

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOWAK ROOM – TOWN OFFICE BUILDING**
4 **10 FRONT STREET**
5 **JANUARY 26, 2023**
6 **7:00 PM**
7 **DRAFT MINUTES**

8 **I. PRELIMINARIES:**
9

10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,
11 John Grueter, Jennifer Martel, Gwen English and Nancy Belanger Select Board Representative
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 and introduced the
16 members.
17

18 **III. OLD BUSINESS**
19

20 **APPROVAL OF MINUTES**
21

22 December 22, 2022
23

24 Ms. Belanger, Ms. Martel and Mr. Grueter recommended edits.
25

26 ***Mr. Grueter motioned to approve the December 22, 2022 minutes, as amended. Ms. Belanger***
27 ***seconded the motion. The motion passed 6-0-0.***
28

29 January 12, 2023
30

31 Ms. Belanger and Ms. English recommended edits.
32

33 ***Ms. Belanger motioned to approve the January 12, 2023 minutes, as amended. Ms. English seconded***
34 ***the motion. A vote was taken, Chair Plumer abstained. The motion passed 5-0-1.***
35

36 **IV. NEW BUSINESS: PUBLIC HEARINGS:**

37 1. Public hearing on the proposed zoning amendments for consideration on the 2023 Town Warrant.
38 ***Copies of the full text of the proposed amendments are available in the Planning Office and posted on***
39 ***the Town website.***
40

41 Amend Article 9.4 Floodplain Development Ordinance by adding language to the ordinance to
42 strengthen the town's resilience to increased flooding events and to reduce impacts associated with
43 rising sea levels.

44
45 The Planning Board is considering to REPLACE the existing Town of Exeter Zoning Ordinance with a new
46 Zoning Ordinance that will reduce the number of zoning districts, encourage development where
47 infrastructure exists to support it, allow flexibility to property owners to utilize their property consistent
48 with the existing use while maintaining minimum standards to protect surrounding properties, and to
49 incentivize the creation of diverse housing options. The proposal also aims to reduce ambiguities in the
50 ordinance by revising wording and adding definitions. (Please note that although the proposal is to
51 replace the existing Zoning Ordinance, the majority of the existing Zoning Ordinance will remain
52 unchanged)

53
54 Mr. Sharples noted the Planning Board discussed the proposed zoning amendments at several meetings
55 and public outreach was held at a public forum on January 5, 2023. The first public hearing was held on
56 January 12, 2023.

57
58 Chair Plumer read out loud the public hearing notice and opened the public hearing. Mr. Sharples noted
59 there was no public present.

60
61 Mr. Sharples noted the intent to amend Article 9.4 Floodplain Development Ordinance by adding
62 language to the ordinance to strengthen the town's resilience to increased flooding events and to
63 reduce impacts associated with rising sea levels.

64
65 Mr. Sharples noted the Planning Board is considering replacing the existing Town of Exeter Zoning
66 Ordinance with a new Zoning Ordinance that will reduce the number of zoning districts, encourage
67 development where infrastructure exists to support it, allow flexibility to property owners to utilize their
68 property consistent with the existing use while maintaining minimum standards to protect surrounding
69 properties, and to incentivize the creation of diverse housing options. The proposal also aims to reduce
70 ambiguities in the ordinance by revising wording and adding definitions. (Please note that although the
71 proposal is to replace the existing Zoning Ordinance, the majority of the existing Zoning Ordinance will
72 remain unchanged). At the January 12th meeting, Mr. Sharples explained to the Board that he felt that
73 this amendment was not ready yet to move forward to the upcoming March Warrant. The Board's
74 consensus was to hold off and work through reviewing the proposed changes on a monthly basis to
75 continue to refine and understand the amendment. Mr. Sharples noted he will be prepared with an
76 outline for the review by the Board and has a draft outline but it still needs work so I will bring it to the
77 meeting for discussion. After holding the second public hearing, the board needs to vote to move or not
78 move the amendments to the 2023 Warrant.

79
80 Mr. Sharples noted before moving onto the outline he wanted to first provide the Board with some
81 background information such as **goals and land use decisions**. (see tape 49 mins). Mr. Sharples noted he
82 wanted to provide the public with an explanation of roles in residential and non-residential zones and
83 have them better understand those. For example if the height were to change, what does that mean
84 and what is density, setbacks and dimensional standards and provide some real life examples.

85 Ms. English asked where a height change might take place and Mr. Sharples noted there are less height
86 changes in the new proposal, agricultural (farms) are exempt. Mr. Sharples explained how height could
87 be determined by the number of feet setback from the road.

88
89 Mr. Sharples noted the review of the zoning district amendments and accompanying ordinance changes
90 would be a standing agenda item for about one hour at each meeting. Ms. Martel expressed concerns
91 when the Board may be busy with applications and recommended a flexible schedule. Mr. Sharples
92 noted a special meeting could be held if they fall behind but the state mandates that applications be
93 heard within 30 days. The Board meets more than once per month so the second meeting could have
94 time for review of the zoning district amendments. Mr. Grueter agreed the Board could see how it goes
95 for the next two or three months. Mr. Sharples noted he got rid of the schedule for that reason and will
96 plan about 13-14 meetings over the next six months to focus on review.

