

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOVAK ROOM – TOWN OFFICE BUILDING**
4 **10 FRONT STREET**
5 **MAY 26, 2022**
6 **APPROVED MINUTES**

7 **I. PRELIMINARIES:**

8
9 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Pete Cameron, Clerk, John
10 Grueter, Jennifer Martel, Nancy Belanger Select Board Representative, Gwen English (@7:19
11 PM) and Robin Tyner, Alternate.

12
13 **STAFF PRESENT:** Town Planner Dave Sharples

14
15 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM, introduced the
16 members and activated alternate Robin Tyner.

17
18 **III. OLD BUSINESS**

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20 **APPROVAL OF MINUTES**

21
22 May 12, 2022

23
24 Ms. Belanger, Ms. Martel and Ms. Tyner recommend edits.

25
26 ***Mr. Cameron motioned to approve the May 12, 2022 meeting minutes as amended. Ms.***
27 ***Belanger seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.***

28
29 **IV. NEW BUSINESS**

30 **PUBLIC HEARINGS**

- 31 1. The application of Wiley Creek Co. for site plan review, lot line adjustment and wetlands and
32 shoreland conditional use permits for the proposed relocation of Building D of the Ray Farm
33 Condominium Development and associated site improvements off Ray Farmstead Road (Wiley Creek
34 Road)
35 C-3 Epping Road Highway Commercial zoning district
36 Tax Map Parcel #47-8-1 and #47-9
37 Planning Board Case #22-3

38
39 Chair Plumer read out loud the Public Hearing Notice and noted the applicants are requesting a
40 continuance to the Planning Board's June 9, 2022 meeting at 7:00 PM.

41 **Mr. Cameron motioned that the application of Wiley Creek Co. (PB Case #22-3) be continued to the**
42 **Planning Board's June 9, 2022 meeting at 7:00 PM. Mr. Grueter seconded the motion. A vote was**
43 **taken, all were in favor, the motion passed 6-0-0.**

44

45 2. The application of Rafferty Investment Group LLC for a minor subdivision of an existing 7.3-acre
46 parcel located at 54 Drinkwater Road into two (2) residential lots.

47 R-1, Low Density Residential zoning district

48 Tax Map Parcel #106-1

49 Planning Board Case #22-4

50

51 Chair Plumer read out loud the Public Hearing Notice.

52

53 Mr. Sharples noted the case is complete for review purposes.

54

55 **Mr. Grueter motioned to open Planning Board Case #22-4. Mr. Cameron seconded the motion. A vote**
56 **was taken, all were in favor, the motion passed 6-0-0.**

57

58 Mr. Sharples summarized that the hearing was continued to this evening from the May 12, 2022 hearing
59 after the plan was looked at and the 75' well radius not identified. The applicant is seeking a minor
60 subdivision of an existing 7.3-acre parcel at 54 Drinkwater Road into two (2) residential lots. The
61 existing home will be demolished, and accessory structures and debris removed. The applicant
62 submitted a minor subdivision plan and supporting documents dated April 4, 2022 (provided in the 5-12-
63 22 meeting packet). The applicant provided a revised subdivision plan dated May 20, 2022 for the
64 Board's review showing the septic and well location with radius contained within the parcel, and the
65 Code Enforcement Officer stated that it meets zoning.

66

67 Scott Rafferty of Rafferty Investment Group presented the proposal for a minor subdivision for two
68 single-family homes. He noted the leach field will be moved back 30.'

69

70 Mr. Grueter asked if the 75' well radius requirement was satisfied, and Mr. Rafferty indicated it was.

71

72 Chair Plumer opened the hearing to the public for comments and questions at 7:13 PM and being none
73 closed the hearing to the public for deliberations.

74

75 Mr. Cameron noted the proposal seemed straightforward.

76

77 Mr. Grueter read out loud the proposed conditions of approval:

78

79 **1. a dwg file of the plan shall be provided to the Town Planner showing all property lines and**
80 **monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane New**
81 **Hampshire FIPS 2800 feet coordinates;**

82 **2. The final plans shall have notes as required by Section 6.6.2.4m regarding wetlands; and**

83 **3. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and**
84 **Subdivision Regulations prior to signing the final plans.**

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Mr. Grueter moved that the request of Rafferty Investment Group, LLC (PB Case #22-4) for Minor Subdivision approval be approved with the conditions he read out loud. Ms. Belanger seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

3. The application of Exonian Properties, LLC for a minor site plan review of a proposed multi-family condominium development within the existing structure located at 43 Front Street (former First Baptist Church)
R-2, Single-Family Residential zoning district
Tax Map Parcel #72-198
Planning Board Case #22-6

Chair Plumer read out loud the Public Hearing Notice.

