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**TOWN OF EXETER  
PLANNING BOARD  
NOVAK MEETING ROOM  
DECEMBER 9, 2021  
APPROVED MINUTES**

**I. PRELIMINARIES:**

**BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Pete Cameron, Clerk, Gwen English, John Grueter, Jennifer Martel, Molly Cowan, Select Board Representative 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 activated Alternate Nancy Belanger. The members introduced themselves.

**III. OLD BUSINESS**

**APPROVAL OF MINUTES**

October 28, 2021

***Mr. Grueter motioned to approve the October 28, 2021 meeting minutes. Ms. Martel seconded the motion. A vote was taken. Mr. Cameron abstained. The motion passed 6-0-1.***

November 18, 2021

Chair Plumer asked those four members who were in attendance at the November 18, 2021 meeting to vote to approve the November 18, 2021 meeting minutes.

***Ms. Belanger motioned to approve the November 18, 2021 meeting minutes. Mr. Grueter seconded the motion. A vote was taken. Mr. Cameron abstained. Ms. Belanger voted aye, Ms. English voted aye, Mr. Plumer voted aye and Mr. Grueter voted aye. The motion passed 4-0-1.***

**IV. OTHER BUSINESS**

Chair Plumer indicated the Board would be hearing the request for a continuance on the application of Exeter Station Properties, LLC, Planning Board Case #18-11 first.

Mr. Sharples indicated he received a letter from Attorney Somers dated 11/22/21 outlining the reasons for the request for an extension for one year: until December 16, 2022. Mr. Sharples noted the

41 applicant was present and this is their third request for an extension. There have been no significant  
42 changes to the subdivision or site plan regulations since 2018.

43  
44 Ms. Martel inquired about the contaminated soils and if the remediation would change the site plan  
45 application causing the changes to come back to be reviewed by the Board. Mr. Sharples indicated  
46 there is no material change to the site plan. The applicant is following DES regulations. There would  
47 need to be some change to the plan to trigger further Planning Board review.

48  
49 Ms. English asked if the contamination was a Brownfields' category. David Cowie indicated cadmium  
50 contamination was discovered in a small pocket near the railroad tracks and they are waiting to hear  
51 back from DES.

52  
53 ***Mr. Cameron motioned to grant the request of Exeter Station Properties, LLC, Planning Board Case***  
54 ***#18-11, for a one-year extension to December 6, 2022. Mr. Grueter seconded the motion. A vote was***  
55 ***taken, all were in favor, the motion passed unanimously.***

56

## 57 **V. NEW BUSINESS**

### 58 **PUBLIC HEARINGS**

59 1. Continued public hearing on the application of ZV Investments LLC for a multi-family site plan review  
60 for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential  
61 condominium units

62 RU-Rural Residential zoning district

63 Tax Map Parcel #35-9

64 Planning Board Case #21-10

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66 Chair Plumer read out loud the Public Hearing Notice.

67

68 Mr. Sharples indicated the application is for a multi-family site plan review for a conversion of a single-  
69 family home and building into four residential condominium units. Three members of the Board  
70 attended the site walk, Chair Plumer, Vice-Chair Brown and Nancy Belanger. As there was no quorum  
71 there were no meeting minutes for the site walk. The applicant had submitted revised site plan and  
72 supporting documents dated November 15<sup>th</sup>. There is a driveway permit requirement with the NH DOT  
73 and potentially a Phase I environmental review. The applicant has since submitted revised site plan and  
74 supporting documents dated November 30<sup>th</sup>. There were no waivers requested. There is a question to  
75 the Board if they feel it in their purview to require a Phase I assessment. Jen Mates at the DPW had  
76 made note of the history of the former commercial uses, one of which was a dry cleaner. Mr. Sharples  
77 noted he has requested information concerning that from Town Counsel if the Board choses to go into  
78 non-public session to review that advice. Mr. Sharples noted he has proposed Conditions of Approval  
79 ready.

80

81 Barry Geier of Jones & Beach noted he attended the site walk with members of the Board and submitted  
82 revised plans and responded to comments. The DOT driveway permit has been filed but not received.

83 The plan depicts the new septic and well which will serve all four units and shows hardscaping for  
84 common areas and the fence on the south side of the lot.

85  
86 Mr. Sharples noted the existing well is shown on the plan. He expressed concerns that an after-the-fact  
87 CUP could be triggered by the wetland buffer for the septic and found that the septic was designed by  
88 not installed but the area was notably disturbed. Mr. Geier noted he believes the well and water  
89 apparatus to be exempt. Mr. Sharples will research that further and discuss it with Ms. Murphy.

90  
91 Mr. Cameron clarified that a completely new septic system is intended, and Mr. Geier noted it would be  
92 located on the northeast side of the lot. The system proposed in January was never installed.

