

1 **TOWN OF EXETER**

2 **PLANNING BOARD**

3 **MAY 27, 2021**

4 **VIRTUAL MEETING**

5 **APPROVED MINUTES**

6 **Zoom ID: 81909454944**

7 **Phone: 1 646 558 8656**

8 **I. PRELIMINARIES:**

9
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,
11 Pete Cameron, Clerk, Gwen English, Jennifer Martel, Molly Cowan, Select Board
12 Representative, Nancy Belanger, Alternate, Mark Dettore, Alternate, and Pete Steckler,
13 Alternate. John Grueter arrived at 7:17 PM.

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

16
17 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM and read out loud the
18 public hearing notice. Chair Plumer read out loud the meeting preamble which indicated that
19 an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state
20 and local officials have determined gatherings of ten or more people pose a substantial risk to
21 the community and the meeting imperative to the continued operation of Town and
22 government and services which are vital to public, health, safety and confidence. This meeting
23 will be conducted without a quorum physically present in the same location and welcome
24 members of the public accessing the meeting remotely.

25
26 The members introduced themselves by roll call and in accordance with the Right to Know Law
27 noted they were alone in the room. Alternate Nancy Belanger was activated until the arrival of
28 John Grueter.

29
30 **III. OLD BUSINESS**

31
32 **APPROVAL OF MINUTES**

33
34 April 22, 2021

35
36 ***Mr. Cameron motioned to approve the April 22, 2021 Meeting Minutes as submitted. Ms.***
37 ***Belanger seconded the motion. A roll call vote was taken English – aye, Belanger – aye,***
38 ***Martel - aye, Brown – aye, Cowan – aye, Cameron – aye, and Plumer – aye. The motion***
39 ***passed 7-0-0.***

41 May 7, 2021 Site Walk

42

43 Chair Plumer activated Alternates Mark Dettore and Pete Steckler for voting on the minutes of the May
44 7, 2021 Site Walk as they were present for the Site Walk and Ms. Belanger and Mr. Cameron were not.

45

46 ***Vice-Chair Brown motioned to approve the May 7, 2021 Site Walk minutes. Ms. English seconded the***
47 ***motion. A roll call vote was taken English – aye, Dettore – aye, Martel – aye, Brown – aye, Cowan –***
48 ***aye, Steckler – aye, and Plumer – aye. The motion passed 7-0-0.***

49

50 **IV. NEW BUSINESS**

51 **PUBLIC HEARINGS**

52 1. The continued public hearing on the application of Brian Griset for a lot consolidation, subdivision,
53 lot-line adjustment, Wetlands Conditional Use Permit, Shoreland Conditional Use Permit and Site Plan
54 for a proposed 16-unit single family condominium open space development and associated site
55 improvements on properties located off of Tamarind Lane and Cullen Way.

56 R-1, Low Density & NP-Neighborhood Professional zoning districts

57 Tax Map Parcel #96-15, #81-53 and #96-9

58 Planning Board Case #20-2

59

60 Chair Plumer read out loud the Public Hearing Notice.

61

62 Mr. Grueter arrived at 7:17 PM and replaced Alternate Nancy Belanger. Mr. Grueter noted he was alone
63 in the room per the Right to Know Law.

64

65 Mr. Sharples summarized that at the February 11, 2021 Planning Board meeting the Board had voted to
66 accept the Yield Plan for 18 units, 16 of which are part of the single-family, open space, condominium
67 subdivision with one existing home and the 18th individual lot at the end of Cullen Way which will meet
68 the minimum requirements of a conventional subdivision. A waiver was granted for regulation 7.1.3, a
69 variance obtained by the ZBA.

70

71 Mr. Sharples noted the applicant provided response to the comments of the TRC and UEI letters. The
72 applicant met with the TRC at a second meeting on April 1, 2021, all provided in the last meeting packet.
73 The applicant went before the Conservation Commission on April 13, 2021 and was tabled to their May
74 11, 2021 meeting. The Commission recommended approval of the CUPs as detailed in the May 18, 2021
75 memo provided. Some members of the Commission attended the May 7, 2021 Site Walk with members
76 of the Planning Board.

