shared parking notions. The building was reduced in size, by approximately 10,000 square feet.  
77 Lessened in retail component. Were able to pull 20 feet away from Epping Road. Currently requires 568  
78 spaces, providing 408 spaces. Concerns relative to drop off area. Provided area for that. Took another  
79 look at parking analyses. Ran numbers for shared parking with updated software. Peak demand is 318  
80 spaces according to software. Indicates sufficient parking. Have made changes to accesses and exits,  
81 with two curb cuts, added one way exit at uppermost part to Epping Road. Is a TIF district. Have  
82 pending improvements for road. Have some phasing plans for building. Will hold off on commercial  
83 building until those improvements are made.

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Mr. Petropulos indicated delivery spaces were added and moving spaces. Four were added to accommodate concerns. Comments regarding landscaping incorporated. Added landscape island. Still have waiver before you regarding that. Submitted colored scheme for curbing. National Heritage Bureau (NHB) report was submitted. Wetlands permit submitted as well. Is some wetland impact.

Stephen Pernaw, the applicant’s traffic engineer, indicated they did standard predictions. Building downsized so traffic numbers will be lower. DOT projects section of highway carries 13,000 cars per day. Estimated 384 trips during peak hour period. Three-day traffic count by DOT, noted there will be impact but should be comparable to day to day basis. Left turns can be tricky. Traffic signals not warranted here. Looked at need for two lanes. Should probably be left turn pocket into site and into Mobile gas station as depicted. Arriving at site should be right turn lane. Will be taking another look at these.

Mr. Pernaw continued, discussing shared parking. ULI model predicts demand of 271 at peak. We’ve added cushion to the peak demand. Confirms adequate parking with reduction of square footage. Been in touch with District 6. Will have scope meeting in Concord for final study.

Mr. Grueter asked about the original study in 2019? Looked at this in 2016. Were looking at 120 assisted living units, now have 224 apartments. Mr. Pernaw indicated they were brought on to the project later. Mr. Sharples indicated this was initially design review. Were concerned about traffic generation back then with that projected use.

Mr. Steckler noted the model from Urban Land Institute, clarify methodology. Don’t see this area as urban. Stephen Pernaw indicated it is the name of the lead organization. Came out with updated model this year. Can make adjustments. Model is compatible with this area. Demand is comprised of four different uses. Most cars are leaving towards end of day. Pattern sticks no matter what area you’re in. Accounts for variations with traffic. Did not take credit for walking trips.

Mr. Cameron noted the traffic study at Ray Farm was that study factored in at all?

Stephen Pernaw noted it accounted for two other projects south of the site, with Ray Farm being one of them.

Mr. Sharples indicated four buildings were proposed, built one and are working on the second. Plan is to continue building (Ray Farm).

Ms. Martel commented on the ULI study-appreciate seeing that information. Question about study by VHB Jason Plourde. How are improvement measures implemented and when do we hear about DOT feedback?

Jason Plourde prepared peer review of study in December. It was a different build program then. Comments were based on that full build. Looked at delays. Vehicle queuing and volume to capacity ratios. This development creates higher demand for vehicles than capacity could handle. May create

128 unsafe turning gaps. Mentioned exclusive turn lanes that would be needed. If increase traffic in  
129 intersection is 100 plus cars or more must pay closer attention to that intersection. Study area  
130 should've been expanded. Get input from DOT. Is controlled access right of way. Need to coordinate  
131 with DOT about proposed access. Mr. Plourde indicated a lot will be answered in scoping meeting, will  
132 involve applicant, DOT and municipality.

133

134 Ms. English asked about the letter from Town engineers and possibly eliminating the south driveway –  
135 could that work? Mr. Plourde indicated in Epping Road strip management ordinance, guideline says  
136 abutters consolidate access points on property lines. Try to control access so cars have control point to  
137 access Epping Road. Working to see what corridor would need to look like. If can control access would  
138 fall in line with zoning ordinance and provide safer access and exits by possibly warranting traffic signal.  
139 Not sure about numbers right now with less building.

140

141 Ms. English expressed concerns about a left out of southbound exit and making a right only? Stop light  
142 would be safest way to control. Mr. Plourde indicated he liked that drive being exit only with daycare  
143 right there and also like drop off only.

144

145 Chair Plumer asked what will be needed to know regarding traffic to vote on application? That scoping  
146 meeting will be critical.

147

148 Mr. Steckler indicated Jen Mates wanted a south driveway to be right turn only. Any thoughts on that?

149

150 Stephen Pernaw indicated the layout of site is important to have left turn departure to get back on 101.  
151 Don't want to encourage U-turns. Mr. Petropulos noted if that was right only, it would have to have  
152 paved access to get out of main driveway. Moved building 20 feet away but that space would get used  
153 addressing that. Could probably rework that system to circumnavigate.

