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**TOWN OF EXETER
PLANNING BOARD
NOWAK MEETING ROOM
JULY 15, 2021
APPROVED MINUTES**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brown, Gwen English, John Grueter, Jen Martel, Mark Dettore, Alternate 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 public hearing notice. The members introduced themselves and Chair Plumer noted Alternates Nancy Belanger and Mark Dettore were active.

III. OLD BUSINESS

APPROVAL OF MINUTES

July 1, 2021

Edits were suggested by Ms. English and Ms. Belanger.

Ms. Belanger motioned to approve the July 1, 2021 Meeting Minutes as amended. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

IV. NEW BUSINESS

PUBLIC HEARINGS

1. The continued public hearing on the application of Brian Griset for a lot consolidation, subdivision, lot line adjustment, Wetlands Conditional Use Permit, Shoreland Conditional Use Permit and site plan review for a proposed 16-unit single-family condominium open space development and associated site improvements on properties located off of Tamarind Lane and Cullen Way R-1, Low Density Residential & NP Neighborhood Professional zoning districts Tax Map Parcel #96-15, #81-53 and #96-9 Planning Board Case #20-2

Chair Plumer read out loud the public hearing notice. Mr. Dettore reminded the Board that he has recused himself.

41 Mr. Sharples summarized that the Board had voted to accept the applicant's Yield Plan (rev. 5/5/21) at
42 the May 27th meeting. The applicant then filed an open space subdivision plan which was accepted. At
43 the June 10th meeting the Board determined that 3rd party review of the wetland delineation was not
44 needed. Attorney Pasay indicated he would review the Conditional Use Permits and waiver requests at
45 this meeting. The TRC had no objections to the sidewalk and roadway waiver or the perimeter waiver.
46 Mr. Sharples noted he did not believe a waiver from sloped granite curbing in a cul-de-sac is necessary.
47 As reason Mr. Sharples interpreted the regulation to mean that the curbing shall be granite if curbing is
48 proposed. With the open drainage design there would be no curbing in the cul-de-sac.

49

50 Mr. Sharples reviewed correspondence received since the last meeting on this application. Mr. Pasay
51 provided a letter dated July 8, 2021 in response to the issue raised by the abutters concerning
52 covenants. The Flahertys sent an email yesterday and an email was received this morning from a group
53 of homeowners.

54

55 Attorney Justin Pasay from DTC Lawyers presented the application to the Board noting that Christian
56 Smith the engineer from Beals Associates was present with Jim Gove, the wetlands scientist and the
57 developer Brian Griset. Attorney Pasay reviewed the testimony provided by Mr. Griset at the last
58 meeting where he reviewed the project plans, grading and stormwater management. Attorney Pasay
59 responded that issues which have been raised by the homeowners before have been addressed and
60 merit no additional comment. The Conservation Commission recommended approval of the CUP
61 applications.

62

63 Brian Griset explained the lot line adjustment for the benefit of the Flahertys who have a ROW at 8
64 Tamarind Lane which they did not want going over their property. Mr. Griset noted the triangular piece
65 would be exchanged and the 75' easement over their driveway extinguished. The property being
66 transferred to the Flahertys includes a section of pond where their son likes to fish. The Exeter Green
67 Homeowners Association voted to approve the lot-line adjustment which extinguishes liability with the
68 Flahertys.

69

70 Ms. English asked when the vote was approved and Mr. Griset indicated it was recorded in September.

71

72 Mr. Griset reviewed the consolidation of the Mendez Trust Property and the Griset property which will
73 then be divided into four parcels. Mr. Griset posted the plan showing the revised common boundary of
74 the Mendez Trust property so that the vernal pool would be included in the Conservation property.
75 There would be two lots including his home in the R-1 and another single-family home in the R-1 zone.
76 The open space condominium development would be on the 14.59 acre site including a 9 acre open
77 space meadow conserved and maintained by the HOA.