77

78 Mr. Sharples informed the Board the Prime Wetland Boundary was incorrectly shown on the Yield Plan
79 that the Board previously approved. A revised Yield Plan and Site Plan dated May 11, 2021 was provided
80 to the Board and the DPW and Conservation Commission have addressed that subject. Attorney Pasay
81 provided a letter dated May 5, 2021 provided in the Board's packet.

82

83 Mr. Sharples noted a supplemental filing on May 20, 2021 concerning a boundary appeal request by the
84 abutters in an email received earlier this afternoon which is not in the packets but was forwarded to the
85 Board. The boundary was corrected. There is a request for third party wetland delineation. This is
86 usually addressed during the review of the subdivision plan. The applicant's attorney will speak to the
87 revisions.

88

89 Attorney Justin Pasay indicated he was with Brian Griset and Jim Gove and Christian Smith from Beals
90 Associates is also on the call. Attorney Pasay noted he was not planning to address the CUP and Site
91 Plan Review waivers until the June 10, 2021 meeting as well as respond to the abutter's letter as he has
92 only just received it noting the request contains arguments that have been addressed already.

93

94 Attorney Pasay spoke to the Yield Plan issue in his May 5, 2021 and May 20, 2021 letters and noted a
95 minor discrepancy in the Town's Prime Wetland Map resulting from a bad photo interpretation of
96 vegetation and typography in early 2010 when the map was plotted. This affected the size of proposed
97 lots 5 and 6 buildable areas but the required 25'x25' building area box is still exceeded on both. Nothing
98 else has changed. Mr. Gove's explanation is still good.

99

100 Christian Smith posted the revised plan showing the edge of the Prime Wetland overlaid by the Town's
101 GIS map and the approved Yield Plan for comparison.

102

103 Alternate Mark Dettore recused himself.

104

105 Chair Plumer opened the hearing to the public for comments and questions at 7:31 PM.

106

107 Ann Flaherty of 8 Tamarind Lane noted she is an abutter and supports approval of the Yield Plan finding
108 it not substantially different.

109

110 Jonathan Elliot of 6 Tamarind Lane spoke to the request for a third-party wetland's delineation
111 requested and the nature of the brook which with minor blockages creates flooding to Tamarind Lane
112 and the scrap yard. Mr. Elliot opined it was prudent the prime wetlands be reviewed by a third party to
113 confirm the current site conditions rather than relying on a 20-year-old photo.

114

115 Mr. Smith explained the wetlands delineated field photo is that of the Town's GIS error. Mr. Gove
116 performed his work in the field based on current conditions and that is why the map online is different
117 than what Mr. Gove found in the field. Mr. Griset forwarded a well-researched memo as to how that
118 took place.

119

120 Neil Bleicken noted the abutters put a lot of effort into the project and asked the Board to take their
121 time and not take the developer's word for the revision.

122

123 Pete Steckler noted the actual wetland line is well to the right of where the prime wetland is and is not
124 an issue. Mr. Steckler asked if there were other places where they didn't buffer off Mr. Gove's line and
125 used the mapped line because it was more advantageous. Mr. Steckler asked what the blue dotted line
126 represented. Mr. Smith noted it is the soil type; blue is poorly drained jurisdictional wetland. Ms.

127 English asked for color coding at an earlier meeting. Mr. Smith answered there was no advantage to the
128 developer and showed the area to the north which was the Town's original boundary and compared it
129 to Mr. Gove's line. Vice-Chair Brown asked Mr. Gove to speak to the methodology used and explain
130 how much reliance is on the old photos versus field work. Mr. Gove explained he does not rely upon old
131 aerial photos or previous delineations that were done. Mr. Gove noted he sampled each flagged
132 location for vegetation and evidence of wetland hydrology and hydric soils. This is vetted only in the
133 field. A surveyor locates the boundaries and places them on a survey plat.

