

**TOWN OF EXETER
PLANNING BOARD
NOWAK MEETING ROOM
JULY 29, 2021
APPROVED MINUTES**

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I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brown, Gwen English, 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 7:03 PM and read out loud the public hearing notice. The members introduced themselves and Chair Plumer noted Alternate Mark Dettore is active.

III. OLD BUSINESS

APPROVAL OF MINUTES

July 15, 2021

Edits were suggested by Ms. English.

Mr. Dettore motioned to approve the July 15, 2021 Meeting Minutes as amended. Vice-Chair Brown seconded the motion. A vote was taken, Mr. Cameron and Ms. Cowan abstained. The motion passed 5-0-2.

IV. NEW BUSINESS

PUBLIC HEARINGS

1. The continued public hearing on the application of Nouria Energy Corporation for a site plan review of the proposed redevelopment of the property located at 158 Epping Road. The applicant is proposing a new retail motor fuel outlet (convenience store with drive-thru and fueling canopy with six islands) and a car wash building with vacuum island spaces.
C-3, Epping Road Highway Commercial zoning district
Tax Map Parcel #47-1-2
Planning Board Case #21-4
Chair Plumer read the Public Hearing Notice.

40 Mr. Sharples noted that the applicant has submitted an application and plans for site plan review for the
41 proposed redevelopment of the property. The applicant appeared before the Board at its July 1, 2021
42 meeting to present their plans. A site walk was held on July 15, 2021. The applicant submitted revised
43 site plan and supporting documents dated July 15, 2021 and response letter dated July 15, 2021 to the
44 TRC and UEI comment letters. A copy of the response letter concerning the traffic impact and access
45 study from GPI dated July 15, 2021 is provided to the Board. Both VHB and TRC oppose left turns onto
46 Epping Road. Jason Plourde is present virtually to discuss the study.

47

48 Mr. Sharples provided applicant's responses concerning Comment #18 shading of parking areas – "no
49 trees have been added" Trees should be added, or a waiver requested; Comment #19 concerns 10-foot
50 of landscaping between the edge of paved surface and the property line – the applicant responded that
51 they received a variance from the ZBA. The ZBA lacks authority to grant variances from Site Plan
52 Regulations. Comment #22 concerns sidewalks and the applicant responded by offering to donate to a
53 sidewalk fund. There are no waivers being sought at this time.

54

55 Chris Tymula, Project Manager with GPI/Greenman-Pederson, Inc. of Salem, NH thanked the Board for
56 allowing this special meeting. Mr. Tymula addressed the intersection, shared access easement and
57 stormwater detention on site. The stormwater system connected to an existing drain. Mr. Tymula
58 passed out copies of the management report. Mr. Tymula addressed the street trees in the right of way
59 and offered to increase the 10' land strip from the 7.8.' Mr. Tymula explained the reluctance for
60 showing the sidewalk because of unknown future development and offered to pay into a fund if there is
61 a mechanism for that.

62

63 Vice-Chair Brown asked to run through the changes to the plan since the last meeting. Mr. Tymula
64 pointed out the driveway location, discharge/catch basins, hydrant, manhole cover insulation, fire trucks
65 and signage details information.

66

67 Mr. Plourde with VHB discussed the intersection and increase in vehicles from use by the Jaguar
68 dealership: weekdays mornings 23 vehicles to 341 and the location of the neighboring abutters Al's
69 Auto & Truck Center and the Brewing Co. Mr. Plourde expressed concerns with vehicles being directed
70 head on to the vehicles in the drive through. Mr. Plourde addressed the potential use of center turn
71 lanes and future roadway widening.

72

73 Mr. Tymula noted tanker trucks needed to make the left turn to get out and would only deliver during
74 off-peak hours. Ms. English asked if the trucks could go down and turn around on another street that
75 had enough turning room. Mr. Cameron noted he was not sure the problem would be solved by moving
76 the driveway. Mr. Plourde discussed enforcement of the left turn. A scored concrete turn pad was
77 proposed with signage for use by the fuel delivery trucks only.

78

79 Chair Plumer expressed concerns with the shared access. Mr. Tymula noted it would self-regulate. The
80 utility pole could be moved.

