

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **October 22, 2020**
4 **VIRTUAL MEETING**
5 **DRAFT MINUTES**

6 **Zoom ID: 831 0835 1272**

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, Jennifer Martel, Molly Cowan, Select Board
12 Representative, 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 7:00 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 October 8, 2020
29

30 Mr. Steckler recommended edits to Lines 73 and 83. Ms. English recommended changing
31 Buildings to Builders.
32

33 ***Mr. Grueter motioned to approve the October 8, 2020 meeting minutes, as amended. Mr.***
34 ***Cameron seconded the motion. A roll call vote was taken Cameron – aye, Plumer – aye,***
35 ***Brown – aye, Grueter – abstain, English – aye, Martel – aye and Cowan – aye. A vote was***
36 ***taken, the motion passed 6-0-1.***
37
38

39 **IV. NEW BUSINESS**

40

41 **PUBLIC HEARINGS**

42

43 1. A request by Brian Griset for the reconsideration of a yield plan with regard to the waiver request
44 from the perimeter buffer strip requirement in conjunction with a proposed single-family condominium
45 open space development. The properties are located off Tamarind Lane and Cullen Way in the R-1, Low
46 Density Residential and NP-Neighborhood Professional zoning districts.

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

48 Case #20-2

49

50 Chair Plumer read the Public Hearing Notice out loud.

51

52 Mr. Sharples indicated the applicant has been before the Board on several occasions. On September 10,
53 2020 the Board granted a waiver from Section 9.6.1.2 the 100' perimeter buffer strip, for the portion
54 that encroached upon the roadway and denied the waiver request from 9.6.1.2 for Lot 5 leaving the
55 yield plan with 12 units of single-family open space subdivision. The last sentence of 9.6.1.2 states the
56 Board may approve a partial or total waiver to the buffer strip. Attorney Pasay emailed on September
57 10, 2020 indicating he felt the Board did not address the correct waiver criteria. Legal was consulted
58 who agreed that both the criteria of 13.7 and 9.6.1.2 need to be reviewed. Three of the five criteria in
59 13.7 were not met in the denial for Lot 5. Additional criteria were not considered. Mr. Sharples
60 indicated the Board should reconsider both waivers utilizing all of the criteria from 13.7 and 9.6.1.2.

61

62 Mr. Sharples indicated he received an email from Lisa Bleicken who is here to present that email. A
63 letter dated September 21, 2020 was received from Attorney Pasay arguing the waiver requests.

64

65 Attorney Pasay indicated he is at his office with Mr. Griset. Attorney Pasay provided bulleted
66 arguments in support of both waivers in the document. Attorney Pasay argued that imposing the
67 regulation does not accomplish the purpose of the regulation. Density has already been reduced from
68 18-13. The point of the regulation is to buffer incompatible uses from one another, to lessen the impact
69 of development on the neighboring community and to encourage the presence of green space.

70

71 Attorney Pasay indicated the area abuts a 31-acre unimproved property with no impacts to public
72 safety, health or the wetlands. The location of the road ensures the least impact to wetlands possible.
73 Imposing the perimeter buffer doesn't provide a buffer for incompatible area, the lot next to it is vacant
74 unimproved land. It doesn't lessen the impact of development on surrounding properties and doesn't
75 improve more green space. Lot 5 has no impact to public safety, health or the wetlands. Plan reviewed
76 by Town engineer and TRC. It is a unique property burdened by wetlands. Granting would facilitate
77 another very similar property being added to the Exeter Green subdivision. Mr. Griset could apply for a
78 minor subdivision for Lot 5 tomorrow is evidence the proposed use is reasonable.

79

80 Attorney Pasay offered the waiver request is for 50% which would create 75' of separation. 28 Cullen
81 Way is between the building envelope and Lot 5. Mr. Griset would consider a 30% waiver to preserve

82 50' of no cut buffer, allowing 3,000 SF building envelope and 90-100' separation between Lot 5 and 28
83 Cullen Way. In a minor subdivision the setback requirement is 15' only 40' from Cullen Way. Attorney
84 Pasay noted denial would result in a hardship versus a minor inconvenience in that denial of Lot 5 is a
85 7.5% reduction in the overall density for the property, a loss of 20% of the net value after expenses. The
86 proceeds are going to the medical expenses for Mr. Griset's spouse. If Lot 5 could be created tomorrow
87 with no perimeter buffer it is evidence this is a reasonable proposal. Attorney Pasay indicated he did
88 not recall any substantial rebuttal from abutters that the waiver criteria is no satisfied.