134

135 Mr. Elliot asked if all is done in the field how something like this happens after a year and a half and
136 echoed what Mr. Bleicken stated about the Board getting it done correctly. Mr. Smith explained Mr.
137 Gove's flags are relied upon and located and plotted on the plan by surveyors. After the Commission
138 met and downloaded the GIS map and underlay it was realized there was a discrepancy. Mr. Griset
139 explained the prime map is a feature created 40 years ago by the legislature so the Town could provide
140 buffers on high value wetlands. Voters approve the overlay zoning map. In 2002-2003 the Commission
141 contracted for the aerial photos. There was distortion in the photos and a line was drawn where they
142 thought it was. The line was off by less than one-eighth of an inch which results in a difference of 80.'
143 Mr. Smith noted is a zoning overlay map not a wetlands delineation. Because soils are unreliable HISS
144 mapping is done. The prime wetland boundary has nothing to do with soil delineation. It is maps and
145 photos that the voters approve.

146

147 Chair Plumer closed the hearing to the public at 7:54 PM.

148

149 Ms. English asked about the date of the most recent Yield Plan and Mr. Sharples pointed out the May 5,
150 2021 revision date shown in the box.

151

152 Mr. Pasay explained his May 20, 2021 letter addresses the prime wetland issue. The abutters requested
153 a third-party delineation of the wetlands.

154

155 Mr. Cameron asked about the date in the header of the second page of the May 5, 2021 letter which
156 references April 20, 2021 and Attorney Pasay noted it was a typo.

157

158 Vice-Chair Brown stated he would like to hear discourse from the Board concerning this change to the
159 Yield Plan.

160

161 Chair Plumer noted the error was corrected.

162

163 Mr. Cameron asked for clarification on there being multiple Yield Plans. Mr. Sharples explained the
164 Board is being asked to accept the revised and resubmitted plan to create only this one Yield Plan.

165

166 Mr. Smith showed the plan and the reduced building envelope and noted the building box still fits the
167 required setbacks.

168

169 Ms. Belanger noted the revision seems straight forward and didn't really change anything. Mr. Grueter
170 agreed. Ms. Cowan noted an applicant should feel comfortable bringing forth a mistake.

171
172 Chair Plumer reopened the hearing to the public.

173
174 Mr. Steckler commended the applicant for correcting the error and going above and beyond to research
175 the matter and believes it wasn't intentional. Mr. Steckler noted he still questions whether this lot is
176 feasible and the costs of the driveway. The applicant can't change those boundaries and buffers without
177 an official process.

178
179 Chair Plumer closed the hearing to the public at 8:15 PM.

180
181 Ms. English agreed with Mr. Steckler that she has never been comfortable with those two lots.

182
183 Mr. Cameron noted had the building envelope been adversely affected it would cause approval to be
184 null and void. Mr. Sharples noted it is up to the Board what the scope of review should be. Vice-Chair
185 Brown indicated the lot still fits and doesn't require a waiver.

186
187 Chair Plumer reopened the hearing to the public at 8:24 PM so Mr. Elliot could speak. Mr. Elliot noted
188 assuming the lines are in the correct location the error would seem insignificant.

189
190 Chair Plumer closed the hearing to the public at 8:25 PM.

191
192 **Ms. Martel motioned that the request of Brian Griset, Planning Board Case #20-02 for Yield Plan**
193 **approval of a 17-unit single-family open space development be accepted. Mr. Grueter seconded the**
194 **motion. A roll call vote was taken Cowan – aye, English – nay, Martel – aye, Grueter – aye, Brown –**
195 **aye, Cameron – nay and Plumer – aye. The motion passed 5-2-0.**

196
197 Attorney Pasay addressed the request for third party review of the wetland delineation referencing his
198 May 20, 2021 letter. Attorney Pasay noted on April 22, 2021 when the abutters made the request, he
199 was not aware the context as it was just made and indicated he would be in agreement to move things
200 along. Attorney Pasay reviewed the three identical requests and determined there is no legitimate basis
201 under the Town's zoning ordinance.

202
203 Attorney Pasay noted such a request should be made in the event the Building Inspector, Planning Board
204 or Conservation Commission question the validity of the boundaries of a wetland area of a specific
205 parcel of land or upon the written petition of the owner or abutter of that property not to call upon to
206 question the services of a wetland scientist qualified to delineate wetlands. The procedure in state
207 statute to amend the prime wetland's overlay is by noticed public hearing and vote at Town Meeting.

