

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOWAK ROOM – TOWN OFFICE BUILDING**
4 **10 FRONT STREET**
5 **NOVEMBER 10, 2022**
6 **7:00 PM**
7 **APPROVED MINUTES**

8 **I. PRELIMINARIES:**
9

10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,
11 Pete Cameron, Clerk, Gwen English, John Grueter, Nancy Belanger Select Board Representative
12 and Alternate Dave Chartrand.
13

14 **STAFF PRESENT:**
15

16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM, and introduced the
17 members noting Alternate Dave Chartrand would be acting tonight.
18

19 **III. OLD BUSINESS**
20

21 **APPROVAL OF MINUTES**
22

23 October 27, 2022
24

25 *Mr. Cameron motioned to table approval of the October 27, 2022 meeting minutes to the*
26 *Planning Board's December 8, 2022 meeting at 7 PM. Ms. Belanger seconded the motion. A*
27 *vote was taken, all were in favor, the motion passed 7-0-0.*
28

29 **IV. NEW BUSINESS**

30 1. A request by W. Scott Carlisle III for a compliance hearing on the conditional approval granted by the
31 Planning Board on August 24, 2017 for the proposed subdivision of an existing 10+/- acre parcel located
32 off of Epping Road into three parcels.

33 I-Industrial zoning district

34 Tax Map Parcel #40-12

35 Planning Board Case #17-26
36

37 Chair Plumer read out loud the Public Hearing Notice and the Town Planner's Memo. The applicant
38 applied for subdivision of an 18.41-acre parcel off the easterly side of Epping Road, adjacent to Route
39 101 (behind the existing Mobil station property and the parcel being developed by Wiley Creek for an
40 active adult community). The Board granted conditional approval at its August 25, 2017 meeting. There
41 have been several extensions approved, as recent as August of this year. Copies were provided to the

42 Board. The applicant submitted a cover letter and supporting documents dated September 27, 2022
43 (provided) and appeared before the Board at its October 13, 2022 meeting. At that meeting the Board
44 took public comment and closed the hearing to further public comment tabling the item until its
45 November 10, 2022 meeting.

46
47 Chair Plumer noted, In his memo, Mr. Sharples commented that he received materials from Attorney
48 Hilson, representing CKT & Assoc. on October 28, 2022 by email. Mr. Hilson was present at the Planning
49 Board's October 13, 2022 meeting when the Board closed public comment and Vice-Chair Brown
50 explained what that meant and requested those present to say anything else they needed to say before
51 the hearing was closed. No one else from the public spoke after Mr. Brown's remarks. Subsequent to
52 Mr. Hilson's submittal Mr. Hilliard, representing the applicant, provided a letter dated November 1,
53 2022. Both Attorneys were informed that Mr. Sharples would not be provided these materials to the
54 Board as the public hearing was closed. The Board may choose to reopen the public hearing and accept
55 the new materials, but they will not be provided until he is instructed to do so.

56
57 Chair Plumer noted, in Mr. Sharples' memo, that Mr. Hilson claimed his client paid for the Cammett
58 plans. Mr. Sharples clarified what he said was the applicant paid for them initially but was reimbursed
59 by the Town. Mr. Hilson disputed this fact. Mr. Sharples provided a copy of the TIF road agreement that
60 specifically included the design portion of the road in question, and that it was a reimbursable expense.

61
62 At 7:04 PM Chair Plumer indicated the Board would be in recess for a meeting with legal counsel and the
63 Board departed the meeting room.

64
65 At 7:33 PM the Board returned in its entirety and Chair Plumer resumed the meeting.

66
67 Vice-Chair Brown clarified the reason the Board was in deliberations was Condition #2 and that public
68 comment was closed at the October 13, 2022 meeting. The Board agreed it had enough information to
69 move forward. Vice-Chair Brown noted the approval was not final until the applicant presented the
70 Board with the design and the Board, and its engineers accept the design for the unbuilt portion of the
71 Tif Road, roadway and cul-de-sac.