89

90 Chair Plumer opened the hearing to the public for comments and questions at 7:28 PM.

91

92 Lisa Bleicken of Tamarind Lane noted she sent a letter today and did not think the criteria of 13.7 was
93 applied to waiver #1. The yield plan indicated mitigation with 31 acres owned by the Menendez Trust
94 which is no longer a part of the project. The applicant has stated he could pursue development of this
95 parcel in two mixed used buildings. To consider the Menendez property as untouched green space or
96 conservation land when it is no longer attached to the project should not be considered in either of
97 these waiver requests. This road already requires other waivers. Wetland, CUP and shoreland
98 protection CUP and waivers required in subdivision asked for 4' reduction in roadway and different
99 curbs and no sidewalks. The natural vegetative buffer strip required to lessen impact of development
100 on neighboring communities' wetlands and other features as stated in 7.3.1, where are the wetland
101 boundaries in relation to the road and cul-de-sac? May be an overlap in perimeter buffer waivers. The
102 road is problematic as a result of self-created hardship created by the applicant. Motion #2 denied by
103 the Board based on the failure to satisfy 13.7.2, 3 and 4 does not meet the Exeter Green dimensional
104 requirements and does not even fit within the perimeter buffer.

105

106 Attorney Pasay responded that Exeter Green has specific dimensional requirements and Lot 5 added a
107 greater floor area, 1500 SF. Water and wetland and stream preservation are the least impactful.

108

109 Patrick Flaherty of 8 Tamarind noted the buildings have been reduced from 18-13 which is a meaningful
110 reduction. There are many ways the buffer could be reduced more detrimental than the proposal.
111 Don't see any reason why waivers should be approved.

112

113 Attorney Pasay indicated the building envelope is twice what's required. The property is unique by
114 virtue of its location to the wetlands.

115

116 Mr. Griset noted the Menendez Trust property should be taken into consideration. It is undeveloped.

117

118 Laura Knott noted the applicant has worked on the property or close to two years now and reopened
119 the case to add one more lot, adding six weeks to the timeline he has been pushing and thinks he has an
120 ulterior motive. The applicant's choices should not be considered a hardship.

121

122 Chair Plumer closed the hearing to the public at 7:44 PM.

123

124 Attorney Pasay noted the intent is to lessen impact on the neighboring communities and to Cullen
125 whose difference is adding three or four houses.

126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169

Vice-Chair Brown asked if Mr. Sharples could summarize the reason the waivers were reopened more succinctly. From his understanding and the memo the Board did not apply enough of the criteria? Some but not all vote would be more restrictive not less. Six criteria should be considered.

Vice-Chair Brown indicated there doesn't need to be more testimony tonight.

Vice-Chair Brown motioned after reviewing the criteria for granting waivers in Sections 13.7 and 9.6.1.2 to waive a portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2. of the Site Plan Review and Subdivision Regulations regarding the encroachment of the roadway entering the buffer strip to approve the waiver request of Brian Griset, Planning Board Case #20-2. Mr. Grueter seconded the motion. A vote was taken Cowan – nay, English – aye, Brown – aye, Grueter – aye, Cameron – aye, Martel – aye, and Plumer – aye. The motion passed 6-1-0.

Vice-Chair Brown after reviewing the criteria for granting waivers in Section 13.7 and 9.6.1.2 to waive a portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2 of the Site Plan Review and Subdivision Regulations regarding Lot 5 motioned that the request of Brian Griset, Planning Board Case #20-2 be denied for the reasons previously stated in the record. Ms. English seconded the motion. A vote was taken Cowan – aye, English – aye, Brown – aye, Grueter – aye, Cameron – aye, Martel – aye and Plumer – aye. The motion passed 7-0-0.

2. The continued application of Phillips Exeter Academy for a Wetlands Conditional Use Permit and Site Plan Review for the proposed construction of a new 60-bed dormitory on the school campus. The subject property is located on Front Street and Tan Lane R-1 Single Family Residential zoning district. Tax Map Parcel #72-209 Case #20-12

Chair Plumer read out loud the Public Hearing Notice.

Mr. Sharples indicated the hearing was tabled on 10/8/20 for the Site Plan Review and CUP for the new dormitory and tearing down the old Fisher Theater. The Board granted the waiver requests for grading within 5' of the property line and the number of parking spaces. During the CUP discussion the snow storage behind the retaining wall, the applicant asked to come back and provide a solution. The Conservation Commission recommended as a Condition of Approval that there be an invasive species management plan.