208
209 Attorney Pasay addressed the second reason the request was advanced, an alleged conflict of interest
210 between Mr. Gove the wetland scientist and Scott Gove the Real Estate Group who are unrelated.

211
212 Attorney Pasay asked the Board to consider that there was no genuine concern about the wetland
213 delineation raised. There have been two site walks. There is nothing to do with the site HISS map
214 performed by Mr. Gove or evidence to question his stamp on the wetland delineation.

215

216 Mr. Steckler noted he was on the site walk and when they walked to the delineated wet meadow it
217 started to get squishy underfoot right when they hit Mr. Gove's line so he has no reason to question this
218 delineation and none that would impact the current proposed development. Ms. English agreed with
219 Mr. Steckler.

220

221 Mr. Cameron questioned what exactly a third party would do that has not been done. Chair Plumer
222 questioned whether the intent of the request is to confirm Mr. Gove's work is adequate and performed
223 with proper scientific methods. Chair Plumer explained if done, Mr. Sharples, Mr. Gove and the second
224 reviewer would be there. Attorney Pasay concluded within the language of the regulation when there
225 are questions regarding the validity of the boundaries the onus is on those who request it to establish
226 those questions. This is the exact plan provided at the Conservation Commission meeting and there
227 were no comments.

228

229 Neil Bleicken stated he spent a year and a half on the matter and assumed things were accurate and
230 stated they are not. Mr. Bleicken opined the number of homes being placed does not fit the land and he
231 does not have confidence in the maps and doesn't understand the rush.

232

233 Ms. Martel asked how past third-party delineation requests were handled. The one discrepancy that
234 has been pointed out was researched, investigated, and rectified. Nothing else has been brought to the
235 Board's attention that seems different in the field than what is on paper so because of that Ms. Martel
236 noted she is not in favor of third-party review.

237

238 Ms. Cowan noted she tries to be respectful of everyone in this process and asked if a group of abutters
239 come in at what point is this usually requested on other cases. Mr. Sharples noted he would need to do
240 further research to answer that question but does remember in general not just wetlands but traffic
241 studies being requested but in that case an engineer came in to speak at a meeting and the Board
242 decided not to move ahead with third party review. Another example was Cypress, an abutter brought
243 a ten year old plan that showed a wetland in an area that the new plan did not show a wetland. It was
244 verified that the new plan was correct. Requests are usually fact based not just a request.

245

246 Mr. Grueter noted he had not heard anything that would encourage him to support third-party review.
247 If there were something specific the abutters have then they would need to show us. Most members
248 were on the site walk and some abutters were present as well. What was said to be wet was wet and
249 what was said to be dry was dry.

250

251 Vice-Chair Brown stated that he could not remember a case where a third party review of wetlands
252 changed them. With lack of a compelling reason other than just checking someone else's professional
253 work which is not part of the Board's process he didn't see a real reason to have a third-party review in
254 this particular meeting. There are quite a bit of wetlands being preserved and protected into perpetuity
255 which is what he suspected gathered favor from the Commission.

256

257 Ms. English pointed out there is no desire by any of the Board to rush through this project. All take this
258 job seriously and have every intention of asking as many questions as they can. Ms. English noted the

259 area she would desire to review is between homes 12-16 but any change to the wet meadow would be
260 minimal at best. Ms. English noted she did not see how the change would impact the proposed homes
261 that are seen on the plan right now.

262
263 Laura Knott of 15 Tamarind Lane stated the compelling reason is the applicant himself admitted the
264 wetlands were plotted wrong in the first place and recommends the Board request third-party review.
265 Ms. Knott noted the Commission discussed it and felt it wasn't relevant to the CUP and entrusted the
266 Planning Board to review that if necessary and any substantial change would come back before them.

267
268 Mr. Gove responded the plan changes had nothing to do with his work. It had to do with a graphical
269 change based on the old prime wetland line and had nothing to do with his delineation work.

270
271 Chair Plumer closed the hearing to the public at 7:54 PM.

