

**TOWN OF EXETER
PLANNING BOARD
August 20, 2020
VIRTUAL MEETING
DRAFT MINUTES**

Zoom ID: 849 8769 0199

Phone: 1 646 558 8656

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brow, Pete Cameron, Clerk, Gwen English, John Grueter, Jen Martel, Niko Papakonstantis, Select Board representative, Molly Cowan, Select Board representative (@6:23 PM), Pete Steckler, and Nancy Belanger, Alternate.

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:00 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

IV. NEW BUSINESS

PUBLIC HEARINGS

1. The application of OSRAM Sylvania for a minor subdivision of a 32.21-acre parcel located at 129-131 Portsmouth Avenue (and off Holland Way) into three (3) lots; and a request to affirm that Tax Map Parcel #51-17 located east of Holland Way is a separate lot that was created when NHDOT created the Holland Way right-of-way.

C-2 Highway Commercial and CT Corporate Technology zoning districts
Tax Map Parcel #52-112 and #51-17

42 Case #20-7

43

44 Chair Plumer read out loud the Public Hearing Notice.

45

46 Mr. Sharples indicated the case was complete for review purposes.

47

48 ***Vice-Chair Brown motioned to open Planning Board Case #20-7. Mr. Cameron seconded the motion. A***
49 ***roll call vote was taken, English – aye, Brown – aye, Papakonstantis – aye, Cameron – aye, Martel –***
50 ***aye, Grueter – aye and Plumer – aye. The motion passed 7-0-0.***

51

52 Mr. Sharples indicated the application is for a minor subdivision of two lots from a 32.21-acre lot with
53 frontage on Portsmouth Avenue. There is a third lot on the north side of Holland Way which is already a
54 lot of record when Holland Way was accepted. Mr. Sharples indicated Doug Eastman reviewed the
55 plans and determined all code requirements were met for dimensional requirements. The applicants
56 have been through the TRC process (comments included) and all issues have been addressed.

57

58 Mr. Sharples noted Building C is show in the setback on the plans. The attorney provided a Notice of
59 Obligation to remove the encroachment which shall be recorded prior to recording the final plans. The
60 building will be removed or relocated to meet the setbacks.

61

62 R. Gordon Leedy, Jr. presented the plans on screen and indicated north is to the right and Portsmouth
63 Avenue is located at the top. The applicant would like to create two lots, with one on Portsmouth
64 Avenue and keep operating.

65

66 Mr. Leedy noted the natural wetlands are shown on the plan in blue. There are also man-made
67 wetlands.

68

69 Mr. Leedy indicated the small vacant building C which Osram will remove or relocate prior to
70 conveyance, when they have a buyer.

71

72 Mr. Leedy pointed to the parcel to the right which is a vacant lot with 21 acres. There are prime
73 wetlands on this lot. Delineation would be required prior to subdivision as noted on the plan. There will
74 be cross easements for utilities and access. The Exeter Shoreland district is southerly, within 300' of the
75 Exeter Reservoir.

76

77 Mr. Leedy indicated Osram is looking to sell the front piece and keep the back piece with no further
78 plans to develop or modify the existing site.

79

80 Mr. Grueter asked about Building A and B shown on the plan – whether Building B will still be Osram?
81 Mr. Leedy indicated Building B is empty and he wasn't sure when they stopped using it for
82 manufacturing. It is on the market.

83

84 Mr. Grueter asked about the July 22 letter and Paul Valentine the plant manager indicated Osram will
85 keep Building A and can expand or add additional shifts.

86 Ms. English asked about comments of DPW and Natural Resource Planner and Mr. Sharples indicated he
87 circled back with Ms. Murphy and Jen Mates.

88

89 Chair Plumer asked if there was any public comment at 7:16 PM. Mr. Sharples indicated there were no
90 members of the public in attendance.

91

92 Mr. Sharples indicated there were no waivers requested and reviewed suggested conditions of approval:

93

94 **1. A DWG file of the final plan shall be provided to the Town Planner showing all property lines**
95 **and monumentation prior to signing the final plans. The plan must be in NAD 1983 State**
96 **plane NH FIPS 2800' coordinates.**

97

98 **2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and**
99 **Subdivision Regulations prior to the issuance of any certificate of occupancy for any**
100 **building/unit; and**

101 **3. Notice of Obligation to remove encroachment, and attached hereto, shall be recorded along**
102 **with or prior to the recording of the final plans.**

103

104 Mr. Sharples read the Notice of Obligation out loud.

105

106 **Ms. English moved that the request of OSRAM Sylvania, Planning Board Case #20-7 for minor**
107 **subdivision approval be approved subject to the conditions laid out by the Town Planner. Ms. Martel**
108 **seconded the motion. A roll call vote was taken English – aye, Brown – aye, Papakonstantis – aye,**
109 **Cameron – aye, Martel – aye, Grueter – aye and Plumer – aye. The motion passed 7-0-0.**

110

111 2. Continued public hearing on the application of Gateway at Exeter, LLC for a proposed lot line
112 adjustment and subdivision at 170 Epping Road. The lot line adjustment will transfer 2.10 acres of land
113 from Tax Map parcel #47-7 to Tax Map parcel #47-6; and subsequently a proposed subdivision of Tax
114 Map parcel #47-7 into two lots in conjunction with a mixed use development being proposed for the
115 site.