154

155 Stephen Pernaw noted it also needs to be determined if a traffic signal is warranted. Just have to wait  
156 on that situation. Is a minimum criteria before can be considered. DOT will look at any signal this close  
157 to interchange. Mr. Sharples noted that's why we've encouraged DOT's cooperation and involvement.

158

159 Ms. English asked about the number of parking spots at peak demand, 271, and parking that isn't  
160 needed and whether that will be eliminated? Still a bit concerned about drop off at YMCA. Maybe use  
161 this extra space to expand on the drop-off area.

162

163 Mr. Petropulos indicated a waiver is still required. Can look at improving circulation if had an overage in  
164 parking. Will be no commercial building until road improvements are made. Will be no second curb cut  
165 until then.

166

167 Ms. English indicated she preferred as little pavement as possible but in this case, it is needed for safety.

168

169 Ms. Martel expressed concern with drop off. Kids get out on wrong side of road with bus. May need  
170 one more pass not totally comfortable with circulation.

171

172 Mr. Cameron asked Mr. Plourde if he will submit something to account for what was learned today. Mr.  
173 Plourde indicated there will be a scoping meeting with Mr. Sharples.

174

175 Mr. Steckler indicated he would want to hear an opinion about right-turn only from Mr. Plourde.

176

177 Mr. Plourde indicated reducing turning movements could be good but must look at ramifications.

178 Second access is left out. Just don't know impact after square footage reduction.

179

180 Mr. Plourde noted some spaces could be dedicated strictly for daycare if there is an overage of parking.

181

182 Mr. Quigley wants to address the memo from Mr. Steckler's site walk. Often helps focus the questions.

183 Letter gave impression that there are deficiencies with his work. NHB reporting identified endangered

184 plant in exemplary natural community. Iris observed in front ponded area. That is where it was

185 determined to be and NHB signed off on that. Pointed out iris elsewhere. Investigated and found seven

186 iris locations without flowers. Easy to distinguish between slender iris. All identified. Were standard

187 Blue Flag Iris. Plan to update NHB with this information. Swamp White Oak and oak basin swamp are

188 important. That tree alone isn't a protected species. It is a species within that basin swamp. During

189 winter the area was surveyed for significant trees. No Swamp White Oak seen at that time. Have been

190 looking there since before logging. Red maple is dominant. Confident that this tree with the swamp

191 does not exist on this site. Regarding potential for vernal pool breeding habitat out front of site, did not

192 deploy in the smaller area, (minnow traps) captured green frog tadpoles. Were not wood frog. Similar

193 area was completely dry this week. Appears likely to be a number of green frogs that tested the waters.

194 Reviewed those two front areas in the past. Only pulled a single fairy shrimp for that smaller area. Not

195 evidence of breeding. Frogs seem to maybe not use this area.

196

197 Mr. Quigley noted vernal pool issue has been reviewed by authorities on several occasions prior.

198 Proximity to road is important to note. Property has been personally flagged twice and been re-verified.

199 Always been consistent. Don't think my wetland delineation has ever been terribly inaccurate. Harder

200 to re-flag the area now.

201

202 Mr. Steckler noted the point was not to question delineation. Flagging was difficult to see. Is essential to

203 understand impacts to vote for CUP. Project has enormous impact on wetland areas. Approximately

204 three acres of high-quality wetlands with a lot of micro topography. Wetlands need to be identified and

205 probably warrants 3rd party review.

206

207 Mr. Quigley noted the Iris on site had wide leaves and rounded seed pods. Blue Flag Iris flowers always

208 vary but these two features stand out. Mr. Steckler questioned coordinating with NHB about Iris

209 occurrences. Mr. Quigley noted he is satisfied and NHB is as well. As a matter of due diligence will

210 share that information with them and coordinate plant surveys based on suitable habitats. Habitat for

211 Iris is typically wetter. Removing trees made these wetlands a bit wetter overall. Have additional info to

212 prove is not protected Iris.

213

214 Chair Plumer indicated the site walk was not coordinated as the Board usually has. Tough to notice all

215 features. Mr. Steckler questioned what evidence there is that vernal pool was excavated as suggested

216 by Mr. Quigley. Can use secondary indicators to determine, not just egg masses. Mr. Steckler indicated  
217 he believes 3rd party review is warranted.

218

219 Mr. Petropulos noted the site was inspected by Conservation and NH Department of Environmental  
220 Services and other agencies. Walked entire site for feedback. Believe 3<sup>rd</sup> party services have already  
221 been done.