272
273 Chair Plumer reopened the hearing to the public at 7:55 PM to allow Mr. Hadden to speak.

274
275 David Hadden stated he felt uncomfortable listening to someone hired by the developer "its like the fox
276 guarding the hen house."

277
278 Chair Plumer closed the hearing to the public at 7:56 PM.

279
280 Mr. Grueter asked how much cost would be borne by the developer for this review and Mr. Sharples
281 noted the Board would first determine the scope of review, where the focus would be, in what
282 particular area if not delineating the whole thing. The cost is usually several thousand dollars and he did
283 not initially find any available wetland scientists who weren't scheduled out at least six months.

284
285 Mr. Grueter noted if the whole parcel were not delineated another issue would be raised.

286
287 Mr. Sharples noted the flagging would not be reflagged. Mr. Gove did the flagging. The reviewer would
288 walk along to see if the boundary is different.

289
290 Mr. Cameron noted the scope is important. Vice-Chair Brown recommended against voting not to do it
291 in case something comes up later.

292
293 Chair Plumer recommend tabling the application until the June 10, 2021 meeting.

294
295 **Ms. English motioned to table Planning Board Case #20-2 to June 10, 2021 at 7:00 PM. Mr. Cameron**
296 **seconded the motion. A roll call vote was taken English – aye, Brown – aye, Grueter – aye, Cameron –**
297 **aye, Cowan – aye, Martel – aye and Plumer – aye. The motion passed 7-0-0.**

298
299 2. The application of Scott W. Carlisle III for review of a Yield Plan for a proposed 12-lot single-family
300 open space subdivision and associated site improvements on the property located at 19 Watson Road.
301 R-1, Low-Density Residential zoning district
302 Tax Map Parcel #33-26

303 Planning Board Case #20-21

304

305 Mr. Sharples reported the Yield Plan application is ready to be heard. The proposal is for an open space
306 subdivision and wetlands CUP on a 97.99-acre parcel in the R-1, Low Density Residential zone. Mr.
307 Sharples provided directions to the site located off Exit 9 on Route 101. The applicant has also
308 submitted an open space development plan, but the Yield Plan must receive approval before that can
309 proceed. TRC comments were made on April 29, 2021 and UEI has reviewed. Staff will provide
310 comments after Yield Plan approval. The applicant will go before the Conservation Commission for
311 recommendations on the CUP application on June 8, 2021. There will be some waivers requested. The
312 applicant's response to comments were included in the supplemental packet. The applicant plans 12
313 lots on almost 90 acres and has not maximized the yield plan. Comments were provided about road
314 grading. Mr. Sharples noted his comments have been addressed.

315

316 **Mr. Cameron motioned to open Planning Board Case #20-21. Ms. Martel seconded the motion. A roll**
317 **call vote was taken Grueter – aye, Martel – aye, English – aye, Cowan – aye, Cameron – aye, Brown –**
318 **aye and Plumer – aye. The motion passed 7-0-0.**

319

320 Barry Geier from Jones & Beach Engineers noted Mr. Carlisle was present and Attorney Hilliard. The
321 parcel is on the east side of Watson with 1760' of frontage. Mr. Geier displayed the plan noting a large
322 wetland complex on the east side and some vernal pools. Water drains east and north. 64 acres would
323 be undeveloped. There will be 3,200' of buffer impacts. Wells will be contained within the radius.

324

325 Ms. English asked about the driveway for Lot 3. Mr. Geier noted revised plans were submitted in a
326 separate mailing. Mr. Sharples noted they were received at 4 PM last Friday and are dated May 21,
327 2021. Ms. English asked the reason for the change and Mr. Geier noted because of TRC comments.

328

329 Ms. Martel asked about stormwater management and Mr. Geier explained the layout of proposed catch
330 basins.

331

332 Chair Plumer asked about steep grades. Mr. Geier noted the maximum allowed is grade 8 which they
333 are at or below in places.

334

335 Mr. Steckler asked about the source of the prime wetland boundary based on comments of Mr. Sharples
336 and the TRC. Mr. Sharples noted the applicant is not required to go into great detail concerning
337 drainage in this portion of the Yield Plan review process and will get into more detail during review of
338 the open space subdivision plan.