Corey Belden of Altus Engineering posted the plan showing the new snow storage area. The wall would be bumped back, and the deep sump catch basin would collect sand to the proposed infiltration chamber. There would be 150' of additional impact and 200 SF of additional pavement. Still have 875 SF of reduced impervious area within the buffer and stormwater treatment it didn't have before.

Mr. Steckler, Ms. Martel and Ms. English thanked PEA for the creative solution and agreed it was a better solution. Chair Plumer agreed the solution was excellent.

170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

Chair Plumer closed the hearing to the public at 8:15 PM.

Mr. Sharples noted a condition of approval would be the invasive species management plan to the satisfaction of the Natural Resources Planner prior to signing the final plan.

Ms. English motioned after reviewing the criteria of granting a wetlands CUP to grant the request of Phillips Exeter Academy, Case #20-12 for a CUP be approved with the condition outlined. Ms. Martel seconded the motion. A vote was taken Cameron – aye, Martel – aye, Cowan – aye, Grueter – aye, Brown – aye, English – aye and Plumer – aye. The motion passed 7-0-0.

Mr. Sharples posted a list of the conditions of approval which he read out loud, as follows:

1. An electronic As-Built Plan with details acceptable to the Town shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing. The following must be submitted for review and approval prior to the preconstruction meeting:
 - i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and reviewed for approval by DPW prior to preconstruction meeting.
 - ii. A project schedule and construction cost estimate.
3. Third party construction inspections fees shall be paid prior to scheduling the preconstruction meeting;
4. The Storm Water System Operation & Maintenance Report in the Stormwater Management Inspection and Maintenance Manual dated September 2020 shall be completed and submitted to the Town Engineer annually on or before January 31st. This requirement shall be an ongoing condition of approval;
5. All applicable State permit approval numbers shall be noted on the final plans; All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees, and inspection fees(including third party inspections), prior to the issuance of a building permit or a Certificate of Occupancy whichever is applicable as determined by the Town;
6. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes; and,
7. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the land use and stormwater management information about the project using the PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-construction meeting;

Ms. English motioned that the request of Phillips Exeter Academy, Planning Board Case #20-12 be approved subject to the conditions outlined. Mr. Cameron seconded the motion. A vote was taken

212 **English – aye, Brown – aye, Martel – aye, Cowan – aye, Grueter – aye, Cameron – aye and Plumer –**
213 **aye. The motion passed 7-0-0.**

214

215 3. The application of Phillips Exeter Academy for a Shoreland Conditional Use Permit to permit wetland
216 impact within the district setbacks and buffers for the proposed repairs to the existing Hill Bridge
217 crossing the Exeter River, and associated improvements. The subject property is located at 2 Gilman
218 Lane in the R-2, Single-Family Residential zoning district.

219 Tax Map Parcel #72-205 and #72-216

220 Case #20-3

221

222 Chair Plumer read out loud the Public Hearing Notice.

223

224 **Ms. English motioned to open the application of Phillips Exeter Academy for a shoreland CUP to permit**
225 **wetland impacts within the district setbacks and buffers for the repair of Hill Bridge crossing the**
226 **Exeter River, and associated improvements. The subject property is located at 2 Gilman Lane in the R-**
227 **2 Single Family Residential zoning district, Tax Map Parcel 71-119 and 83-1. Case #20-14. Mr.**
228 **Cameron seconded the motion. A vote was taken Cameron – aye, Brown – aye, Martel – aye, Grueter**
229 **– aye, Cowan – aye, English – aye and Plumer – aye. The motion passed 7-0-0.**

230

231 Mr. Sharples indicated the applicants appeared before the Board in early September. There was no TRC
232 Meeting, but the plans were reviewed by Kristen Murphy, the Natural Resource Planner and the
233 Conservation Commission. The NHDES wetland and shoreland permits were provided in electronic
234 format. The applicant appeared before the Conservation Commission on October 13th and they voted
235 to recommend approval with the condition that the applicant provide signage that identifies the water
236 quality benefits of closing the access point and defer use to another area as river access point.

237

238 Mark Leighton identified the project team. Hill Bridge crosses the Exeter River on campus and was built
239 in 1914. It needs TLC and erosion control. The project will commence in the summer of 2021.

240

241 Jim Turner of Stevens Associates indicated the bridge will have structural concrete repairs and surface
242 crack repairs. It will be the same length and position. Some asphalt will be removed. Bio stabilization
243 repairs will strengthen banks. There will be planting along the bank and scour resistance. Rip rap and
244 large stone under the water line. Cofferdams will block off the edge to access the underside arch and
245 install rip rap and bank stabilization. The project was reviewed by NH Fish & Game, Natural Heritage
246 Bureau and they found no impacts or endangered species.

