

**TOWN OF EXETER
PLANNING BOARD
September 10, 2020
VIRTUAL MEETING
DRAFT MINUTES**

Zoom ID: 859 4737 9305

Phone: 1 646 558 8656

I. PRELIMINARIES:

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

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 6:33 PM and 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. OLD BUSINESS

APPROVAL OF MINUTES - Tabled

July 23, 2020

August 13, 2020

August 20, 2020

August 27, 2020

IV. NEW BUSINESS

PUBLIC HEARINGS

1. Second public hearing on the 2021 Capital Improvements Program (CIP) projects as presented by the Town Departments. Copies of the proposed document(s) will be available at the Planning Department Office prior to the meeting.

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Mr. Sharples indicated the CIP was presented at the August 13, 2020 meeting and tabled until now. Sent letter of recommendation for public safety project with slight revisions regarding phasing. Felt was reasonable recommendation. Also recommended garage be approved. The Board can open it up to the public and then decide whether to approve this.

Mr. Cameron asked if the traffic, parking and pedestrian analysis will begin in 2023 and why it was being postponed? Mr. Sharples indicated yes, it went to the voters and was defeated. Wanted to keep in but put out a couple of years. Mr. Cameron noted he was concerned walkway repairs should be moved up. Mr. Sharples noted it is funded for 2021. The plan to extend the walkway was done as part of park. Due to safety concerns are asking for \$25,000 for this year. DPW predicts five years of use after. Mr. Cameron noted there is liability with continued use of that walkway. Mr. Sharples indicated he didn't notice hearing for safety issues. Chair Plumer noted it is safe enough to walk on, it is just a good time to take care of it. Mr. Grueter indicated the feasibility study (public safety project) looks at the possibility of renovating the current building.

Mr. Steckler asked if the Board would consider doubling Conservation Commission funds again this year to \$100,000? Ms. English indicated she would propose increasing the Conservation fund to \$75,000. Ms. Tyner indicated she agreed with increasing to \$75,000 or \$100,000. Chair Plumer indicated with potential financial challenges feel \$75,000 is appropriate.

Mr. Grueter moved to adopt the CIP. Ms. English seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye, English – aye, Grueter – aye, Martel – aye, Cowan – aye, and Cameron – aye. The motion passed 7-0-0.

2. Continuation of the application of Brian Griset for review of a Yield Plan in conjunction with a proposed 16-unit single-family condominium open space development and associated site improvements on property located off of Tamarind Lane and Cullen Way
R-1, Low Density Residential and NP-Neighborhood Professional zoning districts
Tax Map Parcel S-#96-15 and #81-53
Case #20-2

Chair Plumer indicated he received a letter that Jeff Christiansen is representing the abutters.
Mr. Christiansen indicated the property in question as well as the abutting property came out of a 75-acre parcel. The Planning Board in 1971 claimed it could support 45 homes on the land. The 1991 agreement determined that all lots together could support 78 lots as clustered subdivision or 15 as conventional subdivision. Could only support five lots, at most ten. Are proposing 13 lots. This many lots don't fit on this land and will largely changed the character of the land and is not reasonable or feasible for the yield plan.

Robert Lietz of 3 Tamarind indicated the proposed neighborhood does not make any sense. It will completely change the character of the neighborhood. There is an unlawful transfer of density.

85 Approval would be irresponsible and set a bad precedent. Needs to go through Town Meeting to
86 transfer density. Makes no sense in a town planning perspective.

87
88 Attorney Justin Pasay noted Mr. Griset will offer a brief rebuttal. Understand that Town Counsel has
89 given a legal opinion and trust that opinion.

90
91 Mr. Griset noted he has had enough of lawyers arguing back and forth. Attorney Britton's letter
92 submitted recently just offers more obstruction and confusion to the Board. The 1991 agreement says
93 the land may be developed in any fashion corresponding to the most recent zoning regulations.