339

340 Mr. Grueter asked if full calculations are not done how would the Board know whether there could be
341 12 lots and Mr. Geier responded there are 12 lots proposed with 67 acres so there will be no trouble
342 making room, if necessary.

343

344 Vice-Chair Brown proposed a Site Walk and one was scheduled for June 8, 2021 at 8:00 AM. Mr.
345 Sharples will invite the Conservation Commission to attend. There is a small parking area by the gate
346 across from the trail. Mr. Geier will attempt to flag the roads in time for the walk.

347
348 Chair Plumer departed the meeting at 9:39 PM and returned at 9:40 PM.

349
350 Ms. Martel asked about functions and values and Mr. Sharples noted he had those but they are not part
351 of the Yield Plan review process.

352
353 ***Vice-Chair Brown motioned to continue Planning Board Case #20-21 to June 10, 2021 at 7:00 PM. Ms.***
354 ***English seconded the motion. A roll call vote was taken Grueter – aye, Martel – aye, Cowan – aye,***
355 ***English – aye, Cameron – aye, Brown – aye and Plumer – aye. The motion passed 7-0-0.***

356
357 **V. OTHER BUSINESS**

358
359 Non-Public Session pursuant to 91-A:3(II)(e) consideration or negotiation of pending claims or litigation
360 which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or
361 against any member thereof because of his or her membership therein, until the claim or litigation has
362 been fully adjudicated or otherwise settle.

363
364 ***By Roll Call Mr. Cameron motioned to go into non-public session pursuant to RSA 91-A:3(II)(e)***
365 ***consideration of legal advice. Ms. English seconded the motion. A roll call vote was taken Brown –***
366 ***aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye, Grueter – aye and Plumer – aye. The***
367 ***motion passed 7-0-0.***

368
369 The meeting was closed to the public at 9:47 PM.

370
371 ***Mr. Cameron motioned to come out of non-public session seconded by Ms. English. A vote was taken***
372 ***Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye, Grueter – aye and Plumer –***
373 ***aye. The motion passed 7-0-0.***

374
375 The meeting was reopened to the public at 10:05 PM.

376
377 Election of Officers

378
379 Ms. Belanger asked if alternates could be appointed to committees and Vice-Chair Brown
380 reviewed RSA 673 and the Rules of Procedure dated May 10, 2018. Chair Plumer provided the
381 list of Board and Committee appointments. Under RSA 676:1 alternates may participate even if
382 not voting. Mr. Sharples noted he sought a legal opinion, and it was recommended that
383 alternates participate during public comment but not during deliberations. The Rules of
384 Procedure state alternates may participate in deliberations but must be activated to vote. Mr.
385 Sharples noted that as the Board wants alternates to be able to participate during deliberations
386 (outside of voting) he will revisit the recommendation from legal. Chair Plumer noted the ROP
387 state a roll call vote will be taken to make it clear who is voting.

388

389 ***Mr. Grueter nominated Langdon Plumer as Chair, Aaron Brown as Vice-Chair and Pete***
390 ***Cameron as Clerk. Ms. Martel seconded the motion. A roll call vote was taken Grueter – aye,***
391 ***Martel – aye, English – aye, Cowan – aye, Cameron – abstain, Brown – aye and Plumer – aye.***
392 ***The motion passed 6-0-1.***

393

394 Master Plan Discussion

395

396 Mr. Cameron noted he believes the Committee is updating the Yield Plan language. Mr.
397 Sharples recommended participants take a tour of conventional and open space developments
398 that have been built.

399

400 Field Modifications

401

402 Bond and/or Letter of Credit Reductions and Releases

403

404 **VI. TOWN PLANNER’S ITEMS**

405 **VII. CHAIRPERSON’S ITEMS**

406 **VIII. PB REPRESENTATIVE’S REPORT ON “OTHER COMMITTEE ACTIVITY”**

407 **IX. ADJOURN.**

408 The meeting adjourned at 10:43 PM.

409

410 Respectfully submitted,

411 Daniel Hoijer,

412 Recording Secretary