116 C-3, Epping Road Highway Commercial zoning district

117 PB Case #19-15.

118

119 3. Continued public hearing on the application of Gateway at Exeter, LLC for a site plan review and a
120 Wetlands Conditional Use Permit for the proposed construction of a mixed-use development at 170
121 Epping Road (TM #47-6 and #47-7). The proposal includes a 224-unit multi-family residential complex, a
122 2-story 48,560 square foot mixed use building that may include a 20,040 YMCA day care facility,
123 office/retail space and possibly a restaurant along with associated site improvements.

124 C-3, Epping Road Highway Commercial zoning district

125 PB Case #19-16.

126

127 Chair Plumer read the Public Hearing Notice out loud.

128

129 Mr. Sharples indicated the application was tabled from the July 23, 2020 meeting. Some of the issues
130 were wetlands, traffic impact and the GZA report. An updated traffic analysis has been provided. Mr.
131 Sharples noted Jason Plourde on behalf of the Town, provided third party review and two meetings
132 were held today at 1 PM and shortly before the start of this meeting.

133
134 Mr. Sharples indicated there is a new letter dated August 11, 2020 requesting additional waivers as well
135 as the six other waiver requests, a lot-line adjustment, Conditional Use Permit (CUP) and Site Plan.

136
137 Attorney Jay Leonard indicated Jim Petropulos, Tom Moynihan, Steve Pernaw and Brendan Quigley were
138 also present. Attorney Leonard indicated the plans submitted include additional information and 2-3
139 changes. 48,500' _____, remove the drop off area and six parking spaces at the end of the trail head.

140
141 Wetlands were flagged by GZA. The southerly exit was made a right only exit, a sheet was added to
142 propose interim improvements if the TIFF is not available before going online.

143
144 Attorney Leonard noted nine waivers are being requested in addition to the six under the letter from
145 Mr. Petropulos there are three submitted by Attorney Leonard. The first additional waiver request is for
146 400 SF of recreational area per unit, the second for recreational impact fees and the third requests a
147 25% credit of the school impact fees.

148
149 Attorney Leonard noted traffic was worked on until 6:30 tonight and an agreement was reached for
150 interim improvements shown on the plan for southbound to have a right turn lane and the northbound
151 center lane to have a left turn after the first 149 residential units are constructed. In the event the TIFF
152 doesn't occur by the second half. The ZBA indicated the best development area is in the front of the
153 parcel to protect the rear of the parcel which is the reason for CUP. The applicant is donating the land
154 at the rear. This project will include some workforce/affordable housing units.

155
156 Mr. Cameron asked about the traffic agreement. Attorney Leonard indicated the interim solution
157 satisfies the first 149 units and after start construction will be COA if the TIFF improvement is not
158 accomplished.

159
160 Mr. Cameron asked which sheet reflects that? - #1.

161
162 Mr. Plourde put up the aerial plans to shown the right turn only lane and elimination of six parking
163 spaces.

164
165 Mr. Pernaw referenced page 29 of the traffic study summary and noted the mitigation plan was
166 modified today with Mr. Plourde for two exit lanes, a left turn only which would be slower during peak
167 would allow right turns to exit only. Phase I is 149 units. The left turn pocket left turns on site if TIFF.
168 Phase 2 would add southbound turn lane be added. Looked at need for traffic signals and there were
169 not enough exiting so determined two exit lanes and a stop sign would be best.

170
171 Mr. Cameron asked about the scoping meeting a month ago. The 3rd paragraph, 2nd line, previous
172 control access, what was that? Mr. Pernaw indicated the state used to own then the Town took over.

173 Now we maintain Route 27 to Cronin Road. The state owns to the High School. DOT retained a
174 controlled access.

175

176 Mr. Sharples explained DOT determined two access allowed, one for each lot consistent with what was
177 proposed.

178

179 Ms. English asked about the same letter and the bottom of the 2nd page – to and from High School. Ms.
180 English asked how would be analyzed with no traffic at school and as the project advances?

