

**TOWN OF EXETER
PLANNING BOARD
NOWAK MEETING ROOM
10 FRONT STREET
MARCH 28, 2024
DRAFT MINUTES
7:00 PM**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Vice-Chair Aaron Brown, Gwen English, John Grueter, and Nancy Belanger Select Board Representative

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Acting Chair Brown called the meeting to order at 7:00 PM and introduced the members.

III. OLD BUSINESS

APPROVAL OF MINUTES

February 22, 2024

Ms. Belanger motioned to approve the February 22, 2024 meeting minutes. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.

Acting Chair Plumer indicated with the applicant's approval to switch the agenda around so the lot line adjustments could go ahead of Front Street's application which would take longer.

IV. NEW BUSINESS: PUBLIC HEARINGS

1. The application of W. Robert Kelly and Karen K. Kelly for a lot line adjustment of the common boundary line between the properties at 59 Columbus Avenue and 55 Columbus Avenue (Maxwell property)
R-2, Single Family Residential zoning district
Tax Map Parcels #63-60 and #63-61
Planning Board Case #24-3

Acting Chair Brown read out loud the public hearing notice.

Town Planner Dave Sharples indicated the case was ready for review purposes.

The Board voted unanimously to open Planning Board Case #24-3.

41 Town Planner Dave Sharples indicated that the proposed lot line adjustment will allow for the
42 conveyance of 2,291 square feet (0.05 acres) of lot area from the Maxwell property at 55 Columbus
43 Avenue to the abutting property owned by the Kellys at 59 Columbus Avenue to provide additional side
44 yard buffer. He indicated there was no TRC review however the materials were reviewed by staff and
45 there were no issues.

46 Bob Kelly presented the application noting that he was the co-owner of 59 Columbus Avenue and has
47 been neighbors with the Maxwells for over 40 years. He noted they would like to square up the
48 property line which is close to the existing line of the garage.

49 Acting Chair Brown opened the hearing to comments from the public at 7:10 PM and being none closed
50 public comment for deliberations.

51 Town Planner Sharples indicated two proposed standard conditions of approval:

52 1. A dwg file of the plan shall be provided to the Town Planner showing all property lines and
53 monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane New
54 Hampshire FIPS 2800 Feet coordinates; and

55 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
56 Subdivision Regulations prior to signing the final plan.

57 ***Ms. Belanger motioned that the request of Robert Kelly & Karen Kelly, Planning Board Case #24-3, for***
58 ***a lot line adjustment be approved subject to the conditions stated by the Town Planner Dave Sharples.***
59 ***Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.***

60

61 2. The application of Chris Turner for a lot line adjustment of the common boundary line between the
62 properties at 3 Rocky Hill Avenue and 4 Rocky Hill Avenue (Rocco property)
63 R-2, Single Family zoning district
64 Tax Map Parcels #71-60 and #70-12
65 Planning Board Case #24-5
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67 Acting Chair Brown read out loud the public hearing notice.

68 Town Planner Dave Sharples indicated the case was ready for review purposes.

69 The Board voted unanimously to open Planning Board Case #24-5.

70 Mr. Turner presented the application noting the lot line would be moved over approximately 30.' He
71 noted that the property comes close to his property as it is situated now.

72 Mr. Grueter asked if there would be any change to the driveway and Mr. Turner indicated no, there
73 would be an angle with the frontage.

74 Acting Chair Brown opened the hearing to the public for comments and questions at 7:14 PM and being
75 none closed public comment to enter deliberations.

76 Mr. Sharples indicated three waivers were applied for that were not applicable or necessary.

77 Town Planner Sharples indicated two proposed standard conditions of approval:

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

81 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
82 Subdivision Regulations prior to signing the final plan.

83 **Ms. Belanger motioned that the request of Chris Turner, Planning Board Case #24-5, for a lot line**
84 **adjustment be approved subject to the conditions stated by the Town Planner Dave Sharples. Ms.**
85 **English seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.**

86 3. The continued public hearing on the application of 81 Front Street LLC for a multi-family site plan
87 review for the proposed conversion of the existing single-family residence at 81 Front Street into six
88 (6) residential condominium unites along with associated parking and site improvements.
89 R-2, Single Family Residential zoning district
90 Tax Map Parcel #72-195
91 Planning Board Case #24-1

92

93 Acting Chair Brown read the Public Hearing Notice out loud.

94

95 Shane Forsley of New Hampshire Development presented the application on behalf of the owners. He
96 provided full size plans to the Board for review. He noted that when he last appeared before the Board
97 there was discussion about special changes to proposed parking for the 14 spaces provided for the
98 residents. He indicated access, with adequate turning radius, would be by driveway off Front Street
99 rather than off Seminary Lane. Two spaces would be nose in by the Carriage House, six spaces would be
100 nose in by the neighbors, with plantings and there would be six spaces configured as three in the garage
101 and three shown out front. There would be minor changes to pavement to accomplish the swing
102 distance. He indicated working with Henry Boyd at Millenium Engineering.