72
73 Vice-Chair Brown noted Mr. Chartrand and Ms. Belanger were on the Select Board when the Select
74 Board talked about the Tif Road and executed the agreement with Mr. Shafmaster. Mr. Chartrand
75 indicated that Mr. Shafmater signed the agreement including the requirement to design the unbuilt
76 portion of the Tif Road and the same design should be sufficient to satisfy the parties and if Mr.
77 Shafmaster thought it couldn't be he didn't say anything and should have. It was clear he wanted the
78 portion built that would benefit him and knowing the Town would not build the other half if the second
79 half would not be built.

80
81 Vice-Chair Brown noted this was intended to be a public improvement and subject to a different set of
82 regulations and the Town does not have to come to the Planning Board for changes. The intent of
83 condition #2 was the design.

84

85 Ms. Belanger read out loud the objections which included that the stormwater locations were not noted
86 so the plan is incomplete; wetland impacts were not depicted, Wetland and Shoreland CUPS were noted
87 obtained or an AoT permit and dredge and fill with the State. Case law was noted George Stergiou v
88 Dover concerning voiding the conditional approval, that notice wasn't received, that the approval be
89 void because a portion of the property was on Mr. Shafmaster's property, who was not the applicant.
90

91 Ms. Belanger responded to all objections that they were without merit because the condition was for a
92 design only and those items come afterward. Mr. Chartrand noted that Mr. Shafmaster was integrally
93 involved both serving on the Tif Committee as a beneficiary and member at the time. Chair Plumer
94 noted that not only was CKT informed, they signed the agreement. Mr. Cameron noted that as far as
95 public comment another 50 pages of reiteration of what has been heard before should not cause further
96 discussion. Mr. Chartrand agreed that so much of what the Board has been given previously is not
97 about what the Board is here to address. Vice-Chair Brown noted there is no merit to the objections
98 and asked if Condition #2 was met – was the design sufficient to satisfy Condition #2. Ms. Belanger
99 reread Condition #2. Mr. Chartrand noted in his mind the criteria has been met.

100

101 ***Vice-Chair Brown motioned that Condition #2 is satisfied regarding W. Scott Carlisle's approval. Mr.***
102 ***Grueter seconded the motion. A roll call vote was taken Belanger – aye, Grueter – aye, Brown – aye,***
103 ***Plumer – aye, Chartrand – aye, English – aye and Cameron – aye. The motion passed 7-0-0.***

104

105 2. The application of Jerry Sterritt and Christine Sterritt for the subdivision of an existing 24.62-acre
106 parcel located at 100 Beech Hill Road into seven (7) residential building lots
107 RU-Rural zoning district
108 Tax Map Parcel #13-1
109 Planning Board Case #22-14
110

111

111 Chair Plumer read out loud the Public Hearing Notice, noting that Mr. Sharples informed him the case
112 was ready for review purposes.
113

114

114 ***Mr. Cameron motioned to open Planning Board Case #22-14. Ms. Belanger seconded the motion. A***
115 ***vote was taken, all were in favor, the motion passed unanimously.***

116

117 Chair Plumer read out loud the Town Planner's Memo. Mr. Sharples reported the applicant is seeking
118 approval for subdivision on existing 24.62-acre parcel into seven residential lots. The applicant
119 submitted application, plans and supporting documents dated August 30, 2022 for review and were
120 provided to the Board. A Technical Review Committee (TRC) meeting was conducted on September 22,
121 2022 and a copy of their letter of the same date was provided to the Board. TRC requested a response
122 letter and revised plans noting a second TRC meeting would be scheduled to review the submission.
123 Revised plans and supporting documents were received on October 18, 2022 in response and were
124 provided to the Board. The second TRC meeting was conducted on October 27, 2022. UEI comments
125 dated November 1, 2022 were received subsequent to the second TRC meeting and were provided to
126 the Board. Staff is still in the process of reviewing the submission at this time. The TRC noted outcome
127 of one of the waiver requests will dictate the path forward particularly concerning the requirement for

128 Open Space Development on a parcel 20 acres or larger. The applicant is requesting three waivers. A
129 copy of the November 2, 2022 waiver request letter was provided to the Board.