181

182 Mr. Pernaw indicated at the scope meeting; the original traffic impact addressed Continental Drive.
183 October 2019 counted both ramps. DOT asked High School did 11-hour study at westbound offramp.
184 Considered peak hour later after higher than 2 PM when school gets out. This data predated COVID-19.
185 DOT looked at the need for a signal. The westbound offramp was enough to justify but the eastbound
186 does not warrant a signal.

187

188 Mr. Plourde indicated the statements were accurate but corrected what Attorney Leonard stated
189 initially. Impacts mitigated Phase 1. Phase 2 is the southbound turn lane. Construction documents will
190 need to show the right-of-way, utility impacts for Town review.

191

192 Vice-Chair Brown asked about phasing of the commercial building tied into the occupancy of the
193 residential units.

194

195 Mr. Sharples read out loud the ZBA condition 48,000 SF +/- 500 SF shall be construction “to the
196 weather.” Referencing Building C. This allows 75 and 74 units in A & B, total of 149 apartments built
197 and occupied prior to building permit for Building C.

198

199 Attorney Leonard explained part is financing with NH Housing Financing Authority and whether it would
200 be acceptable. Understands the Board wants the commercial building. Bonds state there can't be
201 conditions. Even if condition of occupancy presents problem.

202

203 Vice-Chair Brown expressed concerns that after 149 units are built and occupied, Phase 2 falls apart.
204 The Town improvement and TIFF expansion for the community is not rental units but getting a lot of
205 those. Understand the need and the market. The Town is looking for a more vibrant commercial district
206 on Route 27. Not having the commercial building built would be tough on the Town. The reason the
207 ZBA recommended a small footprint is the impact a large commercial would have on wetlands.
208 Workforce housing supports the industry around it. Surrounding employers sent letters in support.
209 There is not much demand for office space especially during the pandemic. Childcare/Daycare are
210 getting interest.

211

212 Mr. Moynihan indicated the last thing any of us want is a see-through commercial building. I don't want
213 it. The Town doesn't want it. Have to rent for \$25/\$30 SF when can go next door and rent for \$16/SF.
214 It is difficult to market the commercial space without approval. The Y has 17-18,000 SF. Mr. Sharples
215 indicated financing is for 224 units not piece meal. Unlikely only 149 would be built and that's it.

216

217 Ms. English asked about internal traffic issues and the Y drop off. The upper area was removed from the
218 plan. Ms. English asked how do you see buses and drop off? Mr. Petropulos noted they ended up with
219 the original layout which is park and walk in and for pick-up. There is one bus vehicle after school and
220 proper turning. Staff will receive them. Bus exists to the right. Have reduced conflicting vehicle
221 movement. Mr. Petropulos indicated on the plan where drop off and pick up parking would be at the Y,
222 not at the main entrance. There would be some parking to the side and in the rear.

223 Ms. English asked if children cross the street to get to the building? Mr. Petropulos indicated with
224 parental supervision. Ms. English asked if there could be a crosswalk. Yes, but in the middle, not to the
225 rear of the building. Ms. English noted she would like to see it be as walkable as possible.

226
227 Ms. English asked how sidewalks were being addressed? Mr. Sharples agreed this was brought up in
228 TRC recommendations but is not shown. The Town prides itself in being a walkable community. Mr.
229 Petropulos indicated there is no curbing along Epping Road and it partly drainage. Ms. English noted she
230 would like to see it pursued. Mr. Sharples indicated about 300' in between access points.

231
232 Ms. Martel echoed Ms. English's wishes about sidewalks on Epping Road and added internally as well.
233 People from apartments might want to drop off at Y and need walkability. The school may want a bus
234 stop. Mr. Petropulos noted he has not been in contact with the school. Mr. Sharples indicated the bus
235 company would decide where the bus stop would be. Mr. Grueter agreed the location could change
236 depending on where the most students are. Mr. Sharples noted the bus company could also chose for
237 the stop to be on Epping Road. Mr. Grueter asked if thee were sidewalks beyond this? Mr. Sharples
238 indicated no they are working on that, there are grants.

239
240 Vice-Chair Brown thanked Ms. English for the comments regarding sidewalks and noted it is an
241 important element for the Town trying to be consistent and is part of the Master Plan.

242
243 Mr. Steckler expressed concerns the scope and scale of the project are not appropriate. With 2.9 acres
244 of wetland impact and 8 acres of buffer impact. Condition #3 of the CUP is wildlife habitat. Referencing
245 GZA page 6 and the 7/23 memo. Wildlife moving east to west. Condition #3 can't be met. It severs
246 east/west connectivity.

247
248 Mr. Petropulos noted sidewalks can be included between the two driveways after consulting with Mr.
249 Moynihan.

250
251 Ms. English asked to clarify the snow storage which looks like it is into the lane of traffic. Mr. Petropulos
252 noted it widens to become the two turn lanes. Is a landscape area with five pear trees.