Mr. Sharples noted the case was complete for review purposes and noted the application is for a minor site plan review of a proposed multi-family condominium with 11 residential units converted from the former Church building, which is a change in use. The applicants got a variance and will require off-street parking. The minutes and decision of the ZBA were provided to the Board. The Demolition Review Committee met with the applicant and determined the structure to be significant. The application was reviewed by the Heritage Commission and their letter and meeting minutes were also provided to the Board. A certificate of appropriateness dated February 17, 2020 was included. Mr. Sharples noted no exterior changes except for a black exterior fence and wall. There was no TRC review, but the proposal was reviewed by staff who had no issues. The applicant will be requesting a waiver from Section 9.13.1 of the Site Plan Review and Subdivision Regulations for off-street parking.

Board member Gwen English arrived at 7:19 PM.

Attorney Sharon Somers from DTC Lawyers presented the application and noted the principals, Florence Ruffner and David Cowie were present. There would be no new infrastructure, just renovating the interior of the existing building. She added that the proposal would change a non-tax generating property (tax-exempt) to a tax generating property. She noted Exhibit B was the architect’s proposal for the exterior and interior. The surface parking plan she noted had two spaces on site, possibly three and there is nothing else they can do. She referenced the minutes of the ZBA hearing on page three as to why they can’t provide onsite parking or demolish the existing structure. Underground parking is not viable due to the foundation supports and expense.

Mr. Cameron motioned to open Planning Board Case #22-6. Ms. Martel seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

Ms. Martel asked about the fence around the building and the black bar on the bottom step not shown on the site plan. Attorney Somers noted there was only a boundary plan and referenced the Front Terrace Design and the black aluminum railing depicted. Ms. Martel asked about opening of gates onto adjacent sidewalks. Attorney Somers noted she did not initially believe there to be gates proposed

129 opening onto the street. Mr. Cowie corrected that there would be two small gates at the front. Ms.
130 Ruffner noted she was fine with getting rid of them.

131

132 Chair Plumer opened the hearing to comments and questions from the public at 7:33 PM and being
133 none closed the hearing to the public for deliberations.

134

135 Attorney Somers discussed the waiver request from Section 9.13.1 for off-site parking. She reviewed
136 the first of the criteria and noted there would be ample on-street parking nearby for use of the residents
137 and guests and referenced a memo from Jennifer Perry at the DPW concerning the process to increase
138 the spaces if needed. Attorney Somers reviewed the second criteria and the uniqueness of the property
139 which was previously the First Baptist Church with a small driveway and most of the property taken up
140 by the structure. The property is unique and not similar to others. Attorney Somers reviewed the
141 hardship versus a mere inconvenience if the regulations were strictly applied and referenced the
142 footprint of the building and foundations. She noted the applicants exhausted all possibilities to find
143 shared parking. She noted the building could not be torn down and only a single-family dwelling would
144 satisfy the criteria and it would not be viable to convert the existing building into a single-family
145 dwelling. Attorney Somers discussed the spirit of the regulations and not interfering with the parking
146 needs of the neighborhood. She provided the Board with a handout of Ms. Perry's public parking off-
147 site information and discussed parking for overnight and winter emergencies in the municipal lot and
148 flexible outlook for future needs. Attorney Somers noted the request would not vary the provisions of
149 zoning or the Master Plan. She noted the applicants were granted a variance by the ZBA so that they
150 comply with zoning. She referenced the 2018 Parking Study done as a result of the Master Plan and the
151 number of spaces available which were adequate for downtown. She noted 24 off-site spaces will not
152 interfere with the 2018 parking plan. She concluded that the proposal would preserve history and
153 cultural features and keep the historic building intact.

154

155 Ms. Belanger discussed the off-site parking requirements for the recently approved IOKA building and
156 concerns that there was no process yet to issue permits to residents or to know the number of people
157 utilizing public parking spaces available overnight on a first come, first serve basis.

158

159 Mr. Cameron asked Mr. Sharples if he recalled the conditions of the IOKA approval. Mr. Sharples noted
160 there were three, the as-built plan, preconstruction meeting and outdoor lighting, nothing for parking.