93  
94 Mr. Cameron asked about soil concerns in the well circle. Ms. Martel added where there was formerly a  
95 dry cleaner located there which posed concerns in relation to the proposed new well. Mr. Geier noted  
96 he believes the dry-cleaning establishment was a storefront and does not know if cleaning was  
97 conducted on the premises or was drop off and pick up only. Mr. Geier noted the building will remain  
98 and a second story will be added.

99  
100 Ms. Martel asked about the common area for Units 2, 3 and 4 and Mr. Geier noted there is no  
101 hardscaping being done prior to sale of the units but note #15 was added to indicated the maximum  
102 hardscaping to be 400 SF and porous applications for Unit 4 which is in the buffer.

103  
104 Ms. Martel asked about grading and noted the new contours are within five feet of the property line  
105 which usually triggers a request for a waiver. Mr. Sharples indicated it would be. Mr. Geier noted the  
106 applicant will pull that back.

107  
108 Ms. Martel asked about clearing the woodland and Mr. Geier noted there is a good stand along the edge  
109 and does not believe there will be enough disturbance to remove screening.

110  
111 Ms. English asked if there were trees over 20" in the area and Mr. Geier noted he believes the ones we  
112 thought were located and will confirm that. Chair Plumer noted that a tree that would have been  
113 affected by the prior design will not be disturbed at this point.

114  
115 Chair Plumer asked about the fence location and Mr. Geier indicated it is at the south end of the  
116 property.

117  
118 Mr. Cameron asked about the pipes for the existing well and if they will be removed. Mr. Geier  
119 indicated the pipes will be left in place. Mr. Grueter asked if there were anything wrong with the  
120 existing well and Mr. Geier noted the applicant is not certain it can support all four units so will drill a  
121 new well. Mr. Grueter noted it could possibly locate the new well closer to the building and possible  
122 contamination, if any. Mr. Geier indicated the pipes for the new well will go to the utility room and then  
123 to the three units. Mr. Grueter indicated the protective well radius is 125.'

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125 Ms. English asked about the structure to the south of the parking area and Mr. Geier indicated it is the  
126 existing garage which will remain for use by Unit #1.

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Ms. English asked about the dumpster pad and Mr. Geier indicated he responded to the question posed by DPW. Ms. English noted it may be awkward for a truck to get to it.

Ms. Martel asked about utilities. Mr. Geier indicated there will be two gas tanks servicing all four units, one behind Unit #1 and the other behind Unit #3. Ms. Martel asked about HVAC and Mr. Geier noted the location could be outside the utility room or on the roof and they are still figuring that out.

Chair Plumer asked the purpose of propane #4 and Mr. Geier indicated for heat and hot water.

Ms. Martel asked if the question raised in October concerning the requirement for one of the units to remain owner occupied had been resolved. Mr. Sharples noted Vice-Chair Brown had opined that he would like to see a zoning amendment but that did not affect the requirement for this application. For one unit to be owner occupied is required for a conversion of a single-family home in the zoning district so that not all four units will be rented out simultaneously. The requirement is not in the purview of the Planning Board and enforcement would be up to the code enforcement officer, complaint driven.

Ms. Belanger asked about snow removal and Mr. Geier referenced the note concerning the edge of pavement. Ms. Belanger asked if the existing septic approval is valid, and Mr. Geier indicated it is valid and could be installed but they do not plan to use it. Mr. Sharples made recommendation for the benefit of installing an advanced system given the nitrogen loading the Town is experiencing with their nitrogen general permit to mitigate and reduce loading. Advanced systems tend to be more expensive but someone will inevitably bear the cost. Mr. Sharples noted he would feel more comfortable if the regulations addressed this rather than on a case-by-case basis which he is uncertain if the Board could require. Mr. Cameron agreed that on a case-by-case basis would be troubling and it should be universal. Chair Plumer asked if the system was engineered, and Mr. Geier responded yes.

Chair Plumer asked the Board if they would like to consider the advice of Town Counsel in non-public concerning the dry-cleaning business and Phase I assessment requirement. Mr. Geier urged the Board not to require the Phase I assessment. Mr. Cameron noted if the Board felt it was not going to require it then they would not need to go into non-public; if the business were only drop off and pick up and there were no active use of chemicals on site but the Board does not know that. Mr. Grueter noted it seemed an odd location for a retail drop off and pick up storefront.

Mr. Cameron motioned to go into non-public session at 7:58 PM and Ms. Cowan recommended hearing the request of the Andersons first so they would not have to wait for what could be a lengthy non-public session. Mr. Geier noted he was okay with that. Mr. Cameron withdrew his motion.

Chair Plumer indicated the Board will hear the request of Ben Anderson & Sarah Anderson for recommendation of granting of a sight easement, Tax Map Parcel #24-29 before returning to Planning Board Case #21-10.