253
254 Ms. English asked if pear trees were compatible with a snow storage area. Chair Plumer referenced
255 sheet 23. Ms. Martel noted the plan indicates 2.5-3' caliper and she would recommend 3.5' caliper and
256 staking. Ms. Martel noted this species of pear tree is invasive and branches tend to drop at maturity and
257 recommended selecting a native species.

258
259 Ms. English asked about there being no snow storage between building B and C near the wetland and is
260 concerned snow will be pushed into the wetland. Mr. Petropulos noted larger storms would be

261 stockpiled and hauled off site. Ms. English asked where it would be stockpiled? Mr. Petropulos noted a
262 temporary row of parking spaces.

263

264 Ms. English referenced the Conservation Commission note about parking near the wetland and the
265 proposed seed mixture. Conservation would like to see more substantial plantings to create more of a
266 buffer. Mr. Petropulos noted the perimeter is a meadow mix not a lawn.

267

268 Ms. English referenced the grading plan, erosion and protecting the wetland. Mr. Petropulos noted a
269 double row per Kristen Murphy and stabilizing matting. Mr. Petropulos referenced the DES AOT
270 process.

271

272 Ms. English referenced Conservation's noted about spillover lighting and asked if this was the best than
273 can be done between building A and B.

274

275 Ms. English asked about a dumpster for Building C. Mr. Petropulos indicated all of the dumpsters on the
276 plan.

277

278 Ms. Martel asked about the Cape Cod berms being changed to granite along the wetland area being
279 protected. Ms. Martel noted if the asphalt were damaged water would runoff into the wetland. Ms.
280 Martel recommended vertical rather than sloped to give it more of an edge. Mr. Petropulos noted with
281 workforce housing they try to control costs. If the asphalt is damaged it can be repaired.

282

283 Chair Plumer noted Molly Cowan arrived and was in for Niko Papakonstantis.

284

285 Ms. English asked about wildlife going through the under pass? Mr. Petropulos noted it is offsite on DOT
286 fence, not in our control. Ms. English asked if there were any updates to conversations with DOT about
287 preserving that corridor?

288

289 Chair Plumer closed the hearing to the public for deliberations at 8:55 PM. Mr. Sharples noted if the
290 applicant wished to present the waivers, they would need to reopen public comment. Chair Plumer
291 reopened to the public so the applicant could present the waiver requests.

292

293 Mr. Petropulos noted the first waiver is from Section 7.5.4 HISS. The soils mapping are site specific and
294 a more consistent detail is provided with DES AOT.

295

296 **Ms. English after reviewing the criteria for granting waivers, moved that the request of Gateway at**
297 **Exeter, Planning Board Case #19-15 and #19-16 for a waiver from Section 7.5.4 of the Site Plan Review**
298 **and Subdivision Regulations to provide High Intensity Soil Survey information on the proposed site**
299 **plan be approved. Mr. Cameron seconded the motion. A roll call vote was taken Brown – aye, English**
300 **– aye, Martel – aye, Grueter – aye, Cameron – aye, Cowan – aye and Plumer – aye. The motion passed**
301 **7-0-0.**

302

303 Mr. Petropulos noted the next waiver is from Section 9.7.5.5 for Landscape Islands within Parking Lots.
304 Mr. Petropulos indicated several isles in excess of 10-15 spaces Would lose 13 spaces. 60% are open
305 space, 15 acres.
306

307 **Mr. Cameron after reviewing the criteria for granting waivers moved that the request of Gateway at**
308 **Exeter, Planning Board Case #19-15 and #19-16 for a waiver from Section 9.7.5.5 of the Site Plan**
309 **Review and Subdivision Regulations regarding landscape islands be provided in parking lots between**
310 **every 10 to 15 spaces to avoid long rows of parked cars be approved. Vice-Chair Brown seconded the**
311 **motion. A roll call vote was taken Cowan – aye, Cameron – aye, Martel – aye, Grueter – aye, English –**
312 **nay, Brown – aye, Plumer – aye. The motion passed 6-1-0.**
313

314 Mr. Petropulos indicated the third waiver request was from Section 9.9.2 and is similar to the
315 Conditional Use Permit in the wetlands district. Relief for 75' from parking and 100' from vernal pools
316 over 200' buffers. The backlands were protected and the front of the parcel is being developed. Mr.
317 Petropulos noted the seven points were addressed and the written document speaks for itself.
318

319 **Mr. Grueter after reviewing the criteria for granting waivers moved that the request of Gateway at**
320 **Exeter, Planning Board Case #19-15 and #19-16 for a waiver from Section 9.9.2 of the Site Plan Review**
321 **and Subdivision Regulations regarding the installation of reinforced turf be approved. Ms. Cowan**
322 **seconded the motion.**
323