81

82 Chair Plumer opened the hearing to the public for comments and questions at 8:38 PM.

83

84 Ms. Belanger expressed concerns with only allowing vehicles to take a left and if it's possible to only
85 allow trucks to take a left turn.

86
87 Ms. Martel requested to see the additional changes on the plan before voting: the 8' land strip, the
88 adjustment to the driveway and the left-hand turn sign, the three shade trees, The sidewalk could be
89 closer to the property line to prevent having to move it. She could envision people walking over to get a
90 soda from the neighboring business. Ms. Belanger noted the drainage easement also should be a
91 condition. Ms. English noted the legend concerning the trees around the dumpster was not on the plan.

92
93 Mr. Sharples noted he would not be comfortable leaving the changes up to the staff to approve.
94 Attorney John Arnold recommended making the changes a conditional approval. They would come back
95 to the Board who would see that the conditions had been met.

96
97 Chair Plumer closed the hearing to the public at 9:00 PM for deliberations.

98
99 Mr. Sharples read out loud the standard conditions of approval:

- 100
- 101 1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided
102 prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format
103 and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
 - 104 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
105 Subdivision Regulations prior to the issuance of a Certificate of Occupancy;
 - 106 3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town
107 engineer prior to any site work commencing. The following must be submitted for review and
108 approval prior to the preconstruction meeting:
 - 109 i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted
110 to and reviewed for approval by DPW prior to preconstruction meeting.
 - 111 ii. A project schedule and construction cost estimate.
 - 112 4. All comments in the most recent Underwood Engineers Inc. letter shall be addressed to the
113 satisfaction of the Town Planner prior to signing the final plans;
 - 114 5. Third party construction inspections fees shall be paid prior to scheduling the preconstruction
115 meeting;
 - 116 6. The stormwater inspection maintenance log, the de-icing log, the first offense inspection and
117 maintenance log, and the jellyfish filter inspection and maintenance log and the inspection and
118 maintenance manual for stormwater management systems dated April 20, 2021 and revised July 12,
119 2021 shall be completed and submitted to the Town Engineer annually on or before January 31st. This
120 requirement shall be an ongoing condition of approval.
 - 121 7. All applicable State permit approval numbers shall be noted on the final plans; All appropriate fees to
122 be paid including but not limited to: sewer/water connection fees, impact fees, and inspection
123 fees(including third party inspections), prior to the issuance of a building permit or a Certificate of
124 Occupancy whichever is applicable as determined by the Town;

- 125 8. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible
126 from adjacent properties and/or roadways;
- 127 9. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be
128 replaced, no later than the following growing season, as long as the site plan remains valid. This
129 condition is not intended to circumvent the revocation procedures set forth in State statutes;
- 130 10. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the
131 land use and stormwater management information about the project using the PTAPP Online
132 Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW
133 prior to the pre-construction meeting;
- 134 11. A restoration and erosion control surety, in an amount and form reviewed and approved by the
135 Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision Regulations,
136 shall be provided prior to any site work;

137 Mr. Sharples read out loud the specific conditions of approval:

- 138 12. Final plans shall show a drainage easement to discharge stormwater from DMH1 into the closed
139 system on the adjacent property Tax Map 47-1-1. Said easement shall be duly recorded or a copy of the
140 recorded document be provided to the Board prior to final approval.
- 141 13. The “Do Not Block Intersection” striping and signage shall be reviewed by the DPW, and they will
142 determine if the proposed signage and striping is appropriate. This decision shall be made prior to the
143 signing of the final plans and the final plans shall be consistent with DPW’s determination.
- 144 14. The applicant shall return to the Planning Board with revised plans depicting the Board’s discussion
145 that include relocation of the intersection, elimination of the left-hand turn onto Epping Road from the
146 southerly access except for tractor trailer trucks, a pedestrian access plan with a sidewalk along the
147 Epping Road frontage, and the addition of shade trees along the Epping Road frontage and the widening
148 of the landscape strip from 8’ to 10’. The revised plan shall be reviewed and approved by the Planning
149 Board prior to signing the final plans.
- 150 15. Exterior Lighting on dimmers to reduce intensity after hours.