161

162 Mr. Cameron noted the parking problem was not addressed. Mr. Cameron asked about cumulative
163 effect. Ms. English asked about the apartment building next door and Mr. Sharples noted all of their
164 parking was provided on site. Mr. Sharples reviewed the parking overall in downtown comparing pre-
165 COVID conditions to COVID conditions. He noted a lot of underutilized street parking downtown with
166 Water Street the highest use. Mr. Sharples discussed the parking study on the CIP which will be
167 hopefully next year or the year after. He noted right now there is plenty of parking on street,
168 downtown, and the Town was working toward managing it. He noted the taxpayers would never be
169 burdened with the cost of a parking garage because parking garages would charge for parking there.

170

171 Ms. Tyner and Chair Plumer agreed this was a separate conversation to have but Chair Plumer advised
172 the buyers should be made aware and Ms. Ruffner stated she would make sure they are notified.
173 Attorney Somers noted this would be in the condominium documents.

174
175 Ms. Martel asked about the trash pickup and driveway and noted two spots were by the dumpster. Mr.
176 Cowie noted trash pickup would be at a scheduled time.

177
178 Ms. English asked if there were need for handicapped parking and Attorney Somers said no.

179
180 Mr. Cameron noted he would have concerns with the cumulative effect of the off-site parking and
181 would not vote in favor of the waiver although he was not opposed to the project itself. Ms. English
182 noted she was struggling with the waiver although she also liked the project.

183
184 Ms. Belanger noted she would discuss the need for the analysis in the CIP next year and while she also
185 struggled with the waiver the DPW provided a plan b for now.

186
187 **Mr. Grueter motioned after reviewing the criteria for granting waivers to approve the request of**
188 **Exonian Properties, LLC., (PB Case #22-6) for a waiver from Section 9.13.1 of the Site Plan Review and**
189 **Subdivision Regulations to permit less onsite parking than required. Ms. Belanger seconded the**
190 **motion. A roll call vote was taken: Belanger – aye, Martel – aye, Cameron – abstained, Plumer -aye,**
191 **Grueter – aye, Tyner – aye and English – nay. The motion passed 5-1-1.**

192
193 Mr. Sharples read out loud the proposed conditions of the minor site plan:

- 194
195 **1. a dwg file of the plan shall be provided to the Town Planner showing all property lines and**
196 **monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane**
197 **New Hampshire FIPS 2800 feet coordinates;**
198 **2. A pre-construction meeting shall be arranged by the applicant and their contractor with the**
199 **Town Engineer prior to any site work commencing;**
200 **3. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is**
201 **visible from adjacent properties and/or roadways; and**
202 **4. The fencing at the bottom of the stairs on Front Street shall be removed.**

203
204 **Ms. Belanger motioned that the request of Exonian Properties, LLC (PB Case #22-6) for a minor site**
205 **plan be approved with the conditions read by the Town Planner Dave Sharples. Mr. Grueter seconded**
206 **the motion. A roll call vote was taken: English – aye, Tyner – aye, Grueter – aye, Plumer – aye,**
207 **Cameron – aye, Martel – aye and Belanger – aye. The motion passed 7-0-0.**

- 208
209 4. The application of PSNH d/b/a Eversource Energy for a Wetland and Shoreland Conditional Use
210 Permit for proposed maintenance/repair activities along the existing A126 Transmission Line; and
211 the replacement of five (5) transmission structures within the limits of the existing ROW corridor
212 between Route 101 eastbound and the Exeter/Brentwood town line; and approximately 1,500 feet
213 west of Captain’s Way (to the west of Newfields Road/NH Route 85)
214 RU, Rural and R-1, Low Density Residential zoning districts

215 Tax Map Parcels #25-1, #20-8, #24-3, #30-9, #30-8
216 Planning Board Case #22-7

217
218 Chair Plumer read out loud the Public Hearing Notice.

219
220 Mr. Cameron recused himself on the basis of prior employment with the applicant.
221 Mr. Sharples indicated the case was ready to be heard.

222
223 ***Ms. Martel motioned to open Planning Board Case #22-7. Ms. Tyner seconded the motion. A vote***
224 ***was taken, all were in favor, the motion passed unanimously 6-0-0.***

225
226 Mr. Sharples noted the applicant is requesting wetlands conditional use permit and shoreland
227 conditional use permit for the maintenance and repair of structures and has submitted plans and
228 supporting documents. The applicant went before the Conservation Commission at their May 10, 2022
229 meeting and they had no objection and recommended approval with the condition that the trail closure
230 and notification be coordinated with the Natural Resource Planner Kristen Murphy prior to work
231 commencing. The Planning Board letter of Chair Andrew Koff dated May 18, 2022 was provided to the
232 Board. There are no waivers being requested and no TRC review, but the staff reviewed the proposal
233 and had no issues.