324 Ms. Martel noted this was an obscene amount of wetlands encroachment. The donation of 45 acres
325 helps a lot. There has been a thorough analysis and the property will probably be developed at some
326 point. Leaning toward approval but with hesitation.
327

328 Ms. English noted Ms. Martel's comments were well put. Ms. English noted she is not comfortable with
329 the amount of impact of the wetland and buffers. There are areas above that could be built on. Mr.
330 Moynihan has put aside much acreage. If someone else, not sure would see that happen. It doesn't
331 take away from the sting of the impact and to a certain extent sets precedent.
332

333 Ms. Cowan indicated she struggles with some issues and is mindful of the Master Plan which delineates
334 developable land. This project is in that corridor. Struggle with breaking up connectivity. At some point
335 it will be developed. Like that the project addresses workforce housing. The developer has worked with
336 us and is providing something the Town needs in the TIFF district
337

338 **A roll call vote was taken Martel – aye, English – nay, Brown – nay, Cowan – aye, Plumer – aye,**
339 **Cameron – aye and Grueter – aye. The motion passed 5-2-0.**
340

341 Mr. Petropulos indicated the next waiver is from Section 9.12.1 for loading spaces in a commercial
342 building. Five dock doors would be required. Use will be daycare, small retail, no restaurant. Deliveries
343 come to the front for Fed-Ex and Amazon. There is no defined loading dock door or use anticipated.
344

345 **Ms. English after reviewing the criteria for granting waivers moved that the request of Gateway at**
346 **Exeter, Planning Board Case #19-15 and #19-16 for a waiver from Section 9.12.1 of the Site Plan**

347 **Review and Subdivision Regulations to provide loading dock spaces be approved. Ms. Martel**
348 **seconded the motion. A roll call vote was taken Brown – aye, English – aye, Martel – aye, Cameron –**
349 **aye, Cowan – aye, Grueter – aye and Plumer – aye. The motion passed 7-0-0.**

350

351 Mr. Sharples indicated the fifth waiver for parking spaces is not needed. Section 5.6.5 allows for the
352 Planning Board reduction of spaces. 9.13.1 is not triggered. After approving site plan will have
353 authorized removal 6 spaces.

354

355 Mr. Petropulos withdrew the request for a waiver from Section 9.13.1.

356

357 Mr. Petropulos indicated the sixth request was from Section 9.7.5.6 for granting curbing. Mr. Petropulos
358 indicated there will be Cape Cod berms in select areas. Over 7,200' of curbing. Asking for 23% relief.
359 The areas on the west side were requested to have granite curbing and Mr. Moynihan has agreed to do
360 that. There are still several areas on the south side that request relief.

361

362 **Ms. Martel after reviewing the criteria for granting waivers move that the request of Gateway at**
363 **Exeter, Planning Board Case #19-16 for a waiver from Section 9.7.5.6 of the Site Plan Review and**
364 **Subdivision Regulations requiring granite curbing for all traffic control and planting islands be**
365 **approved with the following condition:**

366

367 **1. That the curbs currently shown on sheets 9 and 30 on the westerly end of the parking lot with 16**
368 **spaces and 30 spaces respectively be sloped granite curb.**

369

370 **Vice-Chair Brown seconded the motion. A roll call vote was taken Cowan – aye, Cameron – aye,**
371 **Martel – aye, Grueter – aye, English – aye, Brown – aye and Plumer – aye. The motion passed 7-0-0.**

372

373 Attorney Leonard presented the next three waiver requests addressed in the letters dated May 11, 2020
374 and August 11, 2020.

375

376 Mr. Leonard referred to the first waiver as from a guideline of Section 11.3.4 of the Site Plan Review and
377 Subdivision Regulations concerning the provision of 400 SF of recreational space per dwelling unit in
378 multi-family developments. Attorney Leonard noted 40 acres to the rear is being donated to the Town.
379 This meets the standards shown in the two letters.

380

381 Mr. Sharples corrected the use of “guidelines” and indicated he has never viewed these regulations as
382 guidelines. If they were guidelines a waiver request would not be necessary.

383

384 Mr. Cameron asked where the space was adjacent to the project? Attorney Leonard indicated if on-site
385 they would have been taken from the land being donated. Vice-Chair Brown indicated under the
386 regulations for this project 2 acres would be required.