97
98 Mr. Sharples discussed the Flood Plain Ordinance amendment to Section 9.4 and provided the Board
99 with the amendments, language removed and added. He noted that it was reviewed line by line and a
100 purpose statement was added. The base flood elevation went to 2' above. Market value has been
101 defined and owners can use the town's assessed value or get an appraisal. An advisory area has been
102 added to inform owners of the Cape study and make recommendations.

103
104 Mr. Sharples provided the Board with a draft of the warrant article. Ms. Martel expressed concerns with
105 how the article was worded and that it may confuse owners unless it is spelled out that this is new
106 construction within the special hazard flood plain, not all over town. Mr. Sharples noted this is a
107 preliminary draft and will be sent to the Town Manager tomorrow. Vice-Chair Brown agreed it was
108 difficult to read and noted a map would be helpful. Mr. Sharples noted maps are not put in the warrant
109 article but the Town Manager prepares a supplemental fact sheet. Ms. Belanger agreed that certain
110 items are not allowed in the polling place and recommended voters take some time to familiarize
111 themselves with the articles before voting. Vice-Chair Brown noted ExeterTV could do a segment. Ms.
112 Belanger noted that ExeterTV may be able to do some segments to follow the zoning district
113 amendments over the next several months as well.

114
115 Mr. Sharples read the article and the Board agreed the first sentence was acceptable but needed a
116 question mark. Mr. Sharples noted he would add that exceptions are made for septic systems in the
117 event of system failure and that it would require all new construction within the regulated flood plain
118 area be elevated.

119
120 Vice-Chair Brown asked if there could be numbering. Mr. Sharples will check.

121
122 **Ms. English motioned that the Board place the proposed amendment, regarding Article 9.4 Floodplain**
123 **Development Ordinance, with the revision date of December 30, 2023, on the 2023 Town Warrant**
124 **with a recommendation for adoption. Ms. Belanger seconded the motion. A roll call vote was taken:**
125 **Belanger – aye, Grueter – aye, Brown – aye, Plumer – aye, Martel – aye and English – aye. The motion**
126 **passed 6-0-0.**

127
128

129 **VI. OTHER BUSINESS**

130 Vice-Chair Brown raised concerns about monitoring workforce housing, being sure that it stays that way.

131 Mr. Sharples noted there is always going to be something you can't catch; while sales are good because
132 it would stay on the deed, renting may be an issue. A transfer certificate has been required since 2005.

133 Ms. Belanger noted Rockingham Planning Commission (RPC), New Hampshire Housing Authority and the
134 Housing Advisory Committee (HAC) have been looking at this and does not think it should be Exeter's
135 cost. Mr. Grueter asked if it is a state issue. Mr. Sharples indicated no state agency exists for
136 monitoring and would need to be created. Annual reporting should be done by the property owner but
137 there needs to be someone to verify the information and if not received follow up. Vice-Chair Brown
138 noted there should be some sort of penalty. Vice-Chair Brown asked if when approved they are for 30
139 years or in perpetuity. Mr. Sharples indicated he believed they were approved in perpetuity but will
140 check.

141 Mr. Grueter asked what incentives there are for complying. Mr. Sharples noted that first workforce
142 housing must first be allowed. He explained the MUND incentive. As an example he stated that if in C-1
143 zone and the developer could have one unit every 3,500 SF or 12 units then in MUND there would be no
144 cap on density and for height but 10% of the units have to be workforce housing; now the developer can
145 build 18 instead of 12. Mr. Grueter noted that is all up front.

146 Mr. Sharples noted failure to comply could result in revocation of the site plan which would in turn have
147 the Building Inspector revoke the Certificate of Occupancy and once letters are sent and there is still no
148 compliance they can go to Superior Court and incur penalties daily at \$250/day-\$500/day. Mr. Grueter
149 asked if you could just remove two units or require more workforce units due to lack of compliance, i.e.
150 two becomes four. Vice-Chair Brown recommended incorporation into the Planning Board Vote. Mr.
151 Sharples noted there could be an Affordable Housing Agreement provided by the developer at their cost
152 and reviewed by town counsel, which would also require that a copy of the executed lease be provided,
153 setting forth consequences for failure to comply. Mr. Sharples recommended waiting until they had an
154 application to ask the developer to draft the agreement and have it reviewed by legal.

155 Ms. Belanger noted there would be an All Board's Meeting on February 8, 2023 from 6PM-9PM. Chair
156 Plumer will ask Ms. McEvoy to send the information out.

- 157
- Master Plan Discussion
 - 158 • Field Modifications
 - 159 • Bond and/or Letter of Credit Reductions and Release
- 160

161 **VII. TOWN PLANNER'S ITEMS**

162 **VIII. CHAIRPERSON'S ITEMS**

163 **IX. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"**

164 **X. ADJOURN.**

165 ***Ms. Belanger motioned to adjourn the meeting at 8:22 PM. Vice-Chair Brown seconded the motion.***
166 ***A vote was taken all were in favor, the motion passed 6-0-0.***

167

168 Respectfully submitted,

169 Daniel Hoijer,
170 Recording Secretary
171 Via Exeter TV