234
235 Chris Wilkes of VHB presented the application on behalf of Eversource. He noted the project was similar
236 to the work done last year when they replaced three structures and removed one on the westbound
237 side of 101 and Route 27. He noted Eversource does inspections annually and identifies wood poles that
238 need replacement, due to weathering or Woodpecker damage, to prevent outages.

239
240 Mr. Wilkes noted this project would be to replace five structures (three in Exeter on the eastbound side
241 of Route 101 and two of those in Brentwood). He noted access for the first part of the proposal was off
242 Pine Road using the existing gated trail because there would be safety concerns accessing via Route 101,
243 DOT permissions and a guardrail pushing the access further out into an unsafe highway. Eversource
244 went to Brentwood already and got their approvals. Mr. Wilkes reviewed natural resource impacts, best
245 management practices, timber matting and described the matting which would be pulled at the end of
246 work. Vegetation would rebound on its own with no seeding or planting. Erosion controls would be in
247 place and the work pad size is about a 100'x100' area. The wood poles would be replaced with
248 weathered steel, two poles with H-frame support and cross brace with a brown coloration and no major
249 excavation. The old material would be disposed of. The second part of the project is accessed to the
250 west of Captain's Way for structures 166 and 167. There is one wetland near 166 but 167 is upland.
251 There is a stream, not well defined. There are impacts in the WCD 40' buffers and temporary impacts to
252 the wetlands. The stream system is the reason for impact within the 150' buffer for the shoreland
253 district. They will be seeking state approvals prior to work starting via streamline Permit by Notification.

254
255 Ms. English asked about the process to determine plant and animal species and Mr. Wilkes noted the
256 Natural Heritage Bureau provides a report and turtles and Black Racer were identified as well as Pied
257 Billed Grebe. He noted nearby is the Deer Hill Wildlife Management facility in Brentwood. He described
258 training, identification and working with Fish & Game. Ms. English expressed concern with the timing of

259 the work in July and Mr. Wilkes noted the complexity of the work schedule given by regulators to deal
260 with potential network outages.

261
262 Ms. English asked about the additional height of the structures, 5-20' taller than existing and Mr. Wilkes
263 noted the height clearance required to cross the highway and connect with the similar sized structure
264 put in across the highway last year. 20' is over highway crossing for overland clearance to connect to
265 the other side at matched height.

266
267 Chair Plumer opened the hearing to the public for comments and questions at 8:37 PM and being none
268 closed the hearing to the public for deliberations.

269
270 Ms. Belanger noted she was at the Conservation Commission hearing and has no additional questions.

271
272 ***Ms. Belanger motioned to approve the wetland conditional use permit for Eversource (PB Case #22-7)***
273 ***with the condition stated in the May 18, 2022 memo of Andrew Koff of the Exeter Conservation***
274 ***Commission that the trail closure and notification be coordinated with the Natural Resource Planner***
275 ***Kristen Murphy prior to work commencing. Ms. Martel seconded the motion. A roll call vote was***
276 ***taken: Belanger – aye, Martel – aye, Plumer – aye, Grueter – aye, Tyner – aye and English – aye. The***
277 ***motion passed 6-0-0.***

278
279 ***Ms. Belanger motioned to approve the shoreland conditional use permit for Eversource (PB Case #22-***
280 ***7). Ms. English seconded the motion. A roll call vote was taken: English – aye, Tyner – aye, Grueter –***
281 ***aye, Plumer – aye, Martel – aye and Belanger – aye. The motion passed 6-0-0.***

282
283 Mr. Cameron requested of the Chair, to return to the meeting at 8:42 PM and Chair Plumer
284 acknowledged Mr. Cameron's return to the meeting as a voting member.

285
286 **V. OTHER BUSINESS**

- 287
- 288 • Master Plan Discussion
 - 289
 - 290 • Field Modifications
 - 291
 - 292 • Bond and/or Letter of Credit Reductions and Release
 - 293

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

295 Coastal Waters Charter School – Two Holland Way

296 Mr. Sharples noted that Friends of Coastal Waters were present to discuss the educational facility at
297 Two Holland Way which is a public charter school and as an agent of the state per RSA 674:54 exempt
298 from local land use regulations. They provided 60 days' notice to the Town and at the last Planning
299 Board meeting the Board opted to have them come in and discuss their opening while not accepting
300 jurisdiction, to have only non-binding comments. There was no requirement to send abutter notices,

301 but the school agreed to reimburse the Town and notices were sent first class mail and posted at the
302 Library and Town Hall. The Select Board will have the same procedure on Tuesday evening.