387

388 **Vice-Chair Brown after reviewing the criteria for granting waivers moved that the request of Gateway**
389 **at Exeter, Planning Board Case #19-15 and #19-16 for a waiver from Section 11.3.1.4 of the Site Plan**
390 **Review and Subdivision Regulations of 400 SF of recreational space per dwelling unit be approved.**

391 **Ms. English seconded the motion. A roll call vote was taken Grueter – nay, Martel – aye, Cameron –**
392 **aye, Cowan – aye, English – aye, Brown – aye and Plumer – aye. The motion passed 6-1-0.**

393

394 Attorney Leonard presented the waiver request for Recreation Impact Fees. Attorney Leonard noted
395 Mr. Moynihan donated the adjacent parcel which has a value of \$1,855,000. Subtracting the required
396 mitigation of \$600,000, the donation is valued at \$1,255,000. Attorney Leonard incorporated the letter
397 of May 11, 2020 in his request. Attorney Leonard noted the applicant is asking for a credit for the excess
398 value of the donated land.

399

400 Vice-Chair Brown noted the appraised value seems high. Mr. Grueter agreed. Attorney Leonard noted
401 the value of the Recreation Impact Fees is \$159,000. There are 25% affordable units. Workforce
402 housing allows 30% of income where rental income is 60% of the median regional income. Vice-Chair
403 Brown indicated the impact on school and infrastructure and special needs, \$160,000 doesn't go far.
404 Just waived internal space. 224 units is a significant impact. Mr. Grueter indicated lot of kids will want
405 a place to play and someone will be looking for the Town to do something about it.

406

407 Ms. English noted she appreciated the argument the applicant has put forward and the amount of land
408 willing to give to the Town for conservation land. The cost of providing recreation falls on the backs of
409 the taxpayers. Ms. English asked if the Board would consider entertaining a percentage of the credit?
410 Mr. Sharples indicated the Board has done percentage fee credits in the past.

411

412 Attorney Leonard noted at \$711 per unit the total recreational impact fee would equal \$159,264.

413

414 Vice-Chair Brown indicated if the Board is going to grant this why even have them? The Board has
415 imposed the fee on six single-family homes. There are over 200 residents. Mr. Grueter agreed.

416

417 **Mr. Grueter after considering the criteria for granting waivers moved that the request of Gateway at**
418 **Exeter, Planning Board Case #19-15 and #19-16 for a waiver from the Site Plan Review and Subdivision**
419 **Regulations concerning Recreational Impact Fees be denied.**

420

421 **Mr. Sharples recommended an amendment that the applicant can chose to pay the new recreation**
422 **impact fees (being adopted this year) or current formula, whichever is less.**

423

424 **Mr. Grueter accepted the amendment. Vice-Chair Brown seconded the motion. A roll call vote was**
425 **taken Brown – aye, Grueter – aye, English – aye, Martel – aye, Cameron – aye, Cowan – aye and**
426 **Plumer – aye. The motion passed 7-0-0.**

427

428 Attorney Leonard presented the final waiver request for School Impact Fees indicating the applicant was
429 requesting a credit of 25% per the letter of August 11, 2020 because of workforce housing percentage.
430 All these fees make it an economically unviable project. The greatest cost is not having affordable
431 housing in the state and region to support the economy. Schools have plenty of capacity and would not
432 need a new school.

433

434 Attorney Leonard calculated the cost per unit at \$1,344 totally \$301,056 and noted this request is for a
435 25% credit.

436

437 Vice-Chair Brown noted he has listened to a lot of school board meetings and what teachers are paid
438 with benefits in this Town averages \$90,000/yr. Need to replace or duplicate the impact fee is a drop in
439 the bucket. If your project is hinging on 300,000 you should not be in front of us. Workforce housing
440 gets a credit in financing and the impact fee is nominal compared to the impact on taxpayers.

441

442 ***Vice-Chair Brown after reviewing the criteria for granting waivers moved that the request of Gateway***
443 ***at Exeter, Planning Board Case #19-15 and #19-16 for a waiver from the Site Plan Review and***
444 ***Subdivision Regulations for School Impact Fees be denied. Mr. Grueter seconded the motion.***

445

446 ***Mr. Sharples offered the same amendment: that the applicant can chose to pay the new School***
447 ***Impact Fees (being adopted this year) or current formula, whichever is less. Vice-Chair Brown and Mr.***
448 ***Grueter accepted the amendment to the motion.***

449

450 ***A roll call vote was taken Martel – aye, English – aye, Brown – aye, Grueter – aye, Cowan – aye,***
451 ***Cameron – nay and Plumer – nay. The motion passed 5-2-0.***

452

453 Chair Plumer indicated the next request is for the lot-line adjustment.

454

455 ***Ms. English moved that the request of Gateway at Exeter, Planning Board Case #19-15 and #19-16 for***
456 ***a lot line adjustment be approved. Mr. Cameron seconded the motion. A roll call vote was taken***
457 ***Cameron – aye, Cowan – aye, Martel – aye, English – aye, Brown – aye, Grueter – aye and Plumer –***
458 ***aye. The motion passed 7-0-0.***

459

460 Chair Plumer noted next is the Conditional Use Permit request.

461

462 Mr. Sharples read out loud the Conservation Commission memorandum requesting a condition that
463 “prior to the issuance of a Certificate of Occupancy the trail foot traffic only, applicant install at the
464 applicant’s expense....with Conservation Commission to review the length, width and surface materials.