94
95 Mr. Griset indicated it states that my contract with the Town is a transfer of density. The Board does
96 not have the power to eliminate a contract. Now have legal opinion and trust that it stated that existing
97 contract is out of the Planning Board's purview. Properties are contiguous and in the R-1 zone. Rose
98 Farm is a prime example of this. Mr. Britton stated the Town never voted for transfer of density. That is
99 not true. Proposing an encouraged and permitted plan as of the adoption of Article 7, authorize us of
100 contiguous properties when contemplating yield plans. Town code enforcement officer said we have
101 the right to retain density. Mr. Keich said our plan appeared to comply to regulations. Standard in
102 Exeter is if yield plan is reasonably achievable, been reviewed by many parties within town that offered
103 no further objection, no substantial argument towards two partial waivers for perimeter buffers.
104 Believe we meet waiver criteria.

105
106 Lauren Knott indicated she trusts the Planning Board will do what's right and review with critical eye.
107 Think about precedent that may be set. Have applicant put in few units.

108
109 Chair Plumer closed the hearing to the public at 7:30 PM.

110
111 Vice-Chair Brown indicated he couldn't talk about the legal opinion in public session but is relying on the
112 legal opinion we've received. Mr. Cameron agreed.

113
114 ***Vice-Chair Brown moved to go into non-public session pursuant to 91-A:3(II)(1) legal advice. Mr.***
115 ***Cameron seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye,***
116 ***Cameron – aye, English – aye, Martel – aye, and Cowan – aye. The motion passed 7-0-0.***

117
118 The meeting was closed to the public at 7:38 PM.

119
120 The meeting was reopened to the public at 8:09 PM.

121
122 Mr. Sharples noted the road crossing the buffer is entering site. Once inside the site the roadway can't
123 be in the buffer. We have dealt with this before. Attorney Pasay addressed the criteria at the last
124 meeting.

125
126 ***Ms. Martel motioned to grant the waiver request of Brian Griset, Planning Board Case #20-2, for a***
127 ***waiver a portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2 of the Site Plan***
128 ***Review and Subdivision Regulations regarding the encroachment of the proposed roadway entering***

129 ***the buffer strip after reviewing the criteria for granting waivers. Vice-Chair Brown seconded the***
130 ***motion. A roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron – aye, English –***
131 ***aye, Martel – aye, and Cowan – aye. The motion passed 7-0-0.***

132

133 Mr. Sharples indicated the majority of Lot 5 is in the buffer.

134

135 Vice-Chair Brown noted he believed the criteria has not been met for this lot and is not in the spirit of
136 the ordinance. Have a 100' buffer for a reason. Usually will consider for minor encroachments. One
137 less unit is not unreasonable for a yield plan. It meets criteria for #1 but don't think it is unique enough
138 to meet #2. There is not a particular hardship for one unit.

139

140 Mr. Sharples indicated he did not believe it varies the Master Plan or zoning ordinance. Hearing that it
141 does not satisfy criteria #2, 3 or 4.

142

143 ***Ms. English motioned to deny the request of Brian Griset, Planning Board Case #20-2 for a waiver of a***
144 ***portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2 of the Site Plan and***
145 ***Subdivision Regulations regarding Lot 5, after reviewing the criteria for granting waivers. Mr.***
146 ***Cameron seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye,***
147 ***Cameron – aye, English – aye, Martel – aye, and Cowan – aye. The motion passed 7-0-0.***

148

149 Mr. Sharples noted essentially Lot 5 would be absorbed into another lot after the last denial, would be
150 for approval of yield plan for 12 units.

151

152 ***Mr. Grueter motioned to accept the request of Brian Griset, Planning Board Case #20-2 for a yield plan***
153 ***approval of a 12-unit single-family open space development. Vice-Chair Brown seconded the motion.***
154 ***A roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron – aye, English – aye,***
155 ***Martel – aye, and Cowan – nay. The motion passed 6-1-0.***

156

157 3. The application of Tuck Realty Corp. for a site plan review for the proposed construction of a 13,000
158 S.F. single-story "Primrose School" daycare facility and associated site improvements on the property
159 located at 5 McKay Drive

160 C-2 Highway Commercial zoning district

161 Tax Map Parcel #55-3 (Unit #1)

162 Case #20-8

163

164 Ms. Martel recused herself. Chair Plumer activated Alternate Pete Steckler.

165

166 Mr. Sharples indicated this is for Site Plan Review for a daycare facility. The applicant submitted plans in
167 May and revised plans were submitted after staff review. TRC had no further comments. Applicant has
168 addressed all of my comments. UEI is still finishing comments. Site was approved for commercial use in
169 2015. Changed layout and use since then. Overall footprint is almost identical. Drainage remains the
170 same. Asked for traffic memo with use changed. Asking for same waivers as before. Roadway already
171 built. Residential units built. Not a Town road but the road has been inspected.