247

248 Ms. Martel asked to identify additional site improvements besides the bridge. Kyle Zick the landscape
249 architect posted the plan and showed the bridge, football stadium, baseball and track. Mr. Zick
250 identified Hamy's Way a gravel road where a footpath intersects, a vehicular turnaround with boundaries,
251 fence and the gate moved up. Parking would be on reinforced turf, with crushed stone and top soil mix.
252 There would be robust erosion control with timbers subsurface, native planting and invasive
253 management.

254

255 Ms. Martel asked about signage. Mr. Sharples reread the Conservation Commission's proposed
256 condition of approval. Mr. Leighton noted the right side of the bridge has erosion issues with people
257 and dogs and would move this access to the west for a more suitable water access for dogs that isn't as
258 steep and inviting to erosion.

259
260 Ms. English asked to add another tree to the turnaround spot.

261
262 Mr. Steckler expressed concerns with the pathway encroaching on the riverbank and asked that it be
263 pushed back at least 25' from the top of bank and limit mowing. Ms. English recommended plantings
264 that would discourage people from getting closer to the river.

265
266 **Mr. Grueter motioned after reviewing the criteria for granting a shoreland CUP to move that the**
267 **request of Phillips Exeter Academy, Case #20-14 for a shoreland CUP be approved with the condition**
268 **that signage that identifies the water quality benefits respecting the closure and an alternate river**
269 **access indicates a point nearby. Ms. Martel seconded the motion. A vote was taken English – aye,**
270 **Martel – aye, Cowan – aye, Grueter – aye, Brown – aye, Cameron – aye and Plumer – aye. The motion**
271 **passed 7-0-0.**

272
273 4. A request by Wakefield Investment, Inc. (2 Hampton Road LLC) for modifications to a previously
274 approved multi-family site plan for the "Windsor Crossing" development. The subject property is
275 located on Acadia Lane in the CT-Corporate Technology zoning district.

276 Tax Map Parcel #69-3
277 Case #21-404

278
279 Chair Plumer indicated the applicants have requested an extension to November 19th at 7 PM. Mr.
280 Sharples noted if they can't come, they will be taken off the agenda, withdraw and come back when
281 they are ready.

282
283 **Mr. Grueter motioned to continue the hearing for Wakefield Investments, Inc. (2 Hampton Road LLC)**
284 **until November 19, 2020 at 7:00 PM. Ms. English seconded the motion. A vote was taken English –**
285 **aye, Martel – aye, Cowan – aye, Cameron – aye, Brown – aye and Plumer – aye. The motion passed 7-**
286 **0-0.**

287
288 5. The application of People's United Bank for the proposed construction of a drive-thru canopy and
289 reconstruction of the existing parking lot at 1 Center Street. The subject property is situated in the C-1,
290 Central Area Commercial zoning district.

291 Tax Map Parcel #72-205 and #72-216
292 Case #20-3

293
294 Chair Plumer indicated the applicant requested a continuance to November 19, 2020 at 7:00 PM.

295
296 **Mr. Cameron motioned to continue the application of People's United Bank, Case #20-2 to November**
297 **19, 2020 at 7:00 PM. Ms. English seconded the motion. A vote was taken Cameron – aye, Brown –**

298 *aye, Martel – aye, Grueter – aye, English – aye, Cowan – aye and Plumer – aye. The motion passed 7-*
299 *0-0.*

300

301 **V. OTHER BUSINESS**

302

303 Mr. Steckler asked to receive an updated Site Plan Review and Subdivision regulation. Mr. Sharples will
304 send a copy electronically. Mr. Cameron requested a hard copy.

305

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

307 Mr. Sharples noted he is working with the Master Plan oversight committee. Impact fees study will be
308 updated and presented to the Select Board on November 9, 2020. The consultant recommends a couple
309 of updates to the Impact Fee ordinance. Zoning ordinances will have a public hearing.

310 **VII. CHAIRPERSON'S ITEMS**

311 Chair Plumer indicated the next meeting will be November 12, 2020 at 7:00 PM and the following
312 meeting will be November 19, 2020. Ms. Belanger indicated she cannot make the November 12, 2020
313 meeting.

314

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

316 **IX. ADJOURN**

317 *Mr. Cameron motioned to adjourn the meeting. Vice-Chair Brown seconded the motion. A roll call*
318 *vote was taken, all were in favor, the motion passed unanimously.*

319

320 The meeting adjourned at 9:01 PM.

321

322 Respectfully submitted,

323 Daniel Hoijer,

324 Recording Secretary