465

466 ***Mr. Grueter moved that the request of Gateway at Exeter, Planning Board Case #19-15 and #19-16 for***
467 ***a Conditional Use Permit be approved. Mr. Cameron seconded the motion.***

468

469 Vice-Chair Brown indicated he did not like the vagueness of another Board the applicant will have to
470 deal with and asked if there was anyway the Board could modify the condition to delineate the length,
471 location, width and materials. It could be an unreasonable delay for the applicant to hold up their
472 approval. Conservation does not have a representative here tonight. Mr. Cameron agreed.

473

474 Mr. Sharples indicated the condition could read that after one meeting of the Conservation Commission
475 the application could return to this Board for consideration.

476

477 ***Mr. Cameron withdrew his second.***

478
479 Mr. Petropulos displayed the plan which showed access for the residents for a small footpath. Mr.
480 Sharples indicated Conservation would prefer to not have the residents meander wherever they wanted
481 to go.

482
483 Mr. Quigley indicated he understood the requirement was a trail head to the back land. The trail
484 development would be done by the trail committee. Mr. Moynihan has agreed to pay a stewardship fee
485 so they can design and locate the trail. Sheet 6 of 30 shows possible access to backland for residents.

486
487 Mr. Martel noted the memorandum asks for an access and gate to avoid dispersing rogue trails and to
488 keep ATVs out. The memorandum is dated 6/18/20.

489
490 Mr. Petropulos indicated building a 50' trail access is not problematic. Would like to not have to go back
491 to the Conservation Commission before action on this vote.

492
493 Mr. Sharples indicated one way would be "prior to issuance of a certificate of occupancy for any building
494 and or unit a trail open to foot traffic only from the parking area to the boundary line of Map 47 Lot 7-1
495 would be installed at the applicant's expense." You can add "details shall be shown on the final plan
496 subject to review and approval of the Town." Or, same thing add the Conservation Commission.

497
498 Vice-Chair Brown asked Mr. Cameron what a typical trail width would be? Mr. Cameron indicated 3-4.'

499
500 Mr. Moynihan noted he is paying a stewardship fee and is ok with bringing access to the property line.
501 Conservation is already allowing hunting and he would rather not have a trail if hunting is allowed. Mr.
502 Moynihan would rather leave it up to Conservation.

503
504 Mr. Sharples indicated it is 10:30 and the meeting was to end at 10:30.

505
506 ***Vice-Chair Brown moved to continue the meeting. Mr. Cameron seconded the motion. A roll call vote***
507 ***was taken Cameron – aye, Martel – aye, English – aye, Brown – aye, Grueter – aye, Cowan – aye,***
508 ***Plumer – aye. The motion passed 7-0-0.***

509
510 Mr. Sharples "Prior to the issuance of the certificate of occupancy for any building and/or unit a trail
511 maximum 4' in width open to foot traffic only from the parking area to the boundary line of Map 47, Lot
512 7-1 shall be installed at the applicant's expense and shown on the final plans subject to review and
513 approval of Town's staff."

514
515 Ms. English moved. Ms. Martel seconded.

516
517 Vice-Chair Brown asked if this is part of the CUP and recommended starting over.

518
519 Mr. Steckler noted a lot of attention has been paid to this tiny little trail head. The Conditional Use
520 Permit has significant conditions: #3 no detrimental impact to wetland functions and values as a result

521 of this proposed project. Has the Board fully reviewed the narrative? There are three acres of wetland
522 impact and eight acres of buffer impact.

523

524 Mr. Cameron asked Ms. Martel to read the Conservation condition again. Ms. Martel read out loud “we
525 also felt timing of trail construction is important and that it needed to occur prior to residents moving in,
526 to avoid the chance for rogue trail or dispersed use in sensitive areas. To address these concerns, in
527 addition to revising designs to add a gate at the junction of the development and the logging road they
528 recommend the Planning Board include the following condition (as Dave read).

529

530 Mr. Cameron noted so it is our condition not theirs? Mr. Sharples noted the final design could be done
531 by the Exeter staff.

532

533 After reviewing the criteria for wetlands conditional use permit, I move that the request for Gateway at
534 Exeter, PB Case #19-15 and #19-16 be approved with the following conditions.

535

536 Mr. Sharples read:

537

538 “Prior to the issuance of the certificate of occupancy for any building and/or unit a trail maximum 4’ in
539 width open to foot traffic only from the parking area to the boundary line of Map 47, Lot 7-1 shall be
540 installed at the applicant’s expense and shown on the final plans subject to review and approval of
541 Town’s staff.”