170 **VI. OTHER BUSINESS**

171

172 2. Ben & Sarah Anderson – 66 Newfields Road, Tax Map Parcel #24-29

173 Consideration of Planning Board recommendation for granting of sight easement

174

175 Mr. Sharples explained that the Andersons were working with DOT and the Select Board for a sight  
176 easement to keep vegetation clear along the stone wall to acquire their driveway permit. The  
177 Andersons went before the Conservation Commission, and they recommended approval to the Select  
178 Board. The Andersons went before the Select Board on November 22<sup>nd</sup>, who did not vote, noting that  
179 the Planning Board must also vote to recommend or not recommend before they put it to a vote. The  
180 request would fall under NH RSA 41:14-a.

181

182 Mr. Anderson noted the Conservation Commission supported the request 7-0 and the DPW is in favor.  
183 The right-of-way follows an old stone wall.

184

185 Ms. Belanger asked if Town Counsel had reviewed the easement and Mr. Sharples noted yes.

186

187 Mr. Cameron asked what criteria the Board would use to recommend or not recommend, and Mr.  
188 Sharples noted there were no standard criteria but state law enables the Planning Board to protect the  
189 health, safety and welfare of the Town.

190

191 ***Mr. Cameron motioned to recommend the request of Ben and Sarah Anderson for a sight easement at***  
192 ***Tax Map 24-29 per RSA 41:14-a be approved by the Select Board. Mr. Grueter seconded the motion. A***  
193 ***vote was taken, all were in favor, the motion passed unanimously.***

194

195 **VII. NEW BUSINESS**

196 **PUBLIC HEARINGS**

197

198 1. Continued public hearing on the application of ZV Investments LLC for a multi-family site plan review  
199 for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential  
200 condominium units

201 RU-Rural Residential zoning district

202 Tax Map Parcel #35-9

203 Planning Board Case #21-10

204

205 ***Mr. Cameron motioned to go into non-public session pursuant to NH RSA 91-A:3(II)(I) advice of***  
206 ***counsel. Ms. Martel seconded the motion. A vote was taken, all were in favor, the motion passed***  
207 ***unanimously.***

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209 The meeting room was closed to the public at 8:10 PM.

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211 The meeting was reopened to the public at 8:12 PM.

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Mr. Geier noted the Board is allowed to request additional studies as needed but asked what question was being asked and what report the Board would need to help deny or approve the application.

**Mr. Grueter motioned to seal the minutes of the non-public session. Ms. Cowan seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

Ms. Martel noted while she knows the applicant has no ill intention if the Board knew the dry cleaner were just a store front there would be no concern, but they don't know that and finding out is important to be sure the site is not contaminated with chemicals. Mr. Geier noted the well water would need to be tested and asked under what part of the ordinance the requirement would fall. Mr. Sharples indicated the requirement to provide potable water. Mr. Geier noted there has not been anything environmentally unsound. Mr. Sharples referenced Jen Mates of DPW's note that any contamination be removed before adding three additional property owners to the site. Mr. Grueter asked if there had been any regional well testing recently and Mr. Geier answered no. Mr. Cameron noted a reasonable possibility and would like to see the question answered concerning whether the dry cleaning business was drop off and pick up only or performed dry cleaning on site. Dry cleaning chemicals create significant problems.

Ms. English noted she would not feel comfortable walking out of this room assuming the cleaning was not going on and jeopardizing the health and well being of future residents. Mr. Cameron asked if there were any way to find out. Mr. Sharples indicated he was sure they could find out and asked what research the applicant had done. Mr. Geier indicated they didn't know until informed by the Town. The property had been a church with a daycare prior to having the dry cleaner in the 70s or 80s. Mr. Grueter agreed he would feel better. Ms. English agreed someone should know. Mr. Sharples noted in the event contaminants were present they could migrate at any time, even in ten years.

**Mr. Cameron motioned to continue the application of ZV Investments LLC, Planning Board Case #21-10 to the Thursday, December 16, 2021 meeting at 7 PM. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.**

- Master Plan Discussion
- Field Modifications
- Bond and/or Letter of Credit Reductions and Releases
- Public Comment

252 **VIII. TOWN PLANNER'S ITEMS**

253 Mr. Sharples noted a citizen's petition was received on December 8, 2021 requesting to amend the  
254 definition of Bed & Breakfast. The petition will be a Warrant Article. He noted that Ms. McEvoy  
255 believed there will be a Public Hearing and will look into that further.

256 **IX. CHAIRPERSON'S ITEMS**

257 **X. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"**

258 **XI. ADJOURN.**

259 *Ms. English motioned to adjourn the meeting at 8:35 PM. Ms. Martel seconded the motion. A vote*  
260 *was taken all were in favor, the motion passed 7-0-0.*

261

262 Respectfully submitted,

263 Daniel Hoijer,

264 Recording Secretary