151 **Mr. Dettore motioned that the request of Nouria Energy Corp, Planning Board Case #21-4 for Site Plan**
152 **approval be approved subject to the conditions as read by Town Planner Dave Sharples. Vice-Chair**
153 **Brown seconded the motion. A roll call vote was taken Martel – aye, Brown – aye, Cameron – aye,**
154 **English – aye, Dettore – aye, Cowan - aye and Plumer – aye. The motion passed 7-0-0.**

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

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

Mr. Sharples summarized that the Board had voted to accept the applicant’s Yield Plan (rev. 5/5/21) at the May 27th meeting. The applicant then filed an open space subdivision plan which was accepted. At the June 10th meeting the Board determined that 3rd party review of the wetland delineation was not needed. The TRC had no objections to the sidewalk and roadway waiver or the perimeter waiver. Mr. Sharples noted he did not believe a waiver from sloped granite curbing in a cul-de-sac is necessary.

Mr. Sharples reviewed correspondence received since the last meeting on this application. Mr. Pasay provided a letter dated July 22, 2021. The applicant requested to clarify the access matter and the 50’ perimeter buffer waiver. The Chair agreed to reopen the public hearing for the limited purpose. Mr. Sharples provided four revised plan sets (#9, 11, 12 and 14), authorization letter from Brett Neeper, Trustee and a draft of the conservation deed.

Mr. Sharples noted at the last meeting the Board discussed landscaping along the buffer, the pedestrian guardrail, landscaping the center of the cul-de-sac, lighting the cul-de-sac, reflective sign for the cul-de-sac, lack of trees between the roadway and units, fixing the fence behind units #8-10, the conservation deed and access to the open space for the public. The TRC felt a light pole at the cul-de-sac was not necessary and has no objection to the two waivers.

Chair Plumer opened the hearing to the public at 9:37 PM.

Mr. Sharples addressed the abutter’s 91-A request for legal advice provided to the Board. Mr. Sharples noted it is excludable.

Mr. Cameron motioned to deny the request as it is attorney-client privilege. Ms. Belanger seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Mr. Sharples noted the regulations call for natural or planted vegetation in the 25 setback. Units 1-7 will have patios. Christian Smith reviewed the plan changes including the three species of evergreens. Mr. Smith discussed the request for a pedestrian rail and found that the feature does not exist. He offered to plant some shrubs to quell the concern that children would crawl under and fall. Mr. Smith noted the light reflector would be used to keep vehicles out of the basin. Planting is not practical in this location due to snow removal. Plants would not likely survive there after the winter season. The fence will be repaired and have two rails added.

Ms. English asked about the arborist. Ms. Martel noted it should be done before construction. Attorney Pasay provided a proposed condition of approval. Mr. Smith noted there would be apple trees on the proposed road.

Chair Plumer closed the public hearing at 9:48 PM.

208 Ms. Martel recommended the condition that an arborist develop a plan and that the developer adhere
209 to it be submitted prior to the preconstruction meeting.

210

211 Ms. English expressed concerns about nesting birds in the wet meadow and mowing taking place in the
212 late fall. It is in the HOA documents already. Ms. English asked about snow removal at the end of the
213 Flaherty's driveway. Mr. Smith noted management would plow the street and remove large piles of
214 snow. Ms. English asked about the low salt use area and Mr. Smith felt the treatment would handle it.
215 Ms. English asked about vehicle lights hitting the neighbors across the street and Mr. Smith noted the
216 road was moved over. Ms. English asked if there would be trash and recycling removal at each unit and
217 Mr. Smith indicated yes. Ms. English asked about the monitoring fund setup for the conservation
218 easement and Mr. Smith noted there would be a stewardship fee.

219

220 Ms. Belanger raised concerns with the hunting language in the easement deed for veteran's only. Vice-
221 Chair Brown reminded the easement is part of the open space and not a gift. The developer receives a
222 density bonus. Mr. Griset noted he has allowed Exeter Post 32 to chose the four veterans that would
223 hunt and manage the deer herd for overpopulation and the bag limit is three per year. He would like to
224 continue that. Vice-Chair Brown noted he was uncomfortable with the Town being told to manage the
225 coyotes and beavers by the grantor and that the grantor reserved the right to post the property or not.
226 Mr. Sharples agreed it creates a liability on the Town

227

228 Chair Plumer reviewed the need for slope granite curbing waiver. Mr. Sharples noted that was done at
229 the last meeting.