78

79 Jim Gove of Gove Environmental Services described the April 2019 delineation where he identified
80 vernal pools, did soil mapping and a functions and value assessment. Mr. Gove noted the total impact is
81 less than 3,000 SF. Mr. Gove described the stormwater storage and nutrient trapping as a small area of
82 edge impact with the functions and values retained in the man made pond which has a fish population.
83 The forested area to the south of the roadway is part of a larger system which will have edge impact and
84 is an area already impacted and will avoid the Swamp White Oaks there.

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Mr. Gove explained the shoreland impacts and Scanlon Brook with the stormwater storage being put into effect. The detention system will take care of any adverse water quality. The functions and values will not be affected. The vernal pools and Swamp White Oaks are protected. The large forested wetland surrounds the prime wetland area. Impact will be minimal.

Ms. English asked about the entrance road impacts on the man made pond. Mr. Gove noted there will be a slight reduction in volume. Booms will control erosion and keep sediment out.

Ms. English asked about road salt. Mr. Gove explained that road salt is an unfortunate part of living in New England but the runoff will be controlled by the detention basins before it goes out and the area could be maintained as a low salt area.

Mr. Griset noted the impact to the man made pond would be less than lineally one quarter.

Mr. Grueter asked if anyone had calculated the impact or whether this was an estimate and Mr. Griset noted it was an estimate.

Ms. Martel asked about the 4' retaining wall and the function of other wildlife using the man made pond. Mr. Gove noted he looked in springtime for vernal activity. Scanlon Brook is a perennial stream. The majority of animals would likely prefer the brook as a water source because the pond is next to a home and a busy road.

Attorney Pasay displayed the plan and reviewed the CUP criteria. Attorney Pasay noted there would be 17 home plus the one-unit density bonus. The open space condominium plan is the most environmentally appropriate and sensitive with low value impacts to already impacted edges and where the drainage will benefit as opposed to doing a conventional subdivision which would have three times the environmental impact. 64% would be conserved for the benefit of the Town and 9.4 acres conserved for the benefit of the homeowners and these areas are contiguous to other green spaces.

Attorney Pasay described the impacts as follows:

- WCD Overlay 29,000 SF
- Buffer 11,000 SF for Wild Apple Lane
- Shoreland 7,938 SF within 150' of Scanlon Brook

Reviewing the CUP criteria Attorney Pasay noted #1 single family homes are permitted in the zoning district. #2 no alternative design. Attorney Pasay described the considerations and amendments to the plan already made to protect the vernal pools. 91% of impact is related to the road to access the property at the edge of wetlands. The design reduced the width of the road and sidewalk. Large block retaining walls will be off Tamarind Lane. The wetland scientist provided a functions and values assessment so the applicant could plan the subdivision with the value of the greater hydrological system protected.

129 #4 The applicant requested relief to minimize the impact from the roadway while preserving the
130 functions and values of the man made pond and protecting the Swamp White Oaks.

131

132 #5 Quoting Mr. Gove who supported it is not detrimental to function and values and Mr. Hurley's
133 assessment. 80% of 64 acres will be preserved indefinitely benefits the public. The Conservation
134 Commission is in favor of the easement.

135

136 #6 By preserving the vernal pools and the highest value wetlands are protected forever.

137

138 #7 Restoration proposal is to revegetate and provide a suitable grade. Stumps are to be ground and
139 debris removed and reseeded.

140

141 #8 Permits. The DES State permit is in the works.

142

143 Shoreland CUP

144

145 Attorney Pasay described the first 200' of Wild Apple and the proposed 20' road width and 4' sidewalk
146 width with a block retaining wall. There would be 7,900 SF of impact. The proposal is not detrimental
147 to surface water, no negative impact to Scanlon Brook. Runoff is treated before discharge. There will be
148 Town sewer. The use is residential. Snow treatment is outside the shoreland district.

149

150 9.3.4 access roads and utilities are permitted in the zoning ordinance.

151 9.3.1 design proposal avoids unnecessary impact. 80% preserved in conservation.

152

153 Attorney Pasay explained the reduced roadway and sidewalk and no curbing in the cul-de-sac with the
154 open drainage system and verbally withdrew the waiver request for curbing.

155

156 Mr. Sharples explained regulation 19.17.2 and there being no curbing in the cul-de-sac because of the
157 open drainage system. If there were curbing the drainage system would have closed otherwise.