172

173 **Ms. English motioned to open Planning Board Case #20-08. Mr. Cameron seconded the motion. A roll**
174 **call vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron – aye, English – aye, Steckler**
175 **– aye, and Cowan – aye. The motion passed 7-0-0.**

176

177 Jon Ring noted he was present with Michael Garrepy, Matt Taylor, Jeff Hyland and Aaron Becker. The
178 private road and comments have been addressed. Received AOT permit, porous pavement for parking
179 lots, landscape and lighting plans provided. Summarizing waivers both in original application, one for
180 grading within 5' of north abutter and 3" binder pavement to 2" binder pavement. Attorney Ring posted
181 a colored rendering.

182

183 Ms. English indicated the main entrance to the Northeast end will be entering by dead end parking area
184 which may cause confusion. Ms. English asked if the applicant considered putting the entrance on the
185 East end? Mr. Grueter noted a similar concern. Doesn't understand the drop off situation. Mr. Garrepy
186 noted the intent is for the first curb cut to be the entrance only to not conflict with Aroma Joe's. Mr.
187 Taylor noted the design is based on how the state licenses daycare. This is formatted for NH. Have to
188 bring children into building, no queue, only need ten spaces for pickup/drop off. Have many schools like
189 this that are efficient with pickup and drop off.

190

191 Ms. English noted she was surprised to see artificial turf in the playground. Mr. Taylor indicated they are
192 using a product that is the gold standard. Impossible to keep play area looking good with use. Want to
193 avoid additional pesticides. It is a more expensive choice but is a better product overall and meets EPA
194 standards. Ms. Tyner noted she shares the concern for artificial turf. Mr. Taylor noted he understands
195 concerns and researched the products. Will all be within a fence line and not entirely exposed to sun
196 either. Build schools in March with hotter climates.

197

198 Mr. Steckler noted he commended the team for using porous pavement. Would like more details about
199 binder pavement for the waiver criteria. Understand for grading waiver but curious on this one. Mr.
200 Ring indicated porous pavement is 4" of pavement. Mr. Ring indicated 3" of asphalt on McKay Drive.
201 Parking areas all 4" of asphalt, 3" is typical in most towns.

202

203 Mr. Cameron expressed concerns with traffic and backups to Route 27. Mr. Ring noted they lowered
204 the square footage since before was office space. Have pocket for right turn only. Inbound lane a bit
205 wider. Accounted for traffic flow for original project. Have less traffic for current configuration.

206

207 Mr. Garrepy noted the original approval was for 9,000' of commercial. Aroma Joe's was part of the
208 original proposal. Have ample stacking on McKay Drive for turning. Exit was purposely designed for
209 stacking.

210

211 Ms. English asked if the landscape had enough depth to put in plants without damage from snowfall?
212 Mr. Hyland indicated there is no planting space on that end because it is all sidewalk. May be able to
213 find something for sidewalk. Ms. English noted it was a lot of parking space for vegetated island.

214 Attorney Ring indicated there is ample parking for use. The viability of the vegetation surviving there is
215 in question. Mr. Taylor noted the fence splits the difference on the sidewalk. Use attractive ornamental

216 fence, not adverse to vegetated island. Mr. Hyland noted the front access to Epping Road is focused
217 more on landscaping there. A lot of landscaping on McKay Drive. Wouldn't see plantings closer to
218 building. Mr. Garrepy indicated they are aware they have ample parking and could put in some
219 landscape islands over some of the parking spaces. Mr. Taylor agreed. Mr. Garrepy noted Phase 2 is
220 future parking spaces (if needed) in case need more is there to build. Mr. Hyland noted it is a bit more
221 of a challenge but could do more of a drought-resistant tree.