130

131 Eric Saari from Altus Engineering presented the application and waiver requests on behalf of the
132 applicant. He noted that the applicant's mother had gone into continuing care, and this was the only
133 asset to pay for that. He noted rumors that a zoning change would require five acres for open space
134 subdivisions. Lot 7 would have 10 of 12 acres in Conservation. He noted no new road or infrastructure
135 requirements.

136

137 Chair Plumer opened the hearing to the public at 8:09 PM.

138

139 Nick Norton of 90 Beech Hill Road indicated he was an abutter and had concerns with setbacks,
140 screening, old growth trees, the beautiful existing stone wall in front, traffic and lighting. Otherwise he
141 was optimistic about the development on a nice piece of land.

142

143 Vice-Chair Brown noted the Planning Board has to administer the regulations and there are different
144 requirements depending on the zone. The Planning Board can't go beyond those regulations, but the
145 owner could make deed restrictions. Once the lots are sold, they lack control.

146

147 Mr. Saari presented the first waiver request for showing 20" diameter trees which is an expense and
148 some of the parcel is open pasture. He imagined builders would concern themselves with trees as these
149 lots were being subdivided for sale as parcels.

150

151 Mr. Grueter asked about a site walk and Ms. English noted she would be in favor of a site walk as she
152 could not waive the condition without seeing what's there. She noted the regulation raises awareness
153 and there are protections which can be put into place during excavation so as not to damage the tree.

154

155 Mr. Saari presented the second waiver request for open space subdivisions of parcels greater than 20
156 acres. He indicated the conventional was the most logical subdivision suited to this property as it
157 needed no road or other infrastructure. An open space subdivision would cut the parcel in half. There
158 are wetlands and finger wetlands and a significant slope of 20%. There would need to be a lot of fill
159 brought in. The Conservation restriction meets the intent, and this fits the character of the parcel.
160 Open Space would only yield one more lot. It is unusual to have this many frontage lots. The change in
161 zoning ordinance proposed for parcels not located in existing asset areas would cause each lot to be five
162 acres and they would lose their yield so that is why they are subdividing all now rather than one lot at a
163 time as they'd like.

164

165 Chair Plumer indicated there are no guarantees here, but he sensed the Board would be in favor of the
166 second waiver.

167

168 Mr. Saari presented the third waiver request concerning 100' setbacks. He referenced the surrounding
169 properties that would benefit from such a setback as the existing owners, Conservation parcels and
170 wetlands.

171

172 Chair Plumer indicated he didn't foresee a problem with the third request but the first request would be
173 held up to do a site walk.

174

175 The Board scheduled the site walk for 8 AM on December 6, 2022 and will meet at 100 Beech Hill Road.
176 Vice-Chair Brown asked that markers be concentrated on the Conservation lot and noted it is open o the
177 public.

178

179 Mr. Chartrand asked how long ago the property was farmed and Mrs. Sterritt indicated her father
180 passed away in 1990 but the meadows are still hayed.

181

182 ***Ms. Belanger motioned to continue Planning Board Case #22-14 to December 8, 2022 at 7:00 PM. Mr.***
183 ***Cameron seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

184

185 PUBLIC HEARINGS

186 V. OTHER BUSINESS

- 187 • Master Plan Discussion

188

189 The next meeting of the Master Plan Oversight Committee is on December 16th at 9.

190

- 191 • Field Modifications

192

- 193 • Bond and/or Letter of Credit Reductions and Release

194 VIII. TOWN PLANNER'S ITEMS

195 IX. CHAIRPERSON'S ITEMS

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

197 XI. ADJOURN.

198 ***Vice-Chair Brown motioned to adjourn the meeting at 8:47 PM. Ms. Belanger seconded the motion.***
199 ***A vote was taken all were in favor, the motion passed 7-0-0.***

200

201 Respectfully submitted,

202 Daniel Hoijer,

203 Recording Secretary

204 Via Exeter TV