230

231 **Ms. Martel motioned after reviewing the criteria for granting waivers that the request of Brian Griset,**
232 **Planning Board Case #20-2 for a waiver from Section 9.17.10.C of the Site Plan Review and Subdivision**
233 **Regulations to permit proposed access roadway width less than required be approved. Ms. Belanger**
234 **seconded the motion. A roll call vote was taken English – aye, Cameron – aye, Plumer – aye, Brown –**
235 **aye, Belanger – aye, Martel – aye, and Cowan – aye. The motion passed 7-0-0.**

236

237 **Ms. Martel motioned after reviewing the criteria for granting waivers that the request of Brian Griset,**
238 **Planning Board Case #20-2 for a partial waiver from Section 9.15 to permit a portion of the proposed**
239 **sidewalk to be less than five (5') in width be approved. Ms. Belanger seconded the motion. A roll call**
240 **vote was taken Belanger – aye, Martel – aye, Cowan – aye, Cameron – aye, English – aye, Brown – aye**
241 **and Plumer – aye. The motion passed 7-0-0.**

242

243 **Mr. Cameron motioned after reviewing the criteria for granting waivers that the request of Brian**
244 **Griset, Planning Board Case #20-2 for a waiver from Section 9.6.1.2 and 11.2.8 of the Site Plan Review**
245 **and Subdivision Regulations to provide a 100' vegetated buffer strip and a 0' no-disturb area along the**
246 **perimeter lot line of the tract be approved. Ms. Belanger seconded the motion. A roll call vote was**
247 **taken Brown – aye, Cameron – aye, English – nay, Plumer – aye, Cowan – aye, Martel – aye, and**
248 **Belanger – aye. The motion passed 6-1-0.**

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250 **Ms. Belanger motioned that the request of Brian Griset, Planning Board Case #20-2 for a lot**
251 **consolidation and subdivision as presented be approved. Mr. Cameron seconded the motion. A roll**

252 **call vote was taken English – aye, Cameron – aye, Cowan – aye, Belanger – aye, Martel – aye, Brown –**
253 **aye and Plumer – aye. The motion passed 7-0-0.**

254

255 **Ms. Belanger motioned that the request of Brian Griset, Planning Board Case #20-2 for a Lot Line**
256 **Adjustment approval be approved. Vice-Chair Brown seconded the motion. A roll call vote was taken**
257 **Belanger – aye, Martel – nay, Cowan – aye, Brown – aye, Cameron – aye, English – aye and Plumer –**
258 **aye. The motion passed 6-1-0.**

259

260 **Ms. Martel motioned after reviewing the criteria for a Wetlands Conditional Use permit that the**
261 **request of Brian Griset, Planning Board Case #20-2 for a Conditional Use Permit be approved. Ms.**
262 **Belanger seconded the motion. A roll call vote was taken Cameron – aye, English – aye, Plumer – aye,**
263 **Brown – aye, Cowan – aye, Martel – aye and Belanger – aye. The motion passed 7-0-0.**

264

265 **Ms. Belanger motioned after reviewing the criteria for a Shoreland Conditional Use permit that the**
266 **request of Brian Griset, Planning Board Case #20-2 for a Conditional Use Permit be approved. Mr.**
267 **Cameron seconded the motion. A roll call vote was taken Martel – aye, Belanger – aye, Cowan – aye,**
268 **Brown – aye, Cameron – aye, Plumer – aye, and English – aye. The motion passed 7-0-0.**

269

270 Mr. Sharples read the proposed standard conditions of approval:

271

272 1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided
273 prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and
274 in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;

275 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and Subdivision
276 Regulations prior to the issuance of a Certificate of Occupancy;

277 3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town
278 engineer prior to any site work commencing. The following must be submitted for review and approval
279 prior to the preconstruction meeting:

280 i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted
281 to and reviewed for approval by DPW prior to preconstruction meeting.

282 ii. A project schedule and construction cost estimate.