158

159 Mr. Smith added that the road is super elevated and utilizes the sediment forebay system. Vice-Chair
160 Brown noted it was similar to the Cypress subdivision.

161

162 Mr. Grueter asked if where there is granite curbing there are catch basins and Mr. Smith noted that was
163 correct in other areas where there were curbing, not in the cul-de-sac.

164

165 ***Vice Chair Brown motioned after reviewing regulation 9.17.2 the waiver for granite curbing in the cul-***
166 ***de-sac is not needed. Ms. Belanger seconded the motion. A roll call vote was taken Belanger- aye,***
167 ***Grueter – aye, Brown – aye, Martel – aye, English – aye and Plumer – aye. The motion passed 6-0-0.***

168

169 Mr. Smith presented the request for the road and sidewalk waivers. The roadway and sidewalk width is
170 being reduced to 20' for the road and 4' for the sidewalk for 300' up to the area of the mail kiosk to
171 protect the Swamp White Oaks and minimize disturbance to the man made pond and wetland impact.

172

173 Mr. Smith referenced the written waiver requests.

174

175 Attorney Pasay presented the request for the perimeter buffer waiver and referenced regulation 9.6.1.2
176 of the Site Plan Regulations which he read out loud. Attorney Pasay noted that being an open space
177 condominium development there are no boundary lines within the development to provide a perimeter
178 buffer for. There will be 50' of buffer with new plantings and existing vegetation and 25' for recreational
179 purposes. The green space design that doesn't reduce density and maximizes greenspace. The abutters
180 most affected are the Flahertys and two others who indicated their individual support. The concept is
181 the best to preserve the highest value wetlands and provide contiguous green space in an area which is
182 a transition from downtown and is consistent with the Master Plan.

183

184 Attorney Pasay reviewed the 13.7 criteria noting elevations were reduced for site lines. The property is
185 unique. The Mendez Trust property has no frontage and is landlocked. It is not contrary to the spirit
186 and intent and would not pose a threat to public health, safety or welfare. There isn't another proposal
187 that would protect the property more. It does not vary the zoning ordinance or the Master Plan and is
188 compliant with.

189

190 Mr. Griset added fences were being upgraded, elevation reduced and a block retaining wall. He
191 reviewed a limited history of other properties granted waivers for perimeter buffers and noted 43%
192 received buffer waivers. This proposal is similar to the Boulders at Riverwoods, Forest Ridge in 2005.

193

194 Chair Plumer opened the hearing to the public for comments and questions at 8:20 PM.

195

196 Jonathan Elliot of 6 Tamarind Lane noted he lived at the property for 15 years and works in
197 development. Mr. Elliot feels the development should be done in compliance with the ordinance and
198 site plan regulations. Mr. Elliot expressed concerns with the covenants, not specified. Mr. Elliot
199 questioned how creating a single-family lot is consistent with an open space subdivision. Mr. Elliot
200 opined the most affected are the owners with driveway adjacent and ones that see traffic and opined
201 this is the exact reason a perimeter buffer is asked for. Mr. Elliot opined that the site does not support
202 the development. Mr. Elliot noted he is concerned by other development in Town, a single-family home
203 behind the Town Hall, single-family homes on Brentwood and Spruce and Town homes. Mr. Elliot asked
204 how much density could be crammed versus impact to existing neighborhoods. Mr. Elliot opined the
205 Yield Plan is flawed and the development is flawed and Brickyard Park is a safety concern with sports
206 season and no parking. Mr. Elliot encouraged use that would benefit all of the stakeholders involved.

207

208 David Hadden of 12 Tamarind Lane noted the "flow and vibe" of the community is different. He has
209 approached neighbors and asked them to attend the meeting and they felt their voice would not be
210 heard. Mr. Hadden compared the development to filleting a fish and throwing back 64% to the
211 community. Mr. Hadden opined the open space design is just a way to do a cheaper development and
212 blame a thinner road on protecting oaks when it is a cost saving way to develop. It is not similar to the
213 rest of the neighborhood and would like to see a different plan that looks like the neighborhood he lives
214 in.