103

104 Ms. English asked him to elaborate on the original design using Seminary Lane. Mr. Forsley indicated
105 they were unable to get an agreement for use from the school. Mr. Brown noted there was no legal
106 easement and access could be terminated at any time. Mr. Sharples noted he also reached out to the
107 school and had no response, they were noticed and have not participated.

108

109 Mr. Grueter asked about the fence shown as "new fence" on the plan and Mr. Forsley indicated the
110 intent was to re-use the existing 4-5' cedar fence with a line of plantings but move the fence over (closer
111 to the neighbor' house). Mr. Grueter asked if the fence was in good condition and he indicated that it
112 was and was built sometime in the 80s.

113

114 Ms. English indicated the parking area was tight and expressed concerns about snow removal and
115 plowing. Mr. Forsley indicated snow removal would be done by snow thrower and that there was a fair
116 amount of room around the old doctor's office and left side of driveway, Carriage House and to the left

117 of parking and right of parking garage/former pool. He noted there is good drainage on site due to all
118 the landscaping and vegetation.

119

120 Mr. Sharples noted this is not a new structure really and there are no issues impacting Front Street or
121 the right of way. Mr. Brown noted the biggest difference is the additional parking.

122

123 Mr. Grueter asked if the enclosed walkway was staying and Mr. Forsley indicated no it would serve as a
124 connector to new entry points.

125

126 Ms. English asked about the old doctor's office and Mr. Forsley indicated there were no plans for that at
127 this point.

128

129 Ms. Belanger asked about plantings and Mr. Forsley indicated arborvitae or cypress in front of each
130 parking spot along the fence. Ms. Belanger noted that would provide an additional buffer for sound and
131 light.

132

133 Acting Chair Brown opened the hearing to the public for comments and questions at 7:33 PM.

134

135 Sally Brown Rush of 79 Front Street noted the plan change was significant and her biggest objection is
136 the fence being bumped out a few feet. She noted that where the new fence will be located will be 24'
137 from her house and will prevent going from the back to the front where she had 6' before. She passed
138 out photos. She referenced the regulation she noted at the last meeting about parking not being
139 adverse to other property owners.

140

141 Mr. Brown asked if the fence was on her property and whether she was going on the neighbor's
142 property to do that and she indicated it has been that way for 34 years. She noted safety concerns and
143 the problem it would create for her to do maintenance and painting her house. She indicated she
144 wanted to keep the fence where it is.

145

146 Mr. Brown asked if the applicant has spoken to the abutter about it and they indicated there had been
147 no discussions between them. Mr. Brown encouraged that discussion should happen. Mr. Brown noted
148 that is a matter of neighbors being neighborly and there was not a lot of legal standing for the request
149 as he was not aware of any easements.

150

151 Attorney Cassaza noted he reached out to Mr. Boyd but never connected. He noted the Board could
152 waive the requirement for that sixth space with the condition that the existing fence has to be
153 maintained. He noted the setbacks here predate zoning. Mr. Sharples noted there was no issue with
154 the six spaces and a waiver would not be necessary.

155

156 Ms. English agreed that she would like to see a dialogue happen between the two owners.

157

158 Mr. Grueter asked if the fence was not moved and the plantings eliminated would that work and Mr.
159 Forsley indicated he liked to cooperate with neighbors but would defer to the engineers and owner on
160 the decision.

161
162 Carter Segal of 36 Pine Street asked if the driveway could be located on the west side of the property
163 where there is no abutter. Mr. Sharples explained that the Planning Board does not design plans for
164 people it reacts to the plan presented and whether it meets regulations. He noted that design may not
165 be easily accessible to all of the units. Mr. Forsley pointed out the access to each of the units and three-
166 car garage and the heavy hardscape and landscaping built over time and the loss of character and issues
167 with the Historic District Commission. Ms. Segal asked why the front doors couldn't be moved. Mr.
168 Forsley noted there were no changes proposed to the facade or historic integrity which is his goal to
169 preserve. Ms. Segal noted the addition was put on in the 80s. Mr. Forsley pointed out the modern
170 addition and pool (being removed) and garage built in 1990.

171
172 Josh Segal of 36 Pine Street stated that it sounded like access via Seminary Lane was still up in the air.
173 Mr. Sharples indicated their answer was no. Mr. Brown explained it is not a legally enforceable access.
174 Ms. Belanger noted it was a private road and access could be taken away at any time. Mr. Segal asked if
175 the space could be used until that time. Mr. Brown noted the Board had to uphold regulations and the
176 applicant is required to show on the plan where parking will meet code.