283

284 4. All comments in the most recent Underwood Engineers Inc. letter and TRC comments and subsequent
285 comments as a result of review shall be addressed to the satisfaction of the Town Planner prior to signing
286 the final plans;

287 5. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees,
288 and inspection fees(including third party inspections), prior to the issuance of a building permit or a
289 Certificate of Occupancy whichever is applicable as determined by the Town;

290 6. Annual report requirements set forth on Page 9 of the stormwater management bmp inspection and
291 maintenance plan dated 1/13/2020 and received by the Town on 3/16/2021 shall be an ongoing
292 condition of approval and noted in the Homeowner’s Association Bylaws and Declaration where
293 appropriate.

- 294 7. All applicable state approval numbers shall be noted on the final plans. All appropriate fees to be paid
295 including but not limited to: sewer/water connection fees, impact fees, and inspection fees(including third
296 party inspections), prior to the issuance of a building permit or a Certificate of Occupancy whichever is
297 applicable as determined by the Town;
- 298 8. All condominium documents including the Declaration and By-Laws shall be submitted to the Town
299 Planner for review and approval prior to signing the final plans. In the event the Town Planner deems
300 review is needed by the Town Attorney this review shall be at the owners' expense.
- 301 9. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall be
302 maintained until a Certificate of Occupancy has been issued for all units;
- 303 10. If determined applicable by the Exeter Department of Public Works the applicant shall submit the
304 land use and stormwater management information about the project using the PTAPP Online Municipal
305 Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-
306 construction meeting;
- 307 11. The applicant shall submit proposed names of the private access drive to the E-911 Committee for
308 review in accordance with Town Ordinance Chapter 14. Street names shall be adopted prior to the issue
309 of occupancy for any units.
- 310 12. Assurances for completion of all proposed public improvements shall be provided in accordance
311 with Section 12 of the SPR and subdivision regulations prior to any site work.
- 312 13. The proposed open space shall be deeded to the Town in accordance with the plan. The language in
313 the deed shall be reviewed and approved by the Town. This shall be completed prior to the issuance of
314 a building permit for any dwelling unit or structure.
- 315 14. Prior to the preconstruction meeting the applicant or its successor or assign will engage an arborist
316 to review the Swamp White Oaks on the south side of the new road and develop a tree protection plan
317 that shall identify any reasonable measures to ensure protection of the Swamp White Oaks during and
318 after construction This plan shall be submitted to the Town prior to or at the preconstruction meeting.

319
320 ***Ms. Belanger motioned that the request of Brian Griset, Planning Board Case #20-2 for Site Plan***
321 ***approval for a single-family condominium open space development be approved subject to the***
322 ***conditions as stated by the Town Planner. Ms. Martel seconded the motion. A roll call vote was taken***
323 ***Plumer – aye, Cowan – nay, Martel – aye, Belanger – aye, Brown – aye, Cameron – aye and English –***
324 ***nay. The motion passed 5-2-0.***

325
326 **V. OTHER BUSINESS**

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328 Gateway at Exeter, L.L.C. – PB Case #19-15 and #19-16
329 Request for Extension of Conditional Approval – 170 Epping Road
330 Tax Map Parcel #47-6 and #47-7

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332 Chair Plumer indicated the applicant requested a one-year extension for various reasons. This
333 is the first extension requested since approval on 8/20/2020.

334

335 Mr. Cameron reminded that the applicant must appear to request additional extensions, the
336 second or third.

337

338 ***Vice-Chair Brown motioned to grant a one-year extension to Gateway at Exeter, L.L.C.,***
339 ***Planning Board Case #19-15 and #19-16 until August 20, 2022. Mr. Cameron seconded the***
340 ***motion. A vote was taken, all were in favor, the motion passed 7-0-0.***

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342 Master Plan Discussion

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344 Field Modifications

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346 Bond and/or Letter of Credit Reductions and Releases

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

349 **VII. CHAIRPERSON'S ITEMS**

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

351 **IX. ADJOURN.**

352 ***Vice-Chair Brown motioned to adjourn the meeting at 10:57 PM. Ms. Belanger seconded the motion.***
353 ***A vote was taken all were in favor, the motion passed 7-0-0.***

354

355 Respectfully submitted,

356 Daniel Hoijer,

357 Recording Secretary

358

359 *Zoom link for this meeting for those members of the public who wished to attend virtually was:*
360 *#811 1086 1792*