215

216 Jason Conway of 5 Tamarind Lane noted he lives diagonally across since 2008 and raised concerns with
217 the Town owned culvert that collapsed two years ago which has not functioned for over 20 years. Mr.
218 Conway noted he could not see how when the culvert is fixed it will not change the water flow and
219 cause flow into the area assessed. Mr. Conway requested the Board wait until the culvert is repaired by
220 the Town and offered the Board a site walk of his property.

221
222 Mr. Griset discussed the water tables and rain events saturating the soil. The tables have raised on his
223 side. The Town is responsible for the culvert. Mr. Griset expressed concerns with the road under
224 washing and potential sewer rupture. Mr. Griset opined the repair would cause things to get better not
225 worse but could take some time. Delay has no basis.

226
227 Mr. Conway added it is speculative to say fixing the culvert will improve things once the water that has
228 been dammed up begins to flow freely.

229
230 Unidentified stated 40% of the pond is being taken away, the roads are thinning, there are concerns
231 with the whole field, water, delineation and the perimeter around the field area.

232
233 Attorney Pasay stated the covenants were addressed on July 8th. Attorney Pasay noted he did not agree
234 with Mr. Hadden that the open space subdivision is required due to the property size.

235
236 Mr. Grueter asked when the culvert was built and Mr. Griset addressed what the former developer
237 Mutri had done and how he changed the multi-family design in 1984. The culvert rotted out and DPW
238 has no had the funds in the budget to do the work until late summer. Mr. Griset noted the water flows
239 to Scanlon Brook and across his property to Little River. Mr. Smith explains the culvert feeds the channel
240 of Scanlon Brook.

241
242 Vice-Chair Brown requested the two-page email from the homeowners be read into the record.

243
244 Mr. Page of 13 Tamarind Lane read the letter and requested the opinion of Town counsel and impact
245 from the culvert.

246
247 Mr. Page noted the homeowners objected to the Affidavit of Ann Burke who has been deceased for nine
248 years as hearsay. That there are no restrictive covenants is not true. There are concerns with Lots 15-1
249 and 15-2 which are contrary to the declaration and requested 15-1 and 15-2 be removed as well as 96-
250 15-17 and 96-15 being reviewed. Perimeter buffers exist for good reason and requested the request be
251 denied. The authority of the Trustee of the Mendez Trust should be verified. Brickyard Park is a safety
252 issue during athletic events due to drainage and traffic. Concerns with 5/27/21 letter and conveyance of
253 the Mendez Trust Property and prohibition of development of 96-15. The request to release Town
254 counsel's memo concerning density transfer and a request for third party delineation of wetlands.

255
256 Ms. English asked about the Trustee and Attorney Pasay noted authorization is on record. Mr. Griset is
257 the general power of attorney.

258
259 Mr. Bleicken of Tamarind Lane asked if a Trustee could delegate that kind of authority.

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Attorney Pasay noted the Trustee manages the Trust and the owner owns the property. Mrs. Griset is the beneficiary. She directs the Trustee.

Ms. English objected to the threat to do a conventional development if the current open space design is rejected.

Mr. Griset noted the agreement with Mr. Mutri in 1984 was for a cluster and there were no covenants. The developer has a right to add. In 1991 when the park was donated he had the right to develop conventionally or open space, either way. The Mendez Trust property is not a part of it. Mr. Griset noted it is not about cost savings. Mr. Sharples noted he can request a waiver to access uplands.

Ms. English expressed concerns about the magnitude of homes to the neighbors.

Vice-Chair Brown noted the Master Plan encourages open space development. The Planning Board does not make the regulations. Vice-Chair Brown noted he doesn't understand request 7C in the homeowners email today which is repeated as well as the repeated request for third party delineation already debated without yet having a compelling reason. There has been much dialogue from both sides and the Board has listened.