222

223 Ms. Belanger asked is this daycare or school and whether would see sidewalks on Epping and McKay
224 Road? Mr. Taylor indicated it is a licensed child care facility, not a school. Mr. Sharples noted sidewalks
225 exist along the frontage down McKay Drive to the back and will extend and eventually connect with
226 Epping Road. Ms. English asked if could accommodate for events like an open house? Mr. Taylor noted
227 events would be centered around age groups, never the entire school.

228

229 Chair Plumer asked about lighting? Mr. Ring indicated all fixtures are dark sky compliant and have been
230 reviewed. Vice-Chair Brown noted it will keep light from shining to adjacent roadways. Mr. Taylor
231 indicated from 6:30 AM to 6:30 PM five days per week. Would keep lighting on 6 AM to 7:00 PM.

232

233 Mr. Cameron asked about landscaping planting to the North and curve not blocking the view. Mr. Ring
234 noted it is not a tight curve, not impeding the view, trees are set back 20-30 feet. Mr. Hyland added
235 they are not going any further than existing vegetation. Mr. Garrepy noted it could be included as a
236 COA.

237

238 Ms. Belanger asked if the suggested COA could include that future plantings not impede view.

239

240 Mr. Ring read through the waivers. The grading within five feet of property line – the slope is separated
241 by an existing stone wall. McKay Drive is not a town road. The steep side slope topography, keeping
242 really flat, wider piece of property at back, narrow area that constricts property. Daycare use will allow
243 a reasonable use of the property.

244

245 **Ms. English motioned to grant the request of Tuck Realty Corp, Planning Board Case #20-8 for a waiver**
246 **from Section 9.3.6.4 of the Site Plan Review and Subdivision Regulations regarding grading within five**
247 **feet of an exterior property line, after reviewing the criteria for granting waivers. Mr. Grueter**
248 **seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron –**
249 **aye, English – aye, Steckler – aye, and Cowan – aye. The motion passed 7-0-0.**

250

251 **Ms. English motioned to grant the request of Tuck Realty Corp, Planning Board Case #20-8 for a waiver**
252 **from Section 9.13.7.3 to permit a 2" binder course pavement, after reviewing the criteria for granting**
253 **waivers. Mr. Grueter seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye,**
254 **Grueter – aye, Cameron – aye, English – aye, Steckler - nay, and Cowan – aye. The motion passed 6-1-**
255 **0.**

256

257 Mr. Sharples read the suggested Conditions of Approval:

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- 259 1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be
260 provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or
261 dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
- 262 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
263 Subdivision Regulations prior to the issuance of a Certificate of Occupancy;
- 264 3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town
265 engineer prior to any site work commencing. The following must be submitted for review and
266 approval prior to the preconstruction meeting:
- 267 i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted
268 to and reviewed for approval by DPW prior to preconstruction meeting.
- 269 ii. A project schedule and construction cost estimate.
- 270 4. All comments in the Underwood Engineers Inc. letter dated August 7, 2020 shall be addressed to
271 the satisfaction of the Town Planner prior to signing the final plans;
- 272 5. Third party construction inspections fees shall be paid prior to scheduling the preconstruction
273 meeting;
- 274 6. The Stormwater Management Operation and Maintenance Manual not dated but stamped
275 Received on June 24, 2020 shall be signed by the property owner and submitted to the town prior
276 to signing the final plans;
- 277 7. The Annul Operations and Maintenance Report in the Stormwater Management Operation and
278 Maintenance Manual not dated but stamped Received on June 24, 2020 shall be completed and
279 submitted to the Town Engineer annually on or before January 31st. This requirement shall be an
280 ongoing condition of approval;
- 281 8. All applicable State permit approval numbers shall be noted on the final plans; All appropriate
282 fees to be paid including but not limited to: sewer/water connection fees, impact fees, and
283 inspection fees(including third party inspections), prior to the issuance of a building permit or a
284 Certificate of Occupancy whichever is applicable as determined by the Town;
- 285 9. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is
286 visible from adjacent properties and/or roadways;
- 287 10. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be
288 replaced, no later than the following growing season, as long as the site plan remains valid. This
289 condition is not intended to circumvent the revocation procedures set forth in State statutes;
- 290 11. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the
291 land use and stormwater management information about the project using the PTAPP Online
292 Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW
293 prior to the pre-construction meeting;
- 294 12. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall
295 be maintained until a Certificate of Occupancy has been issued for all units;
- 296 13. The applicant shall contact The Code Enforcement Officer (CEO) and Deputy Fire Chief (DFC) to
297 determine the address for the building;