177
178 Mr. Brown noted further concerns about this being a condominium and whether the association might
179 see the use by Ms. Rush as an encroachment on their property.

180
181 Mr. Grueter asked Ms. Wilson where she parks and she indicated she would like to park on Seminary
182 Lane until someone says she can't.

183
184 Mr. Segal proposed removing spaces 14 and 11 to drive to the back and have spaces back there. Mr.
185 Forsley indicated there are condensers and gas meters back there and it would require significant
186 mechanical work and the area is heavily landscaped with existing drainage structures. It would require
187 more pavement. Mr. Segal responded that HVACs and meters could be moved and noted that he
188 believed it was a cost issue.

189
190 Mr. Brown noted the property line and abutting fence with plantings is the biggest area of concern with
191 the abutter at this time. Mr. Forsley indicated that he understood whether the fence were moved or
192 not the parking spaces would still work. Mr. Brown indicated it sounded like the abutter did not want
193 the additional screening provided by the plantings and there had been a misunderstanding when she
194 spoke at the last meeting about her view from her bedroom and car lights coming in.

195
196 Mr. Sharples noted that the applicant would need a fence permit to move it and does not come to the
197 Planning Board for that. The property owner has the right to put the fence on their property wherever
198 they want. He proposed a condition that the plantings along the easterly side of parking stalls 3-8 shall
199 be removed from the final plan and the fence remain to provide screening to the property to the east.
200 He noted there is no authority in the site plan regulations to dictate where the owner puts a fence on
201 their property. Screening can be done in different ways. The Board can't dictate where or appear to be
202 taking the applicant's property from them. Mr. Brown agreed that was a civil matter between the
203 parties.

204

205 Mr. Sharples noted that cars not backing onto Front Street would be an ongoing condition of approval.

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207 Ms. English asked about lighting and Mr. Forsley indicated there was no new lighting proposed.

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209 Mr. Sharples noted there would be an ongoing condition of approval that all outdoor lighting, including
210 security lights, shall be down lit and shielded so no direct light is visible from adjacent properties and/or
211 roadways.

212

213 Mr. Sharples read the remaining conditions:

214

215 • The plantings along the easterly side of parking stalls 3-8 shall be removed from the final plan
216 and the fence shall remain to provide screening to the property to the east. This condition shall
217 be included in any condominium documents.

218 • It will be an ongoing condition of approval that all outdoor lighting, including security lights,
219 shall be down lit and shielded so no direct light is visible from adjacent properties and/or
220 roadways.

221 • A dwg file of the plan shall be provided to the Town Planner showing all property lines and
222 monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane New
223 Hampshire FIPS 2800 Feet coordinates; and

224 • All appropriate fees to be paid including but not limited to: sewer/water connection fees,
225 impact fees, and inspection fees (including third party inspection fees) prior to the issuance of a
226 building permit or a certificate of occupancy whichever is applicable as determined by the Town.

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228 ***Ms. Belanger motioned that the request of 81 Front Street, LLC, Planning Board Case #24-1 for multi-***
229 ***family site plan approval be approve with the conditions stated by the Town Planner Dave Sharples.***

230 ***Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.***

231 V. OTHER BUSINESS

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- 233 • Master Plan Discussion

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235 Mr. Sharples noted the Committee met and discussed the Stantec report and analysis and what
236 was left to be done. A graphic designer will work on the plan and come back to the May
237 meeting.

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- 239 • Field Modifications

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

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243 • Ms. English asked about the new bank in the Hannaford Parking lot and Mr. Sharples
244 indicated they didn't have to come before the Board for site plan review. The bank had
245 previously been located within the store and not increasing drainage, pavement or traffic.
246 Access already exists. Mr. Sharples emailed the Chair and Vice-Chair to let them know.

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- Mr. Grueter asked about the urbanization exemption application. Mr. Sharples noted that after receiving unanimous recommendation from the Planning Board he went before the Conservation Commission where it was recommended by all but one member. It was not recommended by ESRLAC and the next step would be to go to the Select Board. He noted the application still had to go to the State and they would determine if the exemption applied.
- Mr. Brown noted that more alternates needed to be recruited so if anyone was interested in serving to contact Mr. Sharples or the Board members.
- Mr. Brown reminded that election of officers would be at their first meeting in May.

259 **VII. TOWN PLANNER’S ITEMS**

260 **VIII. CHAIRPERSON’S ITEMS**

261 **IX. PB REPRESENTATIVE’S REPORT ON “OTHER COMMITTEE ACTIVITY”**

262 **X. ADJOURN**

263 *Ms. Belanger motioned to adjourn the meeting at 8:58 PM. Mr. Grueter seconded the*
264 *motion. A vote was taken, all were in favor, the motion passed unanimously.*

265 Respectfully submitted.

266 Daniel Hoijer,
267 Recording Secretary
268 Via Exeter TV