222

223 Mr. Quigley indicated it doesn't matter much if it is an excavated area. More in terms of quality. Were  
224 big piles of dirt on the side. Small wetland impact in that area. Not impacting basin. Would never use  
225 secondary indicators to identify where I've seen no egg mass for two years. Would find that bad  
226 practice.

227

228 Vice-Chair Brown indicated Kristen Murphy could comment. Ms. Murphy indicated she received a copy  
229 of Mr. Steckler's letter and shared it with the Conservation Commission. Was new information to the  
230 Conservation Commission. Checked in with Mr. Quigley. Felt the wetlands were strongly identified  
231 based off his descriptions. Did not see Swamp White Oak herself. Did site walk with Carlos Guindon  
232 there who had high knowledge of that species and did not find any. Did notice fairy shrimp. Believe  
233 that is primary indicator but no way to determine with tadpole species. No request on behalf of the  
234 Commission yet.

235

236 Ms. Martel noted minimal impact comment. Looks to be catch basins out letting to this basin. Make  
237 sure is being treated. Mr. Petropulos noted driveway impacts finger along this basin. No discharge  
238 going here whatsoever. Bigger area has outlet pipe if it ever overflowed. No discharge there either.

239

240 Ms. English asked if Mr. Guindon saw Mr. Steckler's pictures from the site walks to help identify?  
241 Looked to me to be protected Iris. Ms. English noted she realizes it is a challenging site. Didn't see  
242 typical wetland flags to use as markers for delineation. Was difficult to identify. Wish we could look at  
243 it again together.

244

245 Ms. Murphy noted the letter from Mr. Steckler was provided to Conservation Commission and haven't  
246 met as a Board since.

247

248 Mr. Steckler noted site inspections are not intensive 3<sup>rd</sup> party reviews. Part of it was to evaluate  
249 mitigation for back area. Typically note the role of any of those organizations. Ms. Murphy indicated we  
250 do look at wetland plans but most of members are not wetland scientists. Allowed to request 3<sup>rd</sup> party  
251 review if see fit.

252

253 Ms. English noted observed impact is visible on this project. Most of building seems to be on wetland or  
254 wetland buffers. On the fence about third-party review.

255

256 Ms. Martel asked if 3<sup>rd</sup> party review would be on the whole site? If they determine to be vernal pool  
257 how would that change the decision-making process?

258

259 Mr. Steckler indicated approximately three acres of wetland is lost. Worth due diligence for the Board's  
260 consideration of CUP. Not sure if would be in favor of this. Not convinced there isn't an Iris or Swamp  
261 White Oak (protected species) on this property.

262  
263 Chair Plumer asked to consider the total acreage of site as we look at this. Not sure of effect of roadway  
264 on this either. Not sure a 3<sup>rd</sup> party will help answer those. Mr. Cameron asked what it would start with?  
265 A critique of applicant or a brand-new review? Chair Plumer indicated this has been done before.  
266 Consists of wetland scientists meeting with applicant to confirm or deny the findings of the applicant.  
267 Mr. Sharples noted that was correct but in a general sense. Need to set a scope at this Board.

268  
269 Vice-Chair Brown noted 3<sup>rd</sup> party review if we choose, scope is up to us. Our Board member had letter  
270 addressed piece by piece and has not backed off on claims. Out of respect for Board member we should  
271 have a 3<sup>rd</sup> party review. Not comfortable in one certain area. Corridor developed. Landowners prefer  
272 residential uses. Might be delayed and commercial is being shrunk. Think traffic study has to be  
273 complete.

274  
275 Mr. Steckler indicated as far as review; the Board can't evaluate wetland impacts because it is unclear  
276 where wetlands are on site. Did see some flags but not many. Think 3<sup>rd</sup> party review could just reflag  
277 site and have applicant work with 3<sup>rd</sup> party review. Think vernal pool needs to be assessed. Also  
278 evaluated NHB's report as well to verify species' presence (if applicable). Would suggest review of  
279 functional evaluation as well.

280  
281 Mr. Grueter agreed 3<sup>rd</sup> party review is probably necessary.

282  
283 Mr. Sharples noted if the Board wants that he will coordinate it. Reflag wetlands, in area of disturbance,  
284 review vernal pool assessment in front part, evaluate NHB report, evaluate functions and values  
285 assessment.

286  
287 Mr. Steckler asked if 3<sup>rd</sup> party review would work with reflagging wetlands, or if an alternate method of  
288 using special data could be used?

289  
290 Ms. Murphy indicated an evaluation at this time of year will only determine presence of egg masses.  
291 Challenging to make vernal pool determination.