303 Attorney Francis Bruton of Bruton and Berube and Bill Libby the School Board Chair presented the
304 proposal to convert the old Tyco Building to the Friends of Coastal Waters Charter School. Steve Haight
305 the project engineer with Civil Works discussed the traffic turning at the intersection which he described
306 as a right-hand turn coming in. He added there is extra room if needed off the travel way. He noted
307 adequate parking for students with cars in the former manufacturing facility. Interior changes were
308 described by Mr. Libby such as narrowing the wide hallways used by the former offices and the location
309 of bathrooms. Students will bring their own lunches.

310 Ms. English asked about playground areas and athletic fields and Mr. Libby described the large open
311 green space and old helicopter pad, woods, pond and trails. There are no plans to expand at this time.

312 Chair Plumer asked about the grade levels and Mr. Libby indicated K-12, with one class per grade.
313 Kindergarten would have 20 and first through 12 would have 25 students per class.

314 Mr. Cameron expressed concerns with the intersection of Holland and Hampton Road heading east and
315 the sharp right into the facility, and speeds traveled on those roads.

316 Mr. Grueter asked about buses and Mr. Libby noted there were no plans for now, but buses are being
317 looked at. Pick up and drop off will be staggered at 8:15 and 8:30 with 50 or 60 cars at a time. Ms.
318 English noted the Cooperative Middle School could have a different start time/flexibility. Mr. Libby
319 noted that timing was something to consider. Ms. English noted 230 kids would be coming.

320 Ms. Tyner asked about a school zone sign and Mr. Sharples noted that would be up to the DPW and Mr.
321 Libby stated he was happy to talk with them. Chair Plumer asked about the name of the school sign and
322 Mr. Libby noted the school would have the name sign with *Coastal Waters Charter Public School*.

323 Ms. Belanger reiterated concerns with the intersection. Chair Plumer asked about safety inspections
324 with the Fire Department and Mr. Libby explained they applied to the State Fire Marshall. Mr. Sharples
325 added that the Charter School would be subject to life safety and building codes.

326 Chair Plumer opened the hearing to the public at 9 PM.

327 Paul Keenan of 61 Acadia Lane asked what the site plan looked like, and Mr. Sharples noted no exterior
328 changes or stormwater, all were designed with prior use; setback requirements were met when the
329 building was constructed. Mr. Sharples explained the exemption to local land use regulations and noted
330 setbacks don't apply to the new occupant per RSA as a public school not charging tuition. Mr. Keenan
331 noted there will be a traffic problem and asked if a traffic study could be needed but Mr. Sharples noted
332 the Board had no authorization to require it. Mr. Keenan noted the tax impact and loss of tax revenue
333 with the public-school exemption. He concluded that if there was ever a site plan, he would like to see
334 it. Mr. Keenan asked about chemical labs in the building and Mr. Libby described the science projects
335 and use of one building.

336 Donna Slaughter of 61 Acadia Road expressed concerns with traffic and noted the three accidents, rear
337 end collisions, she knows of and speeding. She noted a stop light is needed there now.

338 Chair Plumer closed the hearing to the public at 9:07 PM.

339 Mr. Cameron recommended conveying the Board's comments to the school in writing and reviewed
340 their concerns: the intersection; the school zone sign; and recommendation for staggering start and end
341 time and coordination with Cooperative Middle School.

342 Mr. Sharples discussed prioritization of intersections to be upgraded in traffic studies in the CIP/Master
343 plan process.

344 Parking Study Downtown

345 Ms. Tyner recommended Mr. Sharples urge the parking study be brought forward in the CIP and
346 solutions to manage and perhaps issue resident parking permits.

347 **IX. CHAIRPERSON'S ITEMS**

348 Chair Plumer indicated the next Planning Board meeting is on June 9, 2022 at 7:00 PM.

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

350 **XI. ADJOURN.**

351 *Mr. Grueter motioned to adjourn the meeting at 9:25 PM. Ms. Belanger seconded the motion. A vote*
352 *was taken all were in favor, the motion passed 7-0-0.*

353

354 Respectfully submitted,

355 Daniel Hoijer,

356 Recording Secretary

357 Via Exeter TV