542

543 Ms. English clarified this motion is for the Conditional Use Permit.

544

545 Vice-Chair Brown discussed the waiver passed for setbacks and the comments that bothered him which
546 were saying if we don’t approve this we’ll just be approving something else down the road. It is our job
547 to review the application on its merit, the project put in front of us.

548

549 Ms. English agreed Vice-Chair Brown made a good point.

550

551 Attorney Leonard presented the request for a Conditional Use Permit under Section 9.16 a with
552 conditions listed under section 6b.

553

554 The standards are the same as the waiver granted earlier regarding the buffers. Its permitting by Zoning
555 and by the ZBA decision, can’t be carried on portions outside Wetland Conservation District; effort to
556 protect more important wetlands to the rear with the uplands to the front. The owner of the property is
557 entitled to develop the uplands, which are in rear and front. Wetland scientist, ZBA, Brendan Quigley,
558 GZA, State and Army Corp. of Engineers and Conservation have reviewed have concluded that the
559 impact is greater to develop the entire site to the wetlands overall and not justified in that regard. It is
560 better to move to the front. It is reasonable to develop over a 60-acre tract. This development was
561 reduced to 20 acres. Tracy Tarr with GZA Attorney Leonard noted confirmed Mr. Quigley’s conclusions
562 about functions as accurate and complete. #3 wildlife. She commented she did not agree is connection
563 to north under highway. Also connection to the rear of the balance of the publicly owned property.
564 Wetlands are limited functions not prime. Wetlands to the easterly portion while important are not as

565 important as those larger ones to the rear. #4 require minimal detrimental impact to the extent
566 possible. Has been ample testimony this developer has made every effort to reduce impact. #5 extra
567 protection doubled in some areas, the wetland fencing and AOT requirements in cases of temporary
568 restoration is no temporary improvement. #6 obligation to protect the health, safety, welfare of the
569 public due to loss of wetlands. Engineers, we have engaged wetland scientists who noted no alteration
570 to the watershed, drainage or adverse impact to floods, water, leaving site or wetland. No harm to
571 public health, safety, welfare of people, no safety issue or that this would cause a safety issue. Standard
572 typical requirements in review of wetlands. Have a lot of information from more than two experts.
573 General consensus was well designed concept is minimal impact.

574
575 Mr. Steckler noted GZA did confirm the primary function is the wetlands on site that will be impacted for
576 wildlife habitat not stated in the application for CUP. Critical to connectivity. The layout severs wildlife
577 connectivity. Roads are not a barrier to wildlife movement. If we took that approach there is no future
578 for wildlife in NH. This is the last remaining area for connectivity in this area.

579
580 Attorney Leonard asked if the letters from employers were a part of the packet? Mr. Sharples indicated
581 they were included at last week's meeting. Chair Plumer noted he knows the business partners support.

582
583 Mr. Grueter indicated it appears most of us are not ready to make a decision.

584
585 Mr. Sharples indicated CUP and Site Plan can be tabled to next week, August 27, 2020 and be first on the
586 agenda. Mr. Sharples recommended closing the public hearing so there is no new information between
587 now and then, to deliberate.

588
589 Vice-Chair Brown recommended a 6:30 PM start. Chair Plumer closed the hearing for public input at
590 10:55 PM.

591
592 ***Mr. Grueter motioned to table the CUP and Site Plan Review for Planning Board Case #19-15 and #19-***
593 ***16 until August 27, 2020 at 6:30 PM. Ms. English seconded the motion. A roll call vote was taken***
594 ***English – aye, Grueter – aye, Martel – aye, Brown – aye, Cowan – aye, Cameron – aye and Plumer –***
595 ***aye. The motion passed 7-0-0.***

596
597 **V. OTHER BUSINESS**

- 598
599 1. W Scott Carlisle – Case #17-26
600 Request for extension of a conditional approval for minor subdivision (off Epping Road)
601 Tax Map Parcel #40-12

602
603 Chair Plumer noted the Board would keep the Carlisle case on the next agenda.

604
605 **VI. TOWN PLANNER'S ITEMS**

606 **Field Modifications**

607 **Announcements**

608 **VII. CHAIRPERSON'S ITEMS**

609 Chair Plumer indicated the next meeting would be August 27, 2020 at 6:30 PM.

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

611 **IX. ADJOURN**

612 *Vice-Chair Brown moved to adjourn at 10:56 PM. Mr. Cameron seconded the motion. A roll call vote*
613 *was taken, Plumer – aye, English – aye, Cameron – aye, Martel – aye, Grueter – aye, Brown – aye and*
614 *Cowan – aye. With all in favor the motion passed 7-0-0.*

615

616 Respectfully submitted,

617 Daniel Hoijer,

618 Recording Secretary