- 298 14. A restoration and erosion control surety, in an amount and form reviewed and approved by the
299 Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision
300 Regulations, shall be provided prior to any site work;
301 15. Final plans shall show one landscaped island (the size of two parking spaces) within the row of
302 parking along the south westerly side of the building;
303 16. Final plans shall have a note stating that all vegetation shall be planted as not to interfere with
304 the site distances at the McKay Drive/Epping Road intersection.

305 ***Ms. English motioned to accept the request of Tuck Realty Corp, Planning Board Case #20-8 for Site***
306 ***Plan approval with conditions of approval as outlined. Mr. Grueter seconded the motion. A roll call***
307 ***vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron – aye, English – aye, Steckler– aye,***
308 ***and Cowan – aye. The motion passed 7-0-0.***

309

310 **V. OTHER BUSINESS**

311

- 312 1. W Scott Carlisle – Case #17-26

313 Request for extension of a conditional approval for minor subdivision (off Epping Road)

314 Tax Map Parcel #40-12

315

316 Mr. Sharples indicated the Board had tabled the hearing to have the applicant represented, Jon Ring
317 is here to represent.

318

319 Mr. Ring indicated the three-lot subdivision was approved in August of 2017. The applicant was
320 granted two one-year extensions on COA. Asking for one more to find a buyer. Approximately two
321 years to get final plans of TIFF road. DPW approved design two months ago on final condition.
322 COVID issues have involved recently.

323

324 Ms. English asked if there were any changes since in regulations to impact? Mr. Sharples indicated
325 he did not find anything that changed. There was a significant tree change but that's all.

326

327 Mr. Cameron noted he was satisfied with the applicant's explanation for the request.

328

329 ***Mr. Cameron motioned to grant request of extension of COA to expire August 13, 2021. Mr.***
330 ***Grueter seconded the motion. A roll call vote was taken Plumer – aye, Brown – aye, English – aye,***
331 ***Grueter – aye, Cameron – aye, Cowan – aye and Martel – aye. The motion passed 7-0-0.***

332

- 333 2. Sparkle Street Realty, LLC, PB Case #19-06

334 Request for extension of conditional approval for 1 Wayside Drive

335 Tax Map Parcel #86-1

336

337 Mr. Sharples indicated this is the first extension requested. The applicant plans to start construction
338 late fall.

339

340 ***Mr. Grueter motioned to extend the COA until July 25, 2021. Ms. English seconded the motion. A***
341 ***roll call vote was taken Plumer – aye, Brown – aye, Grueter – aye, Cameron – aye, English – aye,***
342 ***Martel – aye, and Cowan – aye. The motion passed 7-0-0.***

343 3. Letter of Support for ESRLAC – Watershed Plan Update grant

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345 Mr. Sharples indicated ESRLAC is asking for a letter of support for the watershed update grant to
346 update the management plan last done in 2012. Goals include new information on connectivity
347 reports, etc.

348 ***Ms. Martel motioned to support the Chairman in signing the letter of support for ESRLAC for the***
349 ***watershed grant. Ms. English seconded the motion. A roll call vote was taken Plumer – aye, Brown***
350 ***– aye, Grueter – aye, Cameron – aye, English – aye, Martel – aye, and Cowan – aye. The motion***
351 ***passed 7-0-0.***

352

353 VI. TOWN PLANNER'S ITEMS

354 Field Modifications

355 Announcements

356 VII. CHAIRPERSON'S ITEMS

357 Chair Plumer indicated the next meeting will be September 24, 2020 at 7:00 PM.

358

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

360 IX. ADJOURN

361 ***Vice-Chair Brown motioned to adjourn the meeting at 9:57 PM. Ms. Martel seconded the motion. A***
362 ***roll call vote was taken, all were in favor, the motion passed unanimously.***

363

364 Respectfully submitted,

365 Daniel Hoijer,

366 Recording Secretary