Vice-Chair Brown asked for more detailed information concerning the Conservation restrictions proposed. Mr. Griset will provide a draft. The property would be open to the general public with access from Brickyard for conservation and passive recreation. The Commission has not finalized the restrictions with him but he has proposed no mechanized vehicles, pathways to be 100' from condominium property, no dogs, fires or fireworks, two viewing stations allowed for education, hunting by permit specifically four veterans would be chosen. No early am or night access. Deep water drilling royalties would be donated to a veteran's group. Mr. Griset agreed more could be done by the Town at Brickyard Park to increase parking safety during sports season but that is up to them.

Ms. English asked about monitoring the conservation land and Mr. Griset noted the Commission proposed a stewardship fee.

Ms. English asked about coyotes being hunted and Mr. Griset noted the HOA would control populations that become over populated such as coyote and nuisance beavers consistent with Fish & Game rules and permits.

Chair Plumer read out loud the email received from the Flahertys who apologized for not being able to attend but confirmed their ongoing support of the developer and the setback waivers and lot line adjustment.

Mr. Sharples explained the need for Mr. Griset to have 150' of frontage and for Lot 17.

Chair Plumer closed the hearing to the public for deliberations at 9:31 PM.

304 Ms. Martel questioned whether the Swamp White Oaks would survive construction impact with the
305 installation of the roadway and block retaining wall which would likely sever their root system and asked
306 for an arborist to be involved. Mr. Smith noted the oaks are within 5' and Ms. Martel noted that is too
307 close for mature trees and should be five times d/b/h.

308
309 Ms. Martel expressed concerns about the drop off and having a pedestrian guardrail at that area of the
310 sidewalk.

311
312 Ms. Martel noted the landscape plan lacked diversity and the area where the forebay drain is lawn is an
313 eyesore and lighting would prevent vehicles driving over it at night. Ms. Martel recommended added
314 more variety and plantings in the detention basin area. Mr. Smith will reach out to see what AoT would
315 allow and could go 3 to 1 grade. He noted they were advised lighting would be detrimental to wildlife
316 and proposed a reflector instead.

317
318 Ms. English requested to see more street trees and Mr. Griset proposed apple trees consistent with the
319 naming of the road.

320
321 Ms. Martel noted the fence beyond Unit 8, 9 and 10 is in disrepair.

322
323 Mr. Griset noted the Swamp White Oaks were already there when the farm road was put in and their
324 roots have likely spread and adapted but had no problem with it being a condition of approval. Mr.
325 Griset explained screening and why trees that would not lose their leaves were selected and his
326 consultations with the Natural Resource Planner. There is a lot of biodiversity in the other 60 acres.
327 They were told not to use hemlock due to disease.

328
329 ***Vice-Chair Brown motioned to table Planning Board Case #20-2 to July 29, 2021 at 7:00 PM. Ms.***
330 ***Belanger seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.***

331
332 2. The application of Scot W. Carlisle III for review of a proposed twelve (12) lot single-family open
333 space subdivision, Wetlands Conditional Use Permit and associated site improvements on the property
334 located at 19 Watson Road
335 R-1, Low Density Residential zoning district
336 Tax Map Parcel #33-26
337 Planning Board Case #20-21

338
339 Chair Plumer indicated the applicant would like to be rescheduled to August 26, 2021 at 7 PM.

340
341 ***Mr. Dettore motioned to table Planning Board Case #20-21 to August 21, 2021 at 7 PM. Mr. Grueter***
342 ***seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.***

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345 **V. OTHER BUSINESS**

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347 Master Plan Discussion

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349 Field Modifications

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351 Bond and/or Letter of Credit Reductions and Releases

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

354 Mr. Sharples reported the Facilities Advisory Committee would like to attend the CIP Meetings in
355 August. Chair Plumer noted the Board would be happy to have them there.

356 **VII. CHAIRPERSON'S ITEMS**

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

358 **IX. ADJOURN.**

359 *Vice-Chair Brown motioned to adjourn the meeting at 10:04 PM. Ms. Belanger seconded the motion.*
360 *A vote was taken all were in favor, the motion passed 7-0-0.*

361

362 Respectfully submitted,

363 Daniel Hoijer,

364 Recording Secretary

365

366 *Zoom link for this meeting for those members of the public who wished to attend virtually was:*
367 *#869 4778 7419*