292  
293 Mr. Quigley noted wanted to say the same. Review on delineation, fine with that. Would be difficult to  
294 reflag. Normally find minor differences in these reviews. Ms. English agreed it is the wrong time of the  
295 year to look for vernal pools. Ms. Martel asked if the entry road could be moved away from the  
296 potential vernal pool, would that satisfy?

297  
298 Mr. Petropulos noted he doesn't believe there is a vernal pool. Feel alignment across from Mobile is  
299 important so don't think we can move it. Ms. Murphy noted DES regs indicated that fairy shrimp is  
300 partial to definition of being vernal pool. DES may be able to weigh in on this. Feel it is Mr. Quigley's  
301 responsibility to raise these issues to DES. Conservation Commission is also willing to initiate with them.

302

303 Mr. Steckler noted CUP Criteria #3 notes no negative impact. Feel this is where need for 3<sup>rd</sup> party review  
304 is warranted. Encourage to include functional assessment in scope. Agree with Ms. Murphy.

305  
306 Ms. Cowan Indicated you have to accept whatever decision is made after this review. Feel DES has  
307 already weighed in. Mr. Sharples indicated the board may want them to attend the next meeting.

308  
309 Mr. Quigley indicated the status of two species seem abundantly clear, when I present to NHB have that  
310 information. Would like to leave that part out of review. Ms. Steckler indicated he did not want to  
311 leave it out. Mr. Cameron asked to outline the scope again.

312  
313 Mr. Sharples noted the scope of 3<sup>rd</sup> party review would be:

- 314  
315 1. Reflag by applicant in disturbed area with consultation with 3<sup>rd</sup> party review.  
316 2. Vernal pool assessment.  
317 3. Evaluate NHB report and status of protected species.  
318 4. Evaluate functions and values assessment.  
319 5. Attend Planning Board meeting.

320  
321 Ms. Murphy noted she had nothing to add to that.

322  
323 **Mr. Cameron motioned to require 3<sup>rd</sup> Party Review under defined scope outlined above. Mr. Grueter**  
324 **seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye, English –**  
325 **aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.**

326  
327 Mr. Sharples indicated the Board expects more information about the areas such as traffic and internal  
328 circulation. Commercial being delayed would be a problem as noted by Vice-Chair Brown.

329  
330 Ms. English asked if there is a page showing limit of clearing and Mr. Petroopulos stated can be seen on  
331 erosion control and grading plan.

332  
333 Mr. Sharples indicated the second meeting July 23<sup>rd</sup> is off. July 9 seems too soon for 3<sup>rd</sup> party review.  
334 August 13<sup>th</sup> is set aside for CIP. There are a lot of projects waiting. Mr. Grueter indicated the Board  
335 should probably have that meeting. Vice-Chair Brown agreed. Chair Plumer announced the Board will  
336 meet on the 23<sup>rd</sup> of July.

337  
338 Mr. Petropulos indicated he would like to receive all comments as soon as possible.

339  
340 Mr. Grueter indicated concerns with architectural design. Should look like a gateway to Exeter. Mr.  
341 Grueter indicated he doesn't think it does.

342  
343 **Vice-Chair Brown motioned to table Planning Board Cases #19-15 and #19-16 to July 23<sup>rd</sup> at 7 PM. Mr.**  
344 **Grueter seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye,**  
345 **English – aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.**

346



347 **V. OTHER BUSINESS**

348

349 Vice-Chair Brown indicated the Board will have the ability to meet in person soon. Mr. Sharples agreed  
350 there has been talk of reopening Town Offices. The Governor has relaxed the orders. Have heard that  
351 in-person process is better than online.

352

353 Mr. Grueter asked if someone could opt to attend virtually? Mr. Sharples noted he could work with IT  
354 on that. The Select Board would be involved as well.

355

356 Ms. Martel noted there may be members of the public not comfortable with attending and phone-in  
357 could be an added option.

358

359 Ms. Cowan noted she was not in favor of meeting in person at this time. This platform works best for  
360 people at risk. Mr. Sharples indicated if someone didn't feel comfortable then can continue this way.

361

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

363 **Field Modifications**

364 **Announcements**

365 Mr. Sharples announced the MUND project received the Project of the Year Award. Hopeful it will get a  
366 project under it in the future.

367 **VII. CHAIRPERSON'S ITEMS**

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

369 **IX. ADJOURN**

370 *Vice-Chair Brown moved to adjourn at 10:24 PM. Mr. Grueter seconded the motion. A roll call vote*  
371 *was taken, Plumer – aye, Brown – aye, Grueter – aye, English – aye, Cameron – aye, Martel – aye,*  
372 *Cowan - aye. With all in favor the motion passed 7-0-0.*

373

374 Respectfully submitted,

375 Daniel Hoijer